REPRINT
June 30, 2021

ZONING ORDINANCE

CHAPTER 112

County of

FAIRFAX, VIRGINIA

Looseleaf Supplement

REPRINT 6/30/2021

This Reprint contains the following amendments:

Amendment No. ZO-17-463, Adopted June 20, 2017, Effective July 1, 2017 at 12:01 a.m. subject to the following:

Rezoning applications to the PDH, PDC, PRM or PTC Districts proposing dwelling units, and proffered condition amendments which propose to add dwelling units that are accepted prior to the effective date of the amendment.

Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

Amendment No. ZO-17-464, Adopted June 20, 2017, Effective July 1, 2017 at 12:01 a.m. subject to the following:

Applications for public facilities under Section 15.2-2232 of the *Code of Virginia* and applications for modifications to existing wireless facilities submitted under Section 6409 of the Spectrum Act, which were filed prior to the effective date of this amendment and are in compliance with the applicable submission requirements, shall be grandfathered from this amendment.

Amendment No. ZO-17-465, Adopted June 20, 2017, Effective July 1, 2017 at 12:01 a.m.

Amendment No. ZO-17-466, Adopted July 11, 2017, Effective July 12, 2017 at 12:01 a.m.

Amendment No. ZO-17-467, Adopted July 11, 2017, Effective July 12, 2017 at 12:01 a.m.

Amendment No. ZO-17-468, Adopted November 21, 2017, Effective November 22, 2017 at 12:01 a.m.

Amendment No. ZO-18-469, Adopted January 23, 2018, Effective January 24, 2018 at 12:01 a.m. subject to the following:

- If the parking rates adopted with this amendment would result in the requirement for additional parking, the following shall be grandfathered:

(1) Special exceptions, rezonings, and parking reductions that were approved prior to the effective date of this amendment, when such approvals contain a specific parking rate or minimum number of parking spaces, and any Building Permits and site plans submitted pursuant to such special exceptions, rezonings, and parking reductions. Amendments to such special exceptions or rezonings may be approved, provided that, if any new uses or expansions increase seating capacity, parking will be calculated for the entire establishment based on the Zoning Ordinance rates in effect at the time of submission unless a parking reduction is approved by the Board.

(2) Applications for Building Permits, parking tabulations, and site plans submitted on or before the effective date of the amendment, provided: (a) such permit is issued, or such tabulation or plan is approved within twelve months of submission or the return of the initial submission to the applicant or agent; (b) the permit, tabulation, or plan remains valid; (c) Building Permits for the structures shown on the approved plan are issued; and (d) the structures and uses are constructed in accordance with such Building Permits, tabulations, and plans. Revisions to such permit, tabulation, or plan may be approved provided that, if any new uses or expansions increase seating capacity, parking will calculated for the entire establishment based on the Zoning Ordinance rates in effect at the time of submission.

(3) Lawfully existing eating establishments and fast food restaurants as of the effective date of this amendment or grandfathered pursuant to paragraph (2) above regardless of changes in ownership or tenant layout; however, any expansion or enlargement of such eating establishment or fast food restaurant that increases seating capacity shall require parking to be calculated for the entire establishment at the Zoning Ordinance rates in effect at the time of submission.

- The new definitions shall be applied to Rezoning, Final Development Plan and Special Exception Applications that are approved prior to the effective date of this amendment, as follows: (1) If approved for an eating establishment, it shall be recognized as a restaurant; (2) If approved for fast food with a drive-through, it shall be recognized as a restaurant with drive-through; (3) If approved for fast food without a drive-through and with more than eight seats, it shall be recognized as a restaurant; and (4) If approved for fast food without a drive-through and with eight or fewer seats, it shall be recognized as a carryout restaurant.

Amendment No. ZO-18-470, Adopted February 20, 2018, Effective February 21, 2018 at 12:01 a.m.

Amendment No. ZO-18-471, Adopted March 6, 2018, Effective March 7, 2018 at 12:01 a.m.

Amendment No. ZO-18-472, Adopted June 5, 2018, Effective June 6, 2018 at 12:01 a.m.

Amendment No. ZO-18-473, Adopted July 31, 2018, Effective October 1, 2018 at 12:01 a.m.

Amendment No. ZO-18-474, Adopted December 4, 2018, Effective December 5, 2018 at 12:01 a.m.

Amendment No. ZO-18-475, Adopted December 4, 2018, Effective December 5, 2018 at 12:01 a.m.

Amendment No. ZO-18-476, Adopted December 4, 2018, Effective December 5, 2018 at 12:01 a.m.

Amendment No. ZO-19-477, Adopted January 22, 2019, Effective January 23, 2019 at 12:01 a.m.

Amendment No. ZO-19-478, Adopted January 22, 2019, Effective January 23, 2019 at 12:01 a.m.

Amendment No. ZO-19-479, Adopted March 19, 2019, Effective March 20, 2019 at 12:01 a.m. subject to the following:

1. The following signs approved prior to the effective date of this Ordinance but do not conform to this Ordinance may remain and are subject to those provisions found in Section 12-107: permanent building-mounted signs and freestanding signs, approved with a building permit and any required, corresponding sign permit; permanent freestanding signs located on property owned by Fairfax County, the Fairfax County Park Authority or Fairfax County Public Schools; any signs approved by the Board of Supervisors in conjunction with an approved Comprehensive Sign Plan or Special Exception; and any signs approved by the Board of Zoning Appeals in conjunction with an approved Special Permit.

2. Electronic Display Signs approved with a building permit and any required, corresponding sign permit prior to the effective date of this Ordinance but do not conform to this Ordinance may remain and are subject to those provisions found in Section 12-107 - except that such signs must comply with those performance standards found in Sections 12-203.3. B, C, and D; and Section 12-205.4. B, C and D.

3. Except as noted in Par. 1 and 2 above, all signs, to include temporary signs (now known as Minor Signs), must conform to the provisions of this Ordinance.

Amendment No. ZO-19-480, Adopted April 9, 2019, Effective April 10, 2019 at 12:01 a.m.

Amendment No. ZO-19-481, Adopted June 25, 2019, Effective June 26, 2019 at 12:01 a.m.

Amendment No. ZO-19-482, Adopted June 25, 2019, Effective June 26, 2019 at 12:01 a.m.

Amendment No. ZO-19-483, Adopted September 24, 2019, Effective September 25, 2019 at 12:01 a.m.

Amendment No. ZO-19-484, Adopted December 3, 2019, Effective December 4, 2019 at 12:01 a.m.

Amendment No. ZO-20-485, Adopted January 28, 2020, Effective January 29, 2020 at 12:01 a.m.

Amendment No. ZO-20-486, Adopted February 11, 2020, Effective February 12, 2020 at 12:01 a.m.

Amendment No. ZO-21-487, Adopted March 23, 2021, Effective March 24, 2021 at 12:01 a.m.

Amendment No. ZO-21-488, Adopted April 13, 2021, Effective April 14, 2021 at 12:01 a.m.

REPRINT 6/2017

This Reprint contains the following amendments:

Amendment No. ZO-14-445, Adopted October 7, 2014, Effective October 8, 2014 at 12:01 a.m.

Amendment No. ZO-14-446, Adopted October 28, 2014, Effective October 29, 2014 at 12:01 a.m.

Amendment No. ZO-14-447, Adopted October 28, 2014, Effective October 29, 2014 at 12:01 a.m. subject to the following:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to October 29, 2014 and approved by March 1, 2015 shall be grandfathered from this amendment.

- Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after October 29, 2014 shall be subject to the requirements of this amendment for the additional density.

Amendment No. ZO-15-448, Adopted March 3, 2015, Effective March 4, 2015 at 12:01 a.m.

Associated Amendments – See also Subdivision Ordinance Amendment 05-15-101 and Public Facilities Manual Amendment 119-15-PFM which were adopted simultaneously on 3/3/15.

Amendment No. ZO-15-449, Adopted June 23, 2015, Effective June 25, 2015 at 12:01 a.m.

Amendment No. ZO-15-450, Adopted October 5, 2015, Effective October 7, 2015 at 12:01 a.m., except for Noise Ordinance to be effective when those changes are adopted into the County Code.

Amendment No. ZO-15-451, Adopted November 17, 2015, Effective November 18, 2015 at 12:01 a.m.

Amendment No. ZO-15-452, Adopted November 17, 2015, Effective November 18, 2015 at 12:01 a.m.

Amendment No. ZO-16-453, Adopted June 21, 2016, Effective June 22, 2016 at 12:01 a.m.

Amendment No. ZO-16-454, Adopted June 21, 2016, Effective June 22, 2016 at 12:01 a.m.

Amendment No. ZO-16-455, Adopted September 20, 2016, Effective September 21, 2016 at 12:01 a.m. subject to the following:

- Lots in the R-C District that have been recorded on or before September 21, 2016, shall be grandfathered from the shape factor requirement.

Amendment No. ZO-16-456, Adopted October 18, 2016, Effective October 19, 2016 at 12:01 a.m.

Amendment No. ZO-16-457, Adopted December 6, 2016, Effective December 7, 2016 at 12:01 a.m.

Amendment No. ZO-17-458, Adopted February 14, 2017, Effective February 15, 2017 at 12:01 a.m.

Amendment No. ZO-17-459, Adopted February 28, 2017, Effective March 1, 2017 at 12:01 a.m.

Amendment No. ZO-17-460, Adopted February 28, 2017, Effective March 1, 2017 at 12:01 a.m.

Amendment No. ZO-17-461, Adopted March 14, 2017, Effective March 15, 2017 at 12:01 a.m.

Amendment No. ZO-17-462, Adopted April 4, 2017, Effective April 5, 2017 at 12:01 a.m.

Supplement No. 44, 2/12/14

This Supplement contains the following amendments:

Amendment No. ZO-12-434, Adopted September 11, 2012, Effective January 12, 2012 at 12:01 a.m.

Amendment No. ZO-12-435, Adopted September 11, 2012, Effective January 12, 2012 at 12:01 a.m.

Amendment No. ZO-12-436, Adopted November 20, 2012, Effective November 21, 2012 at 12:01 a.m.

Amendment No. ZO-13-437, Adopted April 23, 2013, Effective April 24, 2013 at 12:01 a.m.

Amendment No. ZO-13-438, Adopted April 30, 2013, Effective May 1, 2013 at 12:01 a.m.

Amendment No. ZO-13-439, Adopted May 14, 2013, Effective May 15, 2013 at 12:01 a.m.

Amendment No. ZO-13-440, Adopted June 18, 2013, Effective June 19, 2013 at 12:01 a.m.

Amendment No. ZO-13-441, Adopted September 24, 2013, Effective September 25, 2013 at 12:01 a.m.

Amendment No. ZO-13-442, Adopted September 24, 2013, Effective September 25, 2013 at 12:01 a.m.

Amendment No. ZO-14-443, Adopted January 28, 2014, Effective July 1, 2014 at 12:01 a.m.

Amendment No. ZO-14-444, Adopted February 11, 2014, Effective February 12, 2014 at 12:01 a.m.

REPRINT 3/2012

This Reprint contains the following amendments:

Amendment No. ZO-10-426, Adopted November 16, 2010, Effective November 17, 2010 at 12:01 a.m.

Amendment No. ZO-11-427, Adopted February 22, 2011, Effective February 23, 2011 at 12:01 a.m.

Amendment No. ZO-11-428, Adopted April 12, 2011, Effective July 1, 2011 at 12:01 a.m. subject to the following:

- The revised fees shall be applicable to any submissions after this date with the following plans grandfathered: Site and Subdivision Plans (excluding Preliminary Plans) submitted prior to July 1, 2011, shall not be charged a second submission base fee.

Amendment No. ZO-11-429, Adopted April 12, 2011, Effective July 1, 2011 at 12:01 a.m. subject to the following:

- The revised fees shall be applicable to any zoning application filed subsequent to the effective date of the amendment; and

- Zoning applications which were filed but not accepted prior to the effective date of this amendment and that are in compliance with the applicable submission requirements shall be grandfathered from this amendment.

Amendment No. ZO-11-430, Adopted July 26, 2011, Effective July 27, 2011 at 12:01 a.m.

Amendment No. ZO-11-431, Adopted January 10, 2012, Effective January 11, 2012 at 12:01 a.m. subject to the following:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to January 11, 2012 and approved by July 1, 2012 shall be grandfathered from this amendment.

- Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after January 11, 2012 shall be subject to the requirements of this amendment for the additional density.

Amendment No. ZO-11-432, Adopted February 28, 2012, Effective February 29, 2012 at 12:01 a.m.

Amendment No. ZO-11-433, Adopted March 21, 2012, Effective March 21, 2012 at 12:01 a.m.

Supplement No. 43, 9/29/10

This Supplement contains the following amendments:

Amendment No. ZO-10-420, Adopted January 26, 2010, Effective January 27, 2010 at 12:01 a.m. subject to the following:

- Rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to January 27, 2010 and approved by July 1, 2010 shall be grandfathered and not be subject to this amendment.

- Proffered condition amendments which propose to add dwelling units and are accepted on or after January 27, 2010 shall be subject to the requirements of this amendment for the additional density.

Amendment No. ZO-10-421, Adopted February 23, 2010, Effective February 24, 2010 at 12:01 a.m. subject to the following grandfather provisions:

- Lots that existed prior to the effective date of this amendment, provided that such lots were created in accordance with the Subdivision Ordinance, or are validated under Sections 101-1-12, 101-1-13 or 101-1-14 of the Subdivision Ordinance.

- All special permit, special exception, and proffered rezoning applications and amendments thereto that contain outlots that abut a street, when approved prior to the effective date of this amendment.

- All preliminary subdivision plans submitted on or before the effective date of the amendment, provided that the preliminary plan is approved within 12 months of the effective date of the amendment, and the subdivision plat is recorded within 24 months of the effective date of the amendment.

- All site plans submitted on or before the effective date of the amendment, provided that the site plan is approved within 12 months of the effective date of the Amendment, and the site plan remains valid.

Amendment No. ZO-10-422, Adopted April 27, 2010, Effective April 28, 2010 at 12:01 a.m.

Amendment No. ZO-10-423, Adopted June 22, 2010, Effective June 22, 2010 at 12:01 a.m.

Amendment No. ZO-10-424, Adopted July 27, 2010, Effective September 17, 2010 at 12:01 a.m.

Amendment No. ZO-10-425, Adopted September 28, 2010, Effective September 29, 2010 at 12:01 a.m.

Supplement No. 42, 9/14/09 Errata

This Errata was issued to include the grandfathering provisions to the amendments contained in Supplement 42 as follows:

Amendment No. 08-413, Adopted October 20, 2008, Effective January 1, 2009 at 12:01 a.m.

Amendment No. 08-414, Adopted November 17, 2008, Effective November 18, 2008 at 12:01 a.m.

Amendment No. 09-415, Adopted February 23, 2009, Effective February 24, 2009 at 12:01 a.m.

Amendment No. 09-416, Adopted March 30, 2009, Effective March 31, 2009 at 12:01 a.m.

Amendment No. 09-417, Adopted April 27, 2009, Effective July 1, 2009 at 12:01 a.m. and the revised fees shall be applicable to any submission on or after the effective date.

Amendment No. 09-418, Adopted April 27, 2009, Effective July 1, 2009 at 12:01 a.m. subject to the following:

- The revised fees shall be applicable to any zoning application filed subsequent to the effective date of the amendment; and

- Zoning applications which were filed prior to the effective date of this amendment and that are in compliance with the applicable submission requirements shall be grandfathered from the amendment.

Amendment No. 09-418 Pt. 2, Adopted June 22, 2009, Effective July 1, 2009 at 12:01 a.m.

Amendment No. 09-419, Adopted September 14, 2009, Effective September 15, 2009 at 12:01 a.m. with the following being grandfathered from the newly adopted grade methodology for determining building height for single family detached dwellings:

- All special permit, special exception and proffered zoning applications and amendments thereto that set forth building heights for single family detached dwellings, when approved prior to September 15, 2009.

- Building and grading plans submitted prior to September 15, 2009, provided:

    1. The grading plan and building permit are approved within 12 months of the return of the initial submission to the applicant/agent;
    2. The plan or permit does not expire;
    3. A building permit for the structure(s) shown on the approved plan is issued; and
    4. The structure is constructed in accordance with the approved permit.

- Any other circumstances giving rise to a vested right as set forth in VA Code Ann. §15.2-2307.

Supplement No. 42, 9/14/09

This Supplement contains the following amendments:

Amendment No. 08-413, Adopted October 20, 2008, Effective January 1, 2009 at 12:01 a.m.

Amendment No. 08-414, Adopted November 17, 2008, Effective November 18, 2008 at 12:01 a.m.

Amendment No. 09-415, Adopted February 23, 2009, Effective February 24, 2009 at 12:01 a.m.

Amendment No. 09-416, Adopted March 30, 2009, Effective March 31, 2009 at 12:01 a.m.

Amendment No. 09-417, Adopted April 27, 2009, Effective July 1, 2009 at 12:01 a.m.

Amendment No. 09-418, Adopted April 27, 2009, Effective July 1, 2009 at 12:01 a.m.

Amendment No. 09-418 Pt. 2, Adopted June 22, 2009, Effective July 1, 2009 at 12:01 a.m.

Amendment No. 09-419, Adopted September 14, 2009, Effective September 15, 2009 at 12:01 a.m.

Supplement No. 41, 7/21/08

This Supplement contains the following amendments:

Amendment No. 07-400, Adopted July 23, 2007, Effective July 24, 2007 at 12:01 a.m.

Amendment No. 07-401, Adopted September 10, 2007, Effective September 11, 2007 at 12:01 a.m.

Amendment No. 07-402, Adopted September 10, 2007, Effective September 11, 2007 at 12:01 a.m.

Amendment No. 07-403, Adopted October 15, 2007, Effective October 16, 2007 at 12:01 a.m.

Amendment No. 08-404, Adopted February 11, 2008, Effective February 12, 2008 at 12:01 a.m.

Amendment No. 08-405, Adopted March 10, 2008, Effective March 11, 2008 at 12:01 a.m.

Amendment No. 08-406, Adopted March 10, 2008, Effective March 11, 2008 at 12:01 a.m.

Amendment No. 08-407, Adopted April 28, 2008, Effective April 29, 2008 at 12:01 a.m.

Amendment No. 08-408, Adopted April 28, 2008, Effective April 29, 2008 at 12:01 a.m.

Amendment No. 08-409, Adopted April 28, 2008, Effective July 1, 2008 at 12:01 a.m.

Amendment No. 08-410, Adopted May 5, 2008, Effective May 6, 2008 at 12:01 a.m.

Amendment No. 08-411, Adopted July 21, 2008, Effective July 22, 2008 at 12:01 a.m.

Amendment No. 08-412, Adopted July 21, 2008, Effective July 22, 2008 at 12:01 a.m.

REPRINT 3/07

This Reprint contains the following amendments:

Amendment No. 06-379, Adopted May 1, 2006, Effective May 2, 2006 at 12:01 a.m.

Amendment No. 06-380, Adopted June 26, 2006, Effective June 27, 2006 at 12:01 a.m.

Amendment No. 06-381, Adopted June 26, 2006, Effective June 27, 2006 at 12:01 a.m.

Amendment No. 06-382, Adopted July 10, 2006, Effective July 11, 2006 at 12:01 a.m.

Amendment No. 06-383, Adopted September 11, 2006, Effective September 12, 2006 at 12:01 a.m.

Amendment No. 06-384, Adopted September 11, 2006, Effective September 12, 2006 at 12:01 a.m.

Amendment No. 06-385, Adopted September 11, 2006, Effective September 12, 2006 at 12:01 a.m.

Amendment No. 06-386, Adopted October 23, 2006, Effective October 24, 2006 at 12:01 a.m.

Amendment No. 06-387, Adopted October 23, 2006, Effective October 24, 2006 at 12:01 a.m.

Amendment No. 06-388, Adopted October 23, 2006, Effective October 24, 2006 at 12:01 a.m.

Amendment No. 06-389, Adopted October 23, 2006, Effective January 22, 2007 at 12:01 a.m., and the following shall be grandfathered:

- Special exception, proffered rezonings or development plans that were approved prior to the effective date of this amendment when such approvals contain a specific parking rate.

- Building and site plans submitted on or before the effective date of the amendment, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) Building Permits for the structures shown on the approved plan are issued and (d) the structure and uses are constructed in accordance with such Building Permits.

Amendment No. 06-390, Adopted October 23, 2006, Effective October 24, 2006 at 12:01 a.m.

Amendment No. 06-391, Adopted November 20, 2006, Effective November 21, 2006 at 12:01 a.m.

Amendment No. 06-392, Adopted December 4, 2006, Effective December 5, 2006 at 12:01 a.m., and the following shall be grandfathered:

- Lots depicted on a preliminary subdivision plan that are approved prior to December 5, 2006 and remain valid; and

- Lots depicted on an approved proffered generalized development plan and lots created in accordance with the approval of a lot width variance by the Board of Zoning Appeals when such approvals were granted prior to December 5, 2006.

Amendment No. 07-393, Adopted February 26, 2007, Effective February 27, 2007 at 12:01 a.m.

Amendment No. 07-394, Adopted February 26, 2007, Effective February 27, 2007 at 12:01 a.m., and the following shall be grandfathered:

- Special exception, proffered rezonings or development plans approved prior to February 27, 2007.

- Building and site plans submitted on or before February 27, 2007, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) Building Permits for the structures shown on the approved plan are issued and (d) the structures and uses are constructed in accordance with such Building Permits.

- Uses for which Building Permits have been approved, provided that the structure containing the use is constructed under the approved Building Permit.

Amendment No. 07-395, Adopted March 12, 2007, Effective March 13, 2007 at 12:01 a.m.

Amendment No. 07-396, Adopted March 26, 2007, Effective March 27, 2007 at 12:01 a.m.

Amendment No. 07-397, Adopted March 26, 2007, Effective March 27, 2007 at 12:01 a.m., with the following grandfather provisions:

- PRC plans approved by DPWES prior to March 27, 2007 are deemed to be valid, approved plans; however, the three year expiration date remains in effect for such plans.

- PRC plans pending review with DPWES that have not been approved prior to the effective date of this amendment are subject to the PRC Plan approval process set forth in this amendment.

- Additionally, amendments to a DPWES approved PRC plan shall also be subject to the approval process set forth in this amendment.

Amendment No. 07-398, Adopted May 7, 2007, Effective May 8, 2007 at 12:01 a.m., with the following grandfather provisions:

Rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by December 31, 2007 shall be grandfathered from this amendment. Additionally, proffered condition amendments which proposed to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

Amendment No. 07-399, Adopted May 21, 2007, Effective May 22, 2007 at 12:01 a.m., with the following grandfathered from the large retail sales establishment requirements:

- A special exception, special permit, conceptual development plan, final development plan, development plan or proffered generalized development plan approved prior to May 22, 2007 that allows a retail sales establishment that is equal to or greater than 80,000 square feet of gross floor area; provided that such retail sales establishment is in substantial conformance with the approved plan, proffers and/or conditions; and

- A site plan approved prior to May 22, 2007 that allows a retail sales establishment that is equal to or greater than 80,000 square feet of gross floor area, provided that such site plan is diligently being prosecuted.

- For the purpose of this amendment, the words "replacement" and "enlargement," as used in Par. 2 of Sect. 15-101, shall not be deemed to include any interior or exterior alteration, demolition and/or reconstruction, either completely or in part, of a building or use existing as of May 22, 2007, provided such changes:

    1. Do not result in an increase in gross floor area (GFA) of more than 2.5 percent of the area of the footprint existing as of May 22, 2007;

    2. Are within the building footprint existing as of May 22, 2007, and/or are within an expanded footprint not to exceed 2.5 percent of the area of the footprint existing as of May 22, 2007.

    3. Do not result in an increase in the building height existing as of May 22, 2007 other than that resulting from a roof replacement and/or roof redesign.

SUPPLEMENT NO. 40, 3/18/06

This Supplement contains the following amendments:

Amendment No. 05-371, Adopted April 4, 2005, Effective July 1, 2005 at 12:01 a.m.

Amendment No. 05-372, Adopted April 25, 2005, Effective July 1, 2005 at 12:01 a.m.

Amendment No. 05-373, Adopted July 11, 2005, Effective July 12, 2005 at 12:01 a.m.

Amendment No. 05-374, Adopted July 25, 2005, Effective July 26, 2005 at 12:01 a.m.

Amendment No. 06-375, Adopted January 9, 2006, Effective January 10, 2006 at 12:01 a.m.

Amendment No. 06-376, Adopted February 6, 2006, Effective February 7, 2006 at 12:01 a.m., and the following plans shall be grandfathered:

Site Plans, Public Improvement Plans, Preliminary Subdivision Plats, Final Subdivision Plats when a Preliminary Subdivision Plat and a Construction Plat are not required, and Subdivision Construction Plans when a Preliminary Subdivision Plat is not required, provided that such plan complies fully with the notification provision sin effect at the time of the mailing, and the postmark date on all white receipts for the certified mailing is prior to 12:01 a.m., February 7, 2006.

Amendment No. 06-377, Adopted February 27, 2006, Effective February 28, 2006 at 12:01 a.m.

Amendment No. 06-378, Adopted March 13, 2006, Effective March 18, 2006 at 12:01 a.m.

SUPPLEMENT NO. 38, 3/8/04 Errata
Printed May, 2004

This Errata was issued to correct pages in Supplement No. 38.

SUPPLEMENT NO. 38, 3/8/04

This Supplement contains the following amendments:

Amendment No. 03-348, Adopted April 28, 2004, Effective July 1, 2003 at 12:01 a.m

Amendment No. 03-349, Adopted April 28, 2003, Effective April 29, 2003 at 12:01 a.m., and the following types of approvals shall be grandfathered:

Rezonings, special exceptions, special permits, site plans and parking tabulations approved prior to 12:01 a.m., April 29, 2003; and site plans and parking tabulations filed prior to 12:01 a.m., April 29, 2003.

Amendment No. 03-350, Adopted April 28, 2003, Effective April 29, 2003 at 12:01 a.m.

Amendment No. 03-351, Adopted May 19, 2003, Effective May 20, 2003 at 12:01 a.m.

Amendment No. 03-352, Adopted May 19, 2003, Effective January 3, 2004 at 12:01 a.m.

Amendment No. 03-353, Adopted June 2, 2003, Effective June 3, 2003 at 12:01 a.m.

Amendment No. 03-354, Adopted June 16, 2003, Effective June 17, 2003 at 12:01 a.m.

Amendment No. 03-355, Adopted June 16, 2003, Effective June 17, 2003 at 12:01 a.m., and the following shall be grandfathered:

1. Special permits, special exceptions, proffered rezonings, or development plans accepted prior to the effective date of this amendment that contain specific conditions that conflict with the provisions of this amendment.

2. Building and site plans submitted on or before the effective date of this amendment, provided such plans are (a) approved within 12 months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) a building permit(s) for the structure(s) shown on the approved plan is issued and (d) the structures and uses are constructed in accordance with such building permit.

Amendment No. 03-356, Adopted July 7, 2003, Effective November 18, 2003 at 12:01 a.m.

Amendment No. 03-357, Adopted July 7, 2003, Effective July 8, 2003 at 12:01 a.m.

Amendment No. 03-358, Adopted July 7, 2003, Effective July 8, 2003 at 12:01 a.m.

Amendment No. 03-359, Adopted September 29, 2003, Effective September 30, 2003 at 12:01 a.m., and the following shall be grandfathered:

All mobile and land based telecommunication facilities that are subject to the provisions of Sect. 15.2-2232 of the Code of Virginia and have an application for Sect. 15.2-2232 review submitted to the Department of Planning and Zoning prior to the effective date of this amendment shall be grandfathered from the provisions of this amendment provided that:

1. The Sect. 15.2-2232 application is approved within 90 days of its submission or within 150 days of its submission when an extension is authorized by the Board of Supervisors pursuant to Par. F of Sect. 15.2-2232 of the Code of Virginia;

2. All necessary site plan and Building Permits are obtained;

3. A Non-Residential Use Permit is issued, and;

4. The telecommunication facilities are constructed in accordance with the Sect. 15.2-2232 approval.

Amendment No. 03-360, Adopted November 17, 2003, Effective November 18, 2003 at 12:01 a.m.

Amendment No. 03-361, Adopted December 8, 2003, Effective December 9, 2003 at 12:01 a.m., and shall only be applicable for:

site plans when the first submission is submitted on or after the effective date of this amendment.

Amendment No. 03-362, Adopted March 8, 2004, Effective March 9, 2004 at 12:01 a.m.

REPRINT 12/02

This Reprint contains the following amendments:

Amendment No. 02-341, Adopted February 11, 2002, Effective April 15, 2002 at 12:01 a.m.

Amendment No. 02-342, Adopted March 18, 2002, Effective March 19, 2002 at 12:01 a.m.

Amendment No. 02-343, Adopted June 3, 2002, Effective June 4, 2002 at 12:01 a.m.

Amendment No. 02-344, Adopted June 17, 2002, Effective June 18, 2002 at 12:01 a.m.

Amendment No. 02-345, Adopted July 1, 2002, Effective July 2, 2002 at 12:01 a.m.

Amendment No. 02-346, Adopted December 9, 2002, Effective December 10, 2002 at 12:01 a.m.

Amendment No. 02-347, Adopted December 9, 2002, Effective December 10, 2002 at 12:01 a.m.

SUPPLEMENT NO. 37, 1/28/02
Replacement Page, 3/13/02

This Replacement Page corrects the instruction sheets relating to Supplement No. 37, 1/28/02.

This Supplement contains the following amendments:

Amendment No. 01-336, Adopted February 26, 2001, Effective February 27, 2001 at 12:01 a.m

Amendment No. 01-337, Adopted June 25, 2001, Effective October 24, 2001 at 12:01 a.m.

Amendment No. 01-338, Adopted October 22, 2001, Effective October 23, 2001 at 12:01 a.m.

Amendment No. 02-339, Adopted January 7, 2002, Effective January 8, 2002 at 12:01 a.m.

Amendment No. 02-340, Adopted January 28, 2002, Effective January 29, 2002 at 12:01 a.m.

SUPPLEMENT NO. 36, 1/22/01 Errata
Printed May, 2001

This Errata was issued to correct pages in Supplement No. 36.

SUPPLEMENT NO. 36, 1/22/01

This Supplement contains the following amendments:

Amendment No. 00-324, Adopted February 7, 2000, Effective March 8, 2000 at 12:01 a.m

Amendment No. 00-325, Adopted February 28, 2000, Effective February 29, 2000 at 12:01 a.m.

Amendment No. 00-326, Adopted March 13, 2000, Effective March, 14, 2000 at 12:01 a.m.

Amendment No. 00-327, Adopted March 27, 2000, Effective March 28, 2000 at 12:01 a.m.

Amendment No. 00-328, Adopted March 27, 2000, Effective March 28, 2000 at 12:01 a.m.

Amendment No. 00-329, Adopted April 24, 2000, Effective April 25, 2000 at 12:01 a.m.

Amendment No. 00-330, Adopted July 24, 2000, Effective July 25, 2000 at 12:01 a.m.

Amendment No. 00-331, Adopted October 16, 2000, Effective October 17, 2000 at 12:01 a.m., and the following shall be grandfathered:

> All site plans submitted prior to the effective date of this amendment and which met the applicable notice requirements prior to the effective date of this amendment shall be grandfathered from the requirements of this amendment.

Amendment No. 00-332, Adopted December 11, 2000, Effective December 12, 2000 at 12:01 a.m.

Amendment No. 00-333, Adopted December 11, 2000, Effective December 12, 2000 at 12:01 a.m., and the following shall be grandfathered:

> Future subdivision plan submissions for which the preliminary plat was submitted prior to 12:01 a.m., March 15, 2001, provided that such plats and plans are approved no later than October 1, 2001; subdivision plats, subdivision plans, and site plans submitted prior to 12:01 a.m., March 15, 2001, provided that such plats and plans are approved no later than October 1, 2001.

Amendment No. 01-334, Adopted January 8, 2001, Effective January 9, 2001 at 12:01 a.m.

Amendment No. 01-335, Adopted January 22, 2001, Effective January 23, 2001 at 12:01 a.m.

SUPPLEMENT NO. 35, 11/15/99

This Supplement contains the following amendments:

Amendment No. 99-316, Adopted March 22, 1999, Effective July 1, 1999 at 12:01 a.m. The Board of Supervisors will evaluate this amendment twenty-four months after the effective date to determine if the provisions should remain in effect or be deleted.

Amendment No. 99-317, Adopted May 10, 1999, Effective May 11, 1999 at 12:01 a.m.

Amendment No. 99-318, Adopted May 24, 1999, Effective May 25, 1999 at 12:01 a.m.

Amendment No. 99-319, Adopted May 24, 1999, Effective May 25, 1999 at 12:01 a.m.

Amendment No. 99-320, Adopted June 28, 1999, Effective July 1, 1999 at 12:01 a.m.

Amendment No. 99-321, Adopted June 28, 1999, Effective June 29, 1999 at 12:01 a.m.

Amendment No. 99-322, Adopted November 15, 1999, Effective November 16, 1999 at 12:01 a.m.

Amendment No. 99-323, Adopted November 15, 1999, Effective November 16, 1999 at 12:01 a.m.

SUPPLEMENT NO. 34, 11/23/98

This Supplement contains the following amendments:

Amendment No. 97-298, Adopted June 9, 1997, Effective June 10, 1997 at 12:01 a.m.

Amendment No. 97-299, Adopted July 7, 1997, Effective July 8, 1997 at 12:01 a.m.

Amendment No. 97-300, Adopted August 4, 1997, Effective August 5, 1997 at 12:01 a.m.

Amendment No. 97-301 Corrected, Adopted October 6, 1997, Effective October 27, 1997 at 12:01 a.m.

Amendment No. 97-302, Adopted October 6, 1997, Effective December 1, 1997 at 12:01 a.m.

Amendment No. 97-303, Adopted October 6, 1997, Effective October 7, 1997 at 12:01 a.m.

Amendment No. 97-304, Adopted November 17, 1997, Effective November 18, 1997 at 12:01 a.m.

Amendment No. 98-305, Adopted March 9, 1998, Effective April 15, 1998 at 12:01 a.m.

Amendment No. 98-306 Corrected, Adopted March 30, 1998, Effective March 31, 1998 at 12:01 a.m.

Amendment No. 98-307, Adopted June 8, 1998, Effective June 9, 1998 at 12:01 a.m.

Amendment No. 98-308, Adopted August 3, 1998, Effective August 4, 1998 at 12:01 a.m.

Amendment No. 98-309, Adopted October 12, 1998, Effective October 13, 1998 at 12:01 a.m.

Amendment No. 98-310, Adopted November 16, 1998, Effective November 17, 1998, at 12:01 a.m.

Amendment No. 98-311, Adopted November 16, 1998, Effective November 17, 1998 at 12:01 a.m.

Amendment No. 98-312, Adopted November 16, 1998, Effective November 17, 1998 at 12:01 a.m.

Amendment No. 98-313, Adopted November 16, 1998, Effective November 17, 1998 at 12:01 a.m.

Amendment No. 98-314, Adopted November 16, 1998, Effective November 17, 1998 at 12:01 a.m.

Amendment No. 98-315, Adopted November 23, 1998, Effective November 24, 1998 at 12:01 a.m.

REPRINT 4/97

This Reprint contains the following amendments:

Amendment No. 95-279, Adopted October 16, 1995, Effective October 17, 1995 at 12:01 a.m.

Amendment No. 95-280, Adopted October 16, 1995, Effective October 17, 1995 at 12:01 a.m.

Amendment No. 95-281, Adopted October 16, 1995, Effective October 17, 1995 at 12:01 a.m.

Amendment No. 95-282, Adopted October 16, 1995, Effective October 17, 1995 at 12:01 a.m.

Amendment No. 95-283, Adopted October 30, 1995, Effective October 31, 1995 at 12:01 a.m.

Amendment No. 96-284, Adopted April 29, 1996, Effective July 1, 1996, at 12:01 a.m.

Amendment No. 96-285, Adopted July 8, 1996, Effective July 9, 1996 at 12:01 a.m.

Amendment No. 96-286, Adopted July 22, 1996, Effective July 23, 1996 at 12:01 a.m.

Amendment No. 96-287, Adopted August 5, 1996, Effective August 6, 1996 at 12:01 a.m.

Amendment No. 96-288, Adopted September 9, 1996, Effective September 10, 1996 at 12:01 a.m.

Amendment No. 96-289, Adopted September 9, 1996, Effective September 10, 1996 at 12:01 a.m.

Amendment No. 96-290, Adopted November 18, 1996, Effective November 19, 1996 at 12:01 a.m.

Amendment No. 96-291, Adopted November 18, 1996, Effective November 19, 1996 at 12:01 a.m.

Amendment No. 96-292, Adopted December 2, 1996, Effective August 1, 1997 at 12:01 a.m., except that the provisions of the amendment which delete references to the Fairfax County Soil Science Office, shall become Effective on December 3, 1996 at 12:01 a.m.

Amendment No. 96-293 CORRECTED, Version "A" Adopted January 6, 1997, Effective January 6, 1997 thru July 31, 1997 with the following grandfather provision:

> Generalized, conceptual or final development plans which were accepted prior to the effective date of this amendment shall be grandfathered from the requirement for the plan to be certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State.

Amendment No. 96-293 CORRECTED, Version "B" Adopted January 6, 1997, Effective August 1, 1997 at 12:01 a.m.

Amendment No. 97-294, Adopted January 27, 1997, Effective January 28, 1997 at 12:01 a.m.

Amendment No. 97-295, Adopted February 24, 1997, Effective February 25, 1997 at 12:01 a.m.

Amendment No. 97-296, Adopted April 7, 1997, Effective upon Adoption, with the following grandfather provision:

> Rezonings for PDH and PDC Districts containing a residential component approved prior to the effective date of this amendment shall be grandfathered from the requirements of this amendment, however, proffered condition amendments which propose to add dwelling units shall be subject to the requirements of this amendment for the additional density.

Amendment No. 97-297, Adopted April 7, 1997, Effective April 8, 1997 at 12:01 a.m.

SUPPLEMENT NO. 33, 7/31/95
Printed August, 1995

This Supplement contains the following amendments:

Amendment No. 94-262, Adopted September 26, 1994, Effective September 27, 1994 at 12:01 a.m.

Amendment No. 94-263, Adopted December 5, 1994, Effective December 6, 1994 at 12:01 a.m., and the following shall be grandfathered:

> Preliminary site plans which have been filed and accepted prior to 12:01 a.m., December 6, 1994 shall not be subject to the revised submission, notice and posting requirements; however, all other provisions shall apply.

Amendment No. 94-264, Adopted December 5, 1994, Effective December 6, 1994 at 12:01 a.m.

Amendment No. 94-265, Adopted December 5, 1994, Effective December 6, 1994 at 12:01 a.m.

Amendment No. 95-266, Adopted January 9, 1995, Effective January 10, 1995 at 12:01 a.m.

Amendment No. 95-267, Adopted January 23, 1995, Effective January 24, 1995 at 12:01 a.m., and the following shall be grandfathered:

1. All site plans submitted prior to the effective date of this amendment may either provide notice in accordance with the notice provisions in effect prior to the amendment, or as set forth in Sect. 17-107 of the amendment.

2. Site plan waivers and exceptions approved on or before the effective date of this amendment shall continue to be valid and shall require no new approvals under this amendment. Site plan waivers and exceptions pending as of the effective date of this amendment may continue to be processed without the submission of a new minor site plan provided such waiver or exception is approved within six months of the effective date of this amendment.

Amendment No. 95-268, Adopted February 13, 1995, Effective February 14, 1995 at 12:01 a.m.

Amendment No. 95-269, Adopted February 27, 1995, Effective February 28, 1995 at 12:01 a.m.

Amendment No. 95-270, Adopted March 27, 1995, Effective March 28, 1995 at 12:01 a.m.

Amendment No. 95-271, Adopted April 17, 1995, Effective April 18, 1995 at 12:01 a.m.

Amendment No. 95-272, Adopted May 1, 1995, Effective July 1, 1995 at 12:01 a.m.

Amendment No. 95-273, Adopted May 22, 1995, Effective May 23, 1995 at 12:01 a.m.

Amendment No. 95-274, Adopted June 5, 1995, Effective June 6, 1995 at 12:01 a.m.

Amendment No. 95-275, Adopted June 26, 1995, Effective June 27, 1995, at 12:01 a.m., and the following shall be grandfathered:

> Preliminary subdivision plats which have been approved prior to and which are valid as of the effective date of this amendment shall be grandfathered from the provisions of Par. 6 of Sect. 2-306 provided that within twelve (12) months of the effective date of this amendment the final subdivision plat is approved and recorded among the land records of Fairfax County, and further provided, that under Part 4 of Article 1, proffered rezonings which have plans or conditions which conflict with the revised provisions of Par. 6 of Sect. 2-306 shall be grandfathered from that paragraph.

Amendment No. 95-276, Adopted July 17, 1995, Effective July 18, 1995 at 12:01 a.m.

Amendment No. 95-277, Adopted July 31, 1995, Effective August 1, 1995 at 12:01 a.m.

Amendment No. 95-278, Adopted July 31, 1995, Effective August 1, 1995 at 12:01 a.m.

SUPPLEMENT NO. 32, 9/12/94
Printed November, 1994

This Supplement contains the following amendments:

Amendment No. 93-252, Adopted November 15, 1993, Effective November 16, 1993 at 12:01 a.m.

Amendment No. 93-253, Adopted November 22, 1993, Effective November 23, 1993 at 12:01 a.m.

Amendment No. 93-254, Adopted December 13, 1993, Effective December 14, 1993 at 12:01 a.m.

Amendment No. 94-255, Adopted January 10, 1994, Effective January 11, 1994 at 12:01 a.m.

Amendment No. 94-256, Adopted February 28, 1994, Effective March 1, 1994 at 12:01 a.m.

Amendment No. 94-257, Adopted February 28, 1994, Effective March 1, 1994 at 12:01 a.m.

Amendment No. 94-258, Adopted June 6, 1994, Effective June 7, 1994 at 12:01 a.m.

Amendment No. 94-259, Adopted June 27, 1994, Effective June 28, 1994 at 12:01 a.m.

Amendment No. 94-260, Adopted August 8, 1994, Effective August 9, 1994 at 12:01 a.m.

Amendment No. 94-261, Adopted September 12, 1994, Effective September 13, 1994 at 12:01 a.m.

ADDENDUM
SUPPLEMENT NO. 31, 10/12/93
Printed November, 1993

This addendum contains Amendment No. 93-250, Adopted October 11, 1993, Effective October 12, 1993 at 12:01 a.m., which was inadvertently omitted from Supplement 31.

SUPPLEMENT NO. 31, 10/12/93
Printed November, 1993

This Supplement contains the following amendments:

Amendment No. 93-238, Adopted February 8, 1993, Effective February 8, 1993.

Amendment No. 93-239, Adopted March 8, 1993, Effective March 8, 1993.

Amendment No. 93-240, Adopted March 8, 1993, Effective March 9, 1993, at 12:01 a.m.

Amendment No. 93-241, Adopted March 8, 1993, Effective March 9, 1993, at 12:01 a.m.

Amendment No. 93-242, Adopted March 22, 1993, Effective March 23, 1993, at 12:01 a.m.

Amendment No. 93-243, Adopted April 26, 1993, Effective July 1, 1993, at 12:01 a.m.

Amendment No. 93-244, Adopted April 26, 1993, Effective April 27, 1993, at 12:01 a.m.

Amendment No. 93-245, Adopted April 26, 1993, Effective April 27, 1993, at 12:01 a.m.

Amendment No. 93-246, Adopted June 7, 1993, Effective July 1, 1993, at 12:01 a.m.

Amendment No. 93-247, Adopted June 7, 1993, Effective June 7, 1993.

Amendment No. 93-248, Adopted July 26, 1993, Effective July 27, 1993, at 12:01 a.m.

Amendment No. 93-249, Adopted September 27, 1993, Effective September 28, 1993, at 12:01 a.m.

Amendment No. 93-250, Adopted October 11, 1993, Effective October 12, 1993, at 12:01 a.m.

Amendment No. 92-251, Adopted October 11, 1993, Effective October 12, 1993, at 12:01 a.m.

SUPPLEMENT NO. 30, 1/25/93
Printed February, 1993

This Supplement contains the following amendments:

Amendment No. 92-219, Adopted March 23, 1992, Effective March 24, 1992, at 12:01 a.m.

Amendment No. 92-220, Adopted April 6, 1992, Effective upon adoption.

Amendment No. 92-221, Adopted April 21, 1992, Effective July 1, 1992, at 12:01 a.m.

Amendment No. 92-222, Adopted April 27, 1992, Effective April 28, 1992, at 12:01 a.m.

Amendment No. 92-223, Adopted May 4, 1992, Effective May 5, 1992, at 12:01 a.m.

Amendment No. 92-224, Adopted June 8, 1992, Effective June 9, 1992, at 12:01 a.m.

Amendment No. 92-225, Adopted July 13, 1992, Effective July 14, 1992, at 12:01 a.m., and the following shall be grandfathered:

Properties subject to the provisions of Zoning Ordinance Amendment (ZOA) 89-185, adopted December 11, 1989, and Zoning Ordinance Amendment (ZOA) 92-225, adopted July 13, 1992, shall hereafter be subject to the following amended provisions regarding the grandfathering of those properties, to the extent that uses, and FAR of those properties permitted prior to that date, have not otherwise been restored by any other approval such as a special exception:

1. Uses for which building permits have been approved, provided the structure containing the use is constructed under the approved building permit.

2. Uses shown on a site plan approved prior to December 12, 1989, provided a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

   Revisions to such approved site plans may be approved so long as such revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height.

3. Uses shown on a site plan, which plan contains the required information as set forth in Sect. 17-105 and is filed on or before December 12, 1989, provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

   Resubmissions of such filed site plans or revisions to such approved site plans may be approved so long as such resubmission/revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height.

   Where a site plan was filed between September 18, 1989, and December 12, 1989, where site plans were approved prior to December 12, 1989, where site plans were approved pursuant to this Paragraph 3 subsequent to December 12, 1989, or where site plans were approved as a result of the Circuit Court declaration that ZOA 89-185 was invalid; and, in each of the foregoing cases, where such site plans were not approved or are no longer valid, such site plans may be resubmitted within one hundred twenty (120) days of the adoption of ZOA 92-225, and may be approved, provided such plans comply with all current applicable County ordinances and

regulations, except ZOA 89-185 and ZOA 92-225. Revisions to such site plans may be approved so long as such revision does not result in (a) an increase in FAR to include an increase in floor area for office beyond that permitted under ZOA 92-225, or (b) an increase in building height. For the purpose of this paragraph, the term "site plan" shall be deemed to include parking tabulation revisions for a change in use.

4. Special permit and special exception uses approved prior to December 12, 1989, provided a site plan is approved, a building permit issued, and construction commenced while the special permit or special exception is still valid, and provided further that the use is in fact constructed in accordance with such building permit.

   While the special permit or special exception is still valid, resubmissions of such site plans shall be permitted and may be approved so long as such resubmission does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use, or (d) an increase in floor area.

5. Neither ZOA 89-185 nor ZOA 92-225 shall be applicable to proffered rezonings approved prior to the effective date of ZOA 92-225 and Part 4 of Article 1 shall not apply thereto as regards ZOA 89-185 or ZOA 92-225; provided, however, new uses added by ZOA 89-185 and ZOA 92-225 shall be permitted on properties subject to proffered rezonings adopted prior to the effective date of ZOA 92-225 to the same extent the new uses are permitted on similarly zoned properties without proffered conditions, so long as the new uses are not inconsistent with the proffered conditions. If the new uses are inconsistent with a proffered rezoning, a proffer condition amendment shall be required before the new uses are permitted. This grandfather provision shall continue to apply in the event of subsequent proffered condition amendments.

6. For the purpose of ZOA 89-185 and ZOA 92-225, the word "replacement" as used in Par. 2 of Sect. 15-101 shall not be deemed to include the reconstruction of a building or use which was destroyed by casualty, either completely or in part, so long as such reconstruction does not result in an increase in total FAR, percent of office FAR or building height if any such increase would result in development or uses beyond that permitted by ZOA 92-225.

Amendment No. 92-226, Adopted July 13, 1992, Effective upon adoption.

Amendment No. 92-227, Adopted July 27, 1992, Effective October 1, 1992, at 12:01 a.m., and the following shall be grandfathered:

Subdivision plans (excluding preliminary plans), site plans (excluding preliminary site plans) and public improvement plans approved prior to 12:01 a.m., October 1, 1992 are grandfathered.

Amendment No. 92-228, Adopted July 27, 1992, Effective July 28, 1992, at 12:01 a.m.

Amendment No. 92-229, Adopted August 3, 1992, Effective August 4, 1992, at 12:01 a.m.

Amendment No. 92-230, Adopted October 5, 1992, Effective October 6, 1992, at 12:01 a.m.

Amendment No. 92-231, Adopted December 7, 1992, Effective January 1, 1993, at 12:01 a.m., and the following shall be grandfathered:

Mobile and land based telecommunication facilities which have received a favorable determination by the Planning Commission pursuant to Sect. 15.1-456 of the Code of Virginia and for which a site plan or site plan waiver request has been submitted to the County prior to the effective date of this

amendment, provided however, that a building permit(s) for the structure(s) shown on the approved site plan or site plan waiver is issued within two (2) years of the date of approval of the site plan or site plan waiver, and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

Amendment No. 92-232, Adopted December 14, 1992, Effective upon adoption.

Amendment No. 92-233, Adopted December 14, 1992, Effective December 15, 1992, at 12:01 a.m.

Amendment No. 92-234, Adopted December 14, 1992, Effective December 15, 1992, at 12:01 a.m.

Amendment No. 93-235, Adopted January 25, 1993, Effective January 26, 1993, at 12:01 a.m.

Amendment No. 93-236, Adopted January 25, 1993, Effective January 26, 1993, at 12:01 a.m.

Amendment No. 93-237, Adopted January 25, 1993, Effective January 26, 1993, at 12:01 a.m.

SUPPLEMENT NO. 29, 11/18/91
Printed February, 1992

This Supplement contains the following amendments:

Amendment No. 91-203, Adopted June 17, 1991, Effective June 18, 1991, at 12:01 a.m.

Amendment No. 91-204, Adopted June 17, 1991, Effective June 18, 1991, at 12:01 a.m.

Amendment No. 91-205, Adopted June 17, 1991, Effective June 18, 1991, at 12:01 a.m.

Amendment No. 91-206, Adopted June 17, 1991, Effective June 18, 1991, at 12:01 a.m.

Amendment No. 91-207, Adopted July 22, 1991, Effective July 23, 1991, at 12:01 a.m.

Amendment No. 91-208, Adopted July 22, 1991, Effective July 23, 1991, at 12:01 a.m.

Amendment No. 91-209, Adopted July 22, 1991, Effective July 23, 1991, at 12:01 a.m.

Amendment No. 91-210, Adopted September 23, 1991, Effective September 24, 1991, at 12:01 a.m.

Amendment No. 91-211, Adopted September 23, 1991, Effective September 24, 1991, at 12:01 a.m.

Amendment No. 91-212, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-213, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-214, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-215, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-216, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-217, Adopted October 28, 1991, Effective October 29, 1991, at 12:01 a.m.

Amendment No. 91-218, Adopted November 18, 1991, Effective November 19, 1991, at 12:01 a.m.

SUPPLEMENT NO. 28, 5/20/91
Printed June, 1991

This Supplement contains the following amendments:

Amendment No. 91-197, Adopted February 25, 1991, Effective February 26, 1991, at 12:01 a.m.

Amendment No. 91-198, Adopted April 29, 1991, Effective April 30, 1991, at 12:01 a.m., and the following shall be grandfathered:

Preliminary subdivision plats approved prior to the effective date of the amendment, provided that (a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date, (b) the subsequent subdivision construction plan associated with the development is approved within twelve (12) months of the approval or reapproval of the preliminary subdivision plat, as the case may be, and (c) the final subdivision plat is recorded in accordance with Sect. 101-2-5(d)(2) of the Subdivision Ordinance.

Amendment No. 91-199, Adopted April 29, 1991, Effective April 30, 1991, at 12:01 a.m.

Amendment No. 91-200, Adopted April 29, 1991, Effective April 30, 1991, at 12:01 a.m.

Amendment No. 91-201, Adopted April 29, 1991, Effective April 30, 1991, at 12:01 a.m.

Amendment No. 91-202, Adopted May 20, 1991, Effective July 1, 1991, at 12:01 a.m., except for the Site Plan Extension Filing Fee effective at 12:01 a.m., May 21, 1991.

REPRINT 12/90 Errata
Printed March, 1991

This Errata was issued to correct pages in Reprint 12/90.

REPRINT 12/90
Printed March, 1991

NOTE: Zoning Ordinance Amendment ZO 89-185 adopted December 11, 1989, effective December 12, 1989, which was included in Supplement 26 and is included in this Reprint was declared invalid and void by the Fairfax County Circuit Court by an order entered on October 22, 1990. However, this order is currently the subject of an appeal. Contained at the end of the Appendices are extracts of the Zoning Ordinance which show the provisions in effect prior to ZO 89-185.

This Reprint contains the following amendments:

Amendment No. 89-186, Adopted December 11, 1989, Effective July 31, 1990, at 12:01 a.m.

Amendment No. 90-190, Adopted April 16, 1990, Effective June 30, 1990, at 12:01 a.m., and the following provisions shall apply:

1. Proffered rezonings approved prior to the effective date shall comply with the provisions of this amendment to the extent possible, provided such compliance does not preclude fulfillment of any proffered condition, in which case the condition shall supersede the provisions of this amendment to the extent of the conflict.

2. Special permits and special exceptions approved prior to the effective date shall comply with the provisions of this amendment to the extent possible, provided such compliance does not preclude fulfillment of any approved condition, in which case the condition shall supersede the provisions of this amendment to the extent of the conflict.

In addition, the following shall be grandfathered:

1. Site plans filed prior to the effective date of this amendment, containing all required information as set forth in Sect. 17-105, which plans are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted site plan is approved within twenty-four (24) months of the effective date of this amendment. For the purposes of this paragraph, due diligence shall mean the following:

   (a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.
   (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
   (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

2. Site plans and site plan waivers approved prior to the effective date of this amendment.

3. Preliminary plats for subdivisions approved prior to the effective date of this amendment, provided, however, that if the subsequent subdivision construction plan or site plan is not approved within twenty-four (24) months of the approval of the preliminary plat, the subsequent construction plan or site plan shall comply with the provisions of this amendment.

4. Preliminary plats for subdivisions filed prior to the effective date of this amendment, containing all required information as set forth in Article 2 of the Public Facilities Manual, which plats are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted preliminary subdivision plat is approved within twenty-four (24) months of the effective date of this amendment. For the purposes of this paragraph, due diligence shall mean the following:

   (a) If corrections to a properly submitted and accepted set of preliminary subdivision plats are deemed necessary by the reviewing authority, a set of plats containing the revisions shall be resubmitted within six (6) months of its return to the developer.
   (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.
   (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the

Director of DEM of his inability to meet such time limitations before the time limitation expires.

The above notwithstanding, the subsequent construction plan or site plan must be approved within twenty-four (24) months of the effective date of this amendment, otherwise the grandfathering provisions shall not apply.

5. Overlot grading plans approved prior to the effective date of this amendment.

6. Overlot grading plans filed prior to the effective date of this amendment which plans are not approved prior to the effective date so long as due diligence is maintained and a properly submitted and accepted overlot grading plan is approved within twenty-four (24) months of the effective date of this amendment. If the preliminary plat or subdivision construction plan is approved under the grandfather provisions listed above, the overlot grading plan shall also be grandfathered provided the overlot grading plan is approved within twenty-four (24) months of the effective date. For purposes of this paragraph, due diligence shall mean the following:

   (a) If corrections to a properly submitted and accepted overlot grading plan are deemed necessary by the reviewing authority, an overlot grading plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.
   (b) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

Amendment No. 90-191, Adopted June 25, 1990, Effective July 1, 1990, at 12:01 a.m.

Amendment No. 90-192, Adopted June 25, 1990, Effective June 26, 1990, at 12:01 a.m.

Amendment No. 90-193, Adopted July 23, 1990, Effective July 31, 1990, at 12:01 a.m.

Amendment No. 90-194, Adopted August 6, 1990, Effective August 7, 1990, at 12:01 a.m.

Amendment No. 90-195, Adopted November 5, 1990, Effective January 1, 1991, at 12:01 a.m.

Amendment No. 90-196, Adopted December 3, 1990, Effective December 4, 1990, at 12:01 a.m.

SUPPLEMENT NO. 27, 3/26/90
Printed June, 1990

This Supplement contains the following amendments:

Amendment No. 90-187, Adopted January 22, 1990, Effective February 1, 1990.

Amendment No. 90-188, Adopted February 26, 1990, Effective February 27, 1990, at 12:01 a.m.

Amendment No. 90-189, Adopted March 26, 1990, Effective March 27, 1990, at 12:01 a.m.

SUPPLEMENT NO. 26, 12/11/89

This Supplement contains the following amendments:

Amendment No. 89-182, Adopted October 23, 1989, Effective October 24, 1989, at 12:01 a.m., and the following is grandfathered:

Applications which are filed prior to the effective date of the amendment and which are complete in accordance with the applicable provisions at the time of filing to include the applicable development plan for rezoning applications provided, however, that any subsequent changes to an affidavit shall be presented on the new affidavit forms and there shall be an oral reaffirmation of the accuracy of the affidavit at all public hearings on applications held subsequent to the effective date of the amendment.

Amendment No. 89-183, Adopted October 30, 1989, Effective October 31, 1989, at 12:01 a.m.

Amendment No. 89-184, Adopted October 30, 1989, Effective October 31, 1989, at 12:01 a.m.

Amendment No. 89-185, Adopted December 11, 1989, Effective December 12, 1989, at 12:01 a.m. and the following are grandfathered:

1. Uses for which building permits have been approved, provided the structure containing the use is constructed under the approved building permit.

2. Uses shown on a site plan approved prior to December 12, 1989, provided a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s).

   Revisions to such approved site plans may be approved so long as such revision does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in floor area for a use no longer allowed by this amendment.

3. Uses shown on a site plan, which plan contains all required information as set forth in Sect. 17-105 and is filed on or before September 18, 1989, provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and provided further that the structure(s) containing the use is in fact constructed in accordance with such building permit(s). Thus, the structure(s) containing the uses shown on a site plan submitted on or before September 18, 1989 which site plan is not approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, and/or the structure(s) for which a building permit(s) is not issued in accordance with Par. 1 of Sect. 17-109 of the Zoning Ordinance and/or the structure(s) containing the use is not constructed under such approved building permit(s) shall comply with the provisions of this amendment.

   Resubmissions of such filed site plans or revisions to such approved site plans may be approved so long as such resubmission/revision does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in floor area for a use no longer allowed by this amendment.

4. Special permit and special exception uses approved prior to September 18, 1989, provided a site plan is approved, a building permit issued, and construction commenced while the special permit or special exception is still valid, and provided further that the use is in fact constructed in accordance with such building permit.

   While the special permit or special exception is still valid, resubmissions of such site plans shall be permitted and may be approved but only so long as such resubmission does not result in (a) an increase in FAR, (b) an increase in building height, (c) the addition of a use no longer allowed by this amendment, or (d) an increase in the floor area for a use no longer allowed by this amendment.

5. Proffered rezonings approved on or before the date of adoption of the amendment shall be governed by the provisions of Part 4 of Article 1, which provides that proffered rezonings approved on or before the date of adoption of the amendment shall comply with the provisions of this amendment, except where the imposition of the requirements of this amendment would be in conflict with a specific proffered condition which would supersede the requirements of this amendment.

6. If a building or use in the C-6, C-7, I-3, I-4, I-5 or I-6 District was a conforming use immediately prior to December 12, 1989, the effective date of Zoning Ordinance Amendment #89-185, and would be nonconforming but for the provisions of Par. 2 of Sect. 15-101 because the office use, FAR and/or building is now permitted by special exception as a result of Zoning Ordinance Amendment #89-185, or if a building or use was constructed pursuant to a site plan, approved building permit, approved special permit or approved special exception grandfathered from Zoning Ordinance Amendment #89-185, and such building or use would be nonconforming but for the provisions of Par. 2 of Sect. 15-101 because the office use, FAR and/or building height is now permitted by special exception as a result of Zoning Ordinance Amendment #89-185, such building or use may be reconstructed after such building or use is destroyed or damaged by any casualty without a special exception for office, FAR and/or building height provided that construction is commenced and diligently prosecuted within four (4) years after such destruction or damage. The building height and floor area ratio of the reconstructed use shall not exceed that which existed at the time of destruction or damage, and the location of the use on the lot shall conform with all current minimum yard requirements.

SUPPLEMENT NO. 25, 9/11/89

This Supplement contains the following amendments:

Amendment No. 89-180, Adopted August 7, 1989, Effective August 7, 1989.

Amendment No. 89-181, Adopted September 11, 1989, Effective September 12, 1989.

SUPPLEMENT NO. 24, 5/22/89

This Supplement contains the following amendments:

Amendment No. 89-175, Adopted May 1, 1989, Effective May 2, 1989, at 12:01 a.m.

Amendment No. 89-176, Adopted May 1, 1989, Effective May 2, 1989, at 12:01 a.m.

Amendment No. 89-177, Adopted May 1, 1989, Effective May 2, 1989, at 12:01 a.m.

Amendment No. 89-178, Adopted May 1, 1989, Effective May 2, 1989, at 12:01 a.m.

Amendment No. 89-179, Adopted May 22, 1989, Effective May 23, 1989, at 12:01 a.m.

SUPPLEMENT NO. 23, 4/17/89 (Correction)
Printed July, 1989

This corrected Instruction Sheet has been printed in order to provide the correct and complete information relating to Amendment No. 89-169.

This Supplement contains the following amendments:

Amendment No. 89-169, Adopted January 30, 1989, Effective March 1, 1989.

Amendment No. 89-170, Adopted February 13, 1989, Effective March 1, 1989.

Amendment No. 89-171, Adopted March 13, 1989, Effective March 14, 1989, at 12:01 a.m.

Amendment No. 89-172, Adopted March 13, 1989, Effective March 14, 1989, at 12:01 a.m.

Amendment No. 89-173, Adopted March 20, 1989, Effective April 1, 1989.

Amendment No. 89-174, Adopted April 17, 1989, Effective April 18, 1989, at 12:01 a.m.

SUPPLEMENT NO. 23, 4/17/89
Printed June, 1989

This Supplement contains the following amendments:

Amendment No. 89-169, Adopted January 30, 1989, Effective January 30, 1989.

Amendment No. 89-170, Adopted February 13, 1989, Effective March 1, 1989.

Amendment No. 89-171, Adopted March 13, 1989, Effective March 14, 1989, at 12:01 a.m.

Amendment No. 89-172, Adopted March 13, 1989, Effective March 14, 1989, at 12:01 a.m.

Amendment No. 89-173, Adopted March 20, 1989, Effective April 1, 1989.

Amendment No. 89-174, Adopted April 17, 1989, Effective April 18, 1989, at 12:01 a.m.

SUPPLEMENT NO. 22, 10/31/88

This Supplement contains the following amendments:

Amendment No. 88-165, Adopted October 31, 1988, Effective November 1, 1988, at 12:01 a.m.

Amendment No. 88-166, Adopted October 31, 1988, Effective October 31, 1988.

Amendment No. 88-167, Adopted October 31, 1988, Effective October 31, 1988, and the following are grandfathered:

1. Proffered rezoning applications and P district rezoning applications approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system, within the area of the proffered or approved rezoning, which is not in accord with this amendment.

2. Special permit and special exception applications approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment.

3. For non-residential development, site plans approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment.

4. For residential development, building permits approved prior to 12:01 a.m., November 1, 1988, which specifically provide for a private septic or water system not in accord with this amendment.

Amendment No. 88-168, Adopted October 31, 1988, Effective October 31, 1988.

REPRINT 9/99 (Addition)

This Addition was printed to include pages which were inadvertently omitted in Reprint 9/88.

REPRINT 9/88

This Reprint contains the following amendment:

Amendment No. 88-164, Adopted September 19, 1988, Effective September 20, 1988, at 12:01 a.m.; and the following provisions apply:

1. Proffered rezoning applications and P district rezoning applications approved prior to 12:01 a.m., September 20, 1988 shall comply to the extent possible with the provisions of this amendment, provided such compliance does not preclude fulfillment of any proffered condition or condition of any P district rezoning, in which case the condition shall supersede the provisions of this amendment.

2. Special permit and special exception applications approved prior to 12:01 a.m., September 20, 1988 shall comply to the extent possible with the provisions of this amendment, provided such compliance does not preclude fulfillment of any approved condition, in which case the condition shall supersede the provisions of this amendment.

In addition, the following shall be grandfathered:

3. Site plans filed prior to 12:01 a.m., September 20, 1988 containing all required information as set forth in Sect. 17-105, which plans are not approved prior to September 20, 1988 so long as due diligence is maintained. For purposes of this paragraph, due diligence shall mean the following:

(a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.

(b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.

(c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of DEM of his inability to meet such time limitations before the time limitation expires.

Resubmissions of such site plans shall also be grandfathered but only so long as such resubmission proposes no increase or change in use which would result in more required parking spaces than those shown on the submitted site plan as it existed prior to 12:01 a.m., September 20, 1988. Resubmissions of such site plans which propose a reduction in the determinant upon which parking is based shall be grandfathered but only so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

4. Site plans and site plan waivers and exceptions approved prior to 12:01 a.m., September 20, 1988 for the uses shown and corresponding number of parking spaces shown on such plans.

   Revisions to such plans for which the bonds and agreements have not been released may be approved so long as such revision does not result in an increase to the determinant upon which parking is based or a change in use which would require more parking spaces than those shown on the approved site plan.

   Revisions to site plans and site plan waivers and exceptions approved prior to 12:01 a.m., September 20, 1988 for which the bonds and agreements have not been released which propose a reduction in the determinant upon which parking is based may be approved so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

5. Preliminary site plans required under the provisions of Article 16 approved prior to 12:01 a.m., September 20, 1988 for the uses shown and corresponding number of parking spaces shown on such plans.

6. Requests for compact car parking, shared parking and parking reductions approved by the Board of Supervisors prior to 12:01 a.m., September 20, 1988 provided a site plan incorporating such approval is submitted within three (3) months of September 20, 1988 and provided further that due diligence is maintained. For purposes of this paragraph, due diligence shall be as defined in preceding paragraphs 3(a), (b) and (c).

SUPPLEMENT NO. 21, 8/1/88

This Supplement contains the following amendments:

Amendment No. 88-158, Adopted March 28, 1988, Effective March 29, 1988, at 12:01 a.m.

Amendment No. 88-159, Adopted May 23, 1988, Effective May 23, 1988.

Amendment No. 88-160, Adopted June 13, 1988, Effective June 13, 1988.

Amendment No. 88-161, Adopted June 13, 1988, Effective July 5, 1988.

Amendment No. 88-162, Adopted June 13 and 20, 1988, Effective July 1, 1988, at 12:01 a.m.

Amendment No. 88-163, Adopted August 1, 1988.

SUPPLEMENT NO. 20, 2/22/88 (Correction)

This Correction has been printed in order to provide the correct and complete information relating to Amendment No. 88-157.

This Supplement contains the following amendments:

Amendment No. 87-153, Adopted November 23, 1987, Effective November 23, 1987.

Amendment No. 88-154, Adopted January 25, 1988, Effective January 26, 1988, at 12:01 a.m.

Amendment No. 88-155, Adopted January 25, 1988, Effective January 26, 1988, at 12:01 a.m.

Amendment No. 88-156, Adopted February 8, 1988, Effective February 8, 1988.

Amendment No. 88-157, Adopted February 22, 1988, Effective July 1, 1988, and shall be applicable to:

— All new subdivision construction plans and site plans submitted after July 1, 1988.

SUPPLEMENT NO. 20, 2/22/88

This Supplement contains the following amendments:

Amendment No. 87-153, Adopted November 23, 1987, Effective November 23, 1987.

Amendment No. 88-154, Adopted January 25, 1988, Effective January 26, 1988, at 12:01 a.m.

Amendment No. 88-155, Adopted January 25, 1988, Effective January 26, 1988, at 12:01 a.m.

Amendment No. 88-156, Adopted February 8, 1988, Effective February 8, 1988.

Amendment No. 88-157, Adopted February 22, 1988, Effective July 1, 1988.

SUPPLEMENT NO. 19, 10/26/87

This Supplement contains the following amendments:

Amendment No. 87-148, Adopted August 3, 1987, Effective August 3, 1987.

Amendment No. 87-149, Adopted October 19, 1987, Effective October 20, 1987, at 12:01 a.m., and the following are grandfathered:

- Conceptual and final development plans approved prior to the effective date; and

- Subsequent Conceptual Development Plan Amendments (CDPAs) to previously approved PDH District zonings which had bonus densities approved based on previous Zoning Ordinance provisions, when in the judgment of the Board of Supervisors, such amendments do none of the following:

  - Constitute an entirely new proposal from that previously approved;

  - Increase the previously approved maximum density or affect the basis on which the bonus density had been previously approved;

  - Change the previously approved dwelling unit types;

  - Change the land area; or

  - Decrease the open space.

Amendment No. 87-150, Adopted October 19, 1987, Effective October 20, 1987, at 12:01 a.m., and the following are grandfathered:

- Proffered rezoning applications approved prior to the effective date which specifically identify approval of a cluster subdivision.

- A preliminary subdivision plat approved prior to the effective date of this amendment or a preliminary subdivision plat submitted and accepted for review at least 60 days before the effective date of this amendment, provided that the due diligence standards, set forth below, are met.

- Preliminary subdivision plat approval may be reapproved when construction plans and final plats have been submitted and are proceeding in accordance with the following due diligence standards:

Due Diligence Standards

Subdivision Construction Plans:

1. *Single-section projects.*

   Subdivision construction plans submitted pursuant to an approved preliminary plat shall be filed within 12 months of preliminary plat approval. If corrections are deemed necessary by the reviewing authority, revised plans shall be filed within six months of their return to the developer.

2. *Multi-section projects.*

   Subdivision construction plans for the first section of a preliminary plat to be developed as a multi-section project shall meet the requirements set forth above for single-section projects. Subdivision construction plans for additional sections of multi-section projects shall be filed for review in less than 24 month intervals from the previous section approval. All sections of multi-section projects

must be of record within five years of the original date of preliminary plat approval unless an extension is granted by the Board of Supervisors.

3. Any easement which the Board of Supervisors has agreed to condemn shall extend the time limitations for easement acquisition only.

4. Executed agreements and bonds, deposits, easements and fees shall be submitted within 12 months of the date of transmission of the permit package to the developer.

Final Plats

Final plats shall be filed for review within ten months of approval of the subdivision construction plans and recorded within six months of approval of the final plat. Final plats for subdivisions not requiring construction plans shall be filed within ten months of preliminary plat approval and recorded within six months of approval of the final plat. If corrections are deemed necessary by the reviewing authority, a revised plat shall be filed within two months of its return to the developer.

Amendment No. 87-151, Adopted October 19, 1987, Effective October 19, 1987.

Amendment No. 87-152, Adopted October 26, 1987, Effective October 27, 1987, at 12:01 a.m., and the following are grandfathered:

1. Proffered rezoning applications and P district rezoning applications approved prior to the effective date, when the approved P district zoning or proffered conditions conflict with the provisions of this amendment.

2. Special exception applications approved prior to the effective date, when the approved plat and/or conditions specifically identify the number of parking spaces.

3. Site plans filed prior to August 4, 1987, containing all required information as set forth in Sect. 17-105, which plans are not approved prior to the effective date of this amendment, so long as due diligence is maintained. For purposes of this paragraph, due diligence shall mean the following:

   (a) If corrections to a properly submitted and accepted site plan are deemed necessary by the reviewing authority, a site plan containing the revisions shall be resubmitted within six (6) months of its return to the developer.

   (b) Executed agreements and bonds, deposits, easements and fees shall be submitted within twelve (12) months of the date of transmission of the permit package to the developer.

   (c) The above limitations may be extended only by the Board of Supervisors and only for good cause shown. Such extensions may be considered only when the developer notifies the Director of his inability to meet such time limitations before the time limitation expires.

   Resubmissions of such site plans shall also be grandfathered but only so long as such resubmission proposes no increase in the number of dwelling units which would result in more required parking spaces than those shown on the submitted site plans as it existed on August 4, 1987. Resubmissions of such plans which propose a reduction in the number of dwelling units shall be grandfathered but only as long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

4. Site plans and site plan waivers and exceptions approved prior to the effective date of this amendment, for the uses shown and corresponding number of parking spaces shown on such plans.

   Revisions to such plans for which the bonds and agreements have not been released may be approved so long as such revision does not propose an increase in the number of dwelling units which would result in more required parking spaces than those shown on the approved site plan.

   Revisions to site plans and site plan waivers and exceptions approved prior to the effective date of this amendment for which the bonds and agreements have not been released which propose a reduction in the number of dwelling units may be approved so long as there is no reduction in the number of parking spaces below that which would be required under the provisions of this amendment.

5. Preliminary site plans required under the provisions of Article 16 approved prior to the effective date of this amendment, for the uses shown and corresponding number of parking spaces shown on such plans.

SUPPLEMENT NO. 18, 7/27/87

This Supplement contains the following amendments:

Amendment No. 87-142, Adopted May 18, 1987, Effective May 18, 1987.

Amendment No. 87-143, Adopted June 1, 1987, Effective June 1, 1987.

Amendment No. 87-144, Adopted June 1, 1987, Effective July 1, 1987, at 12:01 a.m.

Amendment No. 87-145, Adopted June 15, 1987, Effective June 15, 1987.

Amendment No. 87-146, Adopted July 27, 1987, Effective July 27, 1987.

Amendment No. 87-147, Adopted July 27, 1987, Effective July 27, 1987.

SUPPLEMENT NO. 17, 4/27/87 (Correction)

This corrected Instruction Sheet has been printed in order to correct errors in the Instruction Sheet for Supplement No. 17, 4/27/87.

This Supplement contains the following amendments:

Amendment No. 87-138, Adopted February 9, 1987, Effective February 10, 1987, at 12:01 a.m. Development plans not submitted prior to 12:01 a.m., February 10, 1987, must be filed within sixty (60) days of February 10, 1987, in accordance with the provisions of this amendment.

Amendment No. 87-139, Adopted February 23, 1987, Effective February 23, 1987.

Amendment No. 87-140, Adopted March 23, 1987, Effective March 23, 1987. This amendment shall become effective upon adoption and approved site plans shall be grandfathered from the new sign requirements.

Amendment No. 87-141, Adopted April 27, 1987, Effective April 28, 1987, at 12:01 a.m. This amendment shall become effective at 12:01 a.m. on April 28, 1987 and only final subdivision plats which are approved prior to 12:01 a.m. on April 28, 1987 and which are filed for recordation within six months of the date of approval are to be grandfathered from this amendment.

SUPPLEMENT NO. 16, 12/29/86 (Correction)

This corrected Instruction Sheet has been printed in order to correct errors in the Instruction Sheet for Supplement No. 16, 12/29/86.

This Supplement contains the following amendments:

Amendment No. 86-133, Adopted December 8, 1986, Effective December 9, 1986, at 12:01 a.m.

Amendment No. 86-134, Adopted December 8, 1986, Effective December 8, 1986.

Amendment No. 86-135, Adopted December 8, 1986, Effective December 8, 1986.

Amendment No. 86-136, Adopted December 15, 1986, Effective January 1, 1987.

Amendment No. 86-137, Adopted December 29, 1986, Effective December 29, 1986, at 12:00 noon.

SUPPLEMENT NO. 15, 10/6/86

This Supplement contains the following amendments:

Amendment No. 86-131, Adopted August 4, 1986.

Amendment No. 86-132, Adopted October 6, 1986.

SUPPLEMENT NO. 14, 6/23/86

This Supplement contains the following amendments:

Amendment No. 86-129, Adopted May 19, 1986.

Amendment No. 86-130, Adopted June 23, 1986.

SUPPLEMENT NO. 13, 3/10/86

This Supplement contains the following amendments:

Amendment No. 86-126, Adopted February 24, 1986.

Amendment No. 86-127, Adopted March 10, 1986, Effective March 17, 1986, Expired June 30, 1986. (Superseded by Amendment No. 86-128)

Amendment No. 86-128, Adopted March 10, 1986, Effective July 1, 1986.

SUPPLEMENT NO. 12, 11/25/85

This Supplement contains the following amendments:

Amendment No. 85-124, Adopted November 18, 1985.

Amendment No. 85-125, Adopted November 25, 1985.

SUPPLEMENT NO. 11, 10/7/85

This Supplement contains the following amendments:

Amendment No. 85-120, Adopted July 22, 1985.

Amendment No. 85-121, Adopted August 5, 1985.

Amendment No. 85-122, Adopted September 16, 1985, Effective December 1, 1985.

Amendment No. 85-123, Adopted October 7, 1985.

SUPPLEMENT NO. 10, 5/13/85

This Supplement contains the following amendments:

Amendment No. 85-118, Adopted April 29, 1985.

Amendment No. 85-119, Adopted May 13, 1985.

SUPPLEMENT NO. 9, 2/25/85

This Supplement contains the following amendments:

Amendment No. 85-115, Adopted January 28, 1985, Effective January 29, 1985.

Amendment No. 85-116, Adopted January 28, 1985.

Amendment No. 85-117, Adopted February 25, 1985.

SUPPLEMENT NO. 8, 12/3/84

This Supplement contains the following amendments:

Amendment No. 84-109, Adopted September 24, 1984.

Amendment No. 84-110, Adopted September 24, 1984.

Amendment No. 84-111, Adopted September 24, 1984.

Amendment No. 84-112, Adopted October 29, 1984.

Amendment No. 84-113, Adopted October 29, 1984.

Amendment No. 84-114, Adopted December 3, 1984.

SUPPLEMENT NO. 7, 7/30/84

This Supplement contains the following amendments:

Amendment No. 84-105, Adopted July 23, 1984.

Amendment No. 84-106, Adopted July 30, 1984.

Amendment No. 84-107, Adopted July 30, 1984.

Amendment No. 84-108, Adopted July 30, 1984.

SUPPLEMENT NO. 6, 6/4/84

This Supplement contains the following amendments:

Amendment No. 84-97, Adopted April 9, 1984, Effective April 16, 1984.

Amendment No. 84-98, Adopted April 30, 1984.

Amendment No. 84-99, Adopted April 30, 1984.

Amendment No. 84-100, Adopted April 30, 1984.

Amendment No. 84-101, Adopted April 30, 1984.

Amendment No. 84-102, Adopted June 4, 1984.

Amendment No. 84-103, Adopted June 4, 1984, Effective August 1, 1984.

Amendment No. 84-104, Adopted June 4, 1984.

SUPPLEMENT NO. 5, 3/26/84

This Supplement contains the following amendments:

Amendment No. 84-93, Adopted February 6, 1984.

Amendment No. 84-94, Adopted February 13, 1984.

Amendment No. 84-95, Adopted February 13, 1984.

Amendment No. 84-96, Adopted March 26, 1984.

SUPPLEMENT NO. 4, 10/17/83

This Supplement contains the following amendments:

Amendment No. 83-87, Adopted July 11, 1983.

Amendment No. 83-88, Adopted July 25, 1983.

Amendment No. 83-89, Adopted October 17, 1983.

Amendment No. 83-90, Adopted October 17, 1983.

Amendment No. 83-91, Adopted October 17, 1983.

Amendment No. 83-92, Adopted October 17, 1983.

SUPPLEMENT NO. 3, 4/25/83 (Index)

This provided an Index page which was inadvertently omitted from Supplement No. 3, 4/25/83.

SUPPLEMENT NO. 3, 4/25/83

This Supplement contains the following amendments:

Amendment No. 83-71, Adopted January 31, 1983.

Amendment No. 83-72, Adopted January 31, 1983.

Amendment No. 83-73, Adopted January 31, 1983.

Amendment No. 83-74, Adopted January 31, 1983.

Amendment No. 83-75, Adopted January 31, 1983.

Amendment No. 83-76, Adopted January 31, 1983.

Amendment No. 83-77, Adopted January 31, 1983.

Amendment No. 83-78, Adopted March 21, 1983.

Amendment No. 83-79, Adopted March 28, 1983.

Amendment No. 83-80, Adopted March 28, 1983.

Amendment No. 83-81, Adopted March 28, 1983, Effective April 4, 1983.

Amendment No. 83-82, Adopted April 25, 1983.

Amendment No. 83-83, Adopted April 25, 1983, Effective May 2, 1983.

Amendment No. 83-84, Adopted April 25, 1983, Effective May 2, 1983.

Amendment No. 83-85, Adopted April 25, 1983, Effective May 2, 1983.

Amendment No. 83-86, Adopted April 25, 1983, Effective May 2, 1983.

SUPPLEMENT NO. 2, 12/6/82 Revision

This Revision corrected pages from previous Supplements.

SUPPLEMENT NO. 2, 12/6/82

This Supplement contains the following amendments:

Amendment No. 82-66, Adopted October 25, 1982.

Amendment No. 82-67, Adopted November 22, 1982.

Amendment No. 82-68, Adopted November 22, 1982.

Amendment No. 82-69, Adopted November 22, 1982.

Amendment No. 82-70, Adopted December 6, 1982.

SUPPLEMENT NO. 1, 9/27/82
Printed December 1982

This Supplement contains the following amendments:

Amendment No. 82-60, Adopted May 3, 1982.

Amendment No. 82-61, Adopted June 21, 1982.

Amendment No. 82-62, Adopted July 26, 1982.

Amendment No. 82-63, Adopted July 26, 1982.

Amendment No. 82-64, Adopted August 2, 1982.

Amendment No. 82-65, Adopted September 27, 1982.

See Tracing Table, pages T-1, T-2, T-3.

On the last page of Amendment No. 82-63 is the following statement:

"This amendment shall be effective immediately and shall apply to all plats and site plans which have not received final subdivision plat or final site plan approval prior to July 26, 1982."

1982 RECODIFIED ZONING ORDINANCE

This recodification was adopted on October 18, 1982 and includes all amendments through Amendment No. 82-59 which was adopted on March 22, 1982.

THE ZONING ORDINANCE

CHAPTER 112

OF THE 1976 CODE OF

THE COUNTY OF FAIRFAX, VIRGINIA

The Zoning Ordinance was adopted on June 12, 1978, became effective on August 14, 1978, and was recodified on October 18, 1982. This edition, which is a reprint, includes all Amendments adopted through Amendment No. ZO-21-488, April 13, 2021, effective April 14, 2021, at 12:01 AM.

Reprint 6/30/2021

Reprint 6/30/2021

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ARTICLE 1

THE CONSTITUTION OF THE ORDINANCE

PART 1 1-100 TITLE

The regulations embraced in this and the following nineteen (19) Articles constitute Chapter 112 of the 1976 Code of the County of Fairfax, Virginia, which shall be designated 'The Zoning Ordinance of Fairfax County, Virginia,' and may be so cited.

PART 2 1-200 PURPOSE AND INTENT

The Zoning Ordinance of Fairfax County, Virginia, is intended to promote the health, safety and general welfare of the public and to implement the adopted comprehensive plan for the orderly and controlled development of the County.

To accomplish these ends, the Zoning Ordinance is designed to give reasonable consideration to each of the following purposes, where applicable:

1. to create and maintain conditions under which people and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations;

2. to facilitate the creation of a convenient, attractive and harmonious community; to provide for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime and other dangers; and to reduce or prevent congestion in the public streets;

3. to provide for County growth that is consonant with the efficient and economic use of public funds and environmental quality;

4. to recognize the needs of agriculture, housing, industry and business in the County's future growth;

5. to promote the creation and expansion of land uses that will be developed with adequate highway, utility, health, education and recreational facilities;

6. to provide residential areas with healthy surroundings for family life;

7. to protect against destruction of or encroachment upon historic areas;

8. to encourage economic development activities that provide desirable employment and a broad tax base;

9. to promote the conservation of natural resources;

10. to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forestation, scenic vistas, and other similar areas and to ensure that development in such areas is well controlled;

11. to protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to community facilities existing

or available; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;

12. to promote the creation and preservation of housing of such type, size and cost suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district in the form of safe, sanitary dwelling units;

13. to encourage innovative and desirable approaches to designed development; and to promote the distinctive sense of urban, suburban and exurban places as well as the sense of community within the County;

14. to protect, not inconsistent with State water quality standards, surface water and ground water as defined by Sect. 62.1-255 of the Code of Virginia;

15. to accomplish all other objectives and exercise all other powers set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia.

PART 3 1-300 SEVERABILITY

Should any Section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

PART 4 1-400 CONFLICTING ORDINANCES

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County ordinance or regulation shall govern. In the event a specific provision of this Ordinance precludes the provision of an accessibility improvement, the accessibility improvement shall be allowed regardless of the specific provision of this Ordinance which would otherwise preclude it.

The text of this Zoning Ordinance shall apply to any parcel covered by a previous grant of zoning with proffered conditions pursuant to Sect. 15.2-2303 of Va. Code Ann. except where the imposition of the requirements of this Ordinance would be in conflict with a specific proffered condition which would supersede the requirements of this Ordinance pursuant to the 1977 amendment to Sect. 15.2-2303 of Va. Code Ann. Provided, however, when a specific proffered condition precludes the provision of an accessibility improvement, such improvement shall be allowed regardless of the specific proffered condition which would otherwise preclude it.

PART 5 1-500 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use and dimensions of buildings or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, except where expressly qualified by this Ordinance.

PART 6 1-600 EFFECTIVE DATE

The Zoning Ordinance of Fairfax County, Virginia, as herein presented, was adopted on June 12, 1978 and became effective at 12:01 AM on August 14, 1978, at which time the Zoning Ordinance of the County of Fairfax, Virginia, adopted July 22, 1959, and recodified May 19, 1965, as amended, was repealed. Upon its effective date, this Ordinance became Chapter 112 of the 1976 Code of the County of Fairfax, Virginia.

Unless otherwise qualified herein, the term effective date when used in this Ordinance shall be deemed to be August 14, 1978 or the effective date of an applicable amendment thereto.

PART 7 1-700 COPY ON FILE

A certified copy of the Zoning Ordinance of Fairfax County, Virginia, as may be amended from time to time, shall be filed in the Office of the Zoning Administrator of Fairfax County and in the Office of the Clerk to the Board of Supervisors.

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ARTICLE 2

GENERAL REGULATIONS

PART 1 2-100 SCOPE OF REGULATIONS

2-101 Territorial Application of Regulations

The provisions of this Ordinance shall apply to all land and all structures in the unincorporated territory of the County of Fairfax, Virginia.

2-102 General Effect

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged to be used for any purpose other than is included among the uses listed in the following Articles as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this Ordinance. Notwithstanding the above, land located within the Tysons Corner Urban Center, as defined in the adopted comprehensive plan, wherein a development proposal utilizes the redevelopment option set forth in the adopted comprehensive plan, shall only be considered by the Board in conjunction with a rezoning application to the PTC District as set forth in Part 5 of Article 6.

2-103 (Deleted by Amendment #86-137, Adopted December 29, 1986)

2-104 Exemptions

1. The following structures and uses are exempt from the regulations of this Ordinance:

   A. Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of gas, or water, or the collection of sewage or surface water operated or maintained by a government entity or a public utility including customary meter pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or aboveground; but only when such facilities are located in a street right of way or in an easement less than 25 feet in width. This exemption does not include any substation located on or above the surface of the ground or any such distribution facility located in an easement of 25 feet or more in width which shall be regulated by the provisions of Part 1 of Article 9.

   B. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment. This exemption shall not include any facilities and equipment listed in Par. 2 of Sect. 5-602 or any facilities listed in Par. 6 of Sect. 9-401.

2. The following structures shall be exempt from the minimum yard requirements set forth in this Ordinance: Telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, street lights, public bicycle shelters, or any similar structures or

devices which in the opinion of the Zoning Administrator are obviously intended to be otherwise located in the public interest, and are not incongruous with the aesthetic standards of the surrounding area.

2-105 (Deleted by Amendment #99-320, Adopted June 28, 1999, Effective July 1, 1999 at 12:01 AM)

2-106 Bingo Games and Raffles

Bingo games and raffles shall be permitted in accordance with the provisions of Article 1.1:1 of Chapter 8 of Title 18.2 of the Code of Virginia.

PART 2 2-200 ZONING DISTRICTS AND BOUNDARIES

2-201 Zoning Districts

The unincorporated territory of the County of Fairfax shall be divided into the classes of zoning districts as presented in Articles 3-7 of this Ordinance, which Articles may be referenced as the 'Schedule of Regulations'.

2-202 Zoning Map

The location and boundaries of the zoning districts established by this Ordinance are as indicated on the map entitled 'Official Zoning Map, Fairfax County, Virginia', a copy of which shall be on file in the Office of the Zoning Administrator. This map shall be presented on section sheets and each sheet properly identified and dated, is hereby adopted as a part of this Ordinance insofar as it indicates such designations, locations and boundaries of zoning districts, and the same shall be deemed to be as much a part of this Ordinance as if the same were fully set forth herein.

2-203 Zoning of Entire Jurisdictional Area

It is the intent of this Ordinance that the entire unincorporated area of the County of Fairfax, including all land, water areas, and waterways be included in the zoning districts established by this Ordinance. Any area not shown on the Official Zoning Map as being included in any district shall be deemed to be in the R-C District.

All water areas, waterways, alleys, roads, streets, highways, railroads, and other rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon same. Where the center line of such described water areas, waterways, or rights-of-way serves as a zoning district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

2-204 Zoning District Boundaries

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following the center lines of streets, alleys, railroads or waterways, such lines shall be construed to be such boundaries.

2. When such boundaries are indicated as approximately following the lines of lots or other parcels of record, and scale to be not more than ten (10) feet distant therefrom, such lot or parcel lines shall be deemed to be such boundaries.

3. Where a zoning district boundary divides a parcel of land, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by use of the scale appearing thereon, and scaled to the nearest foot.

4. Any zoning district boundary shown extended to or into any body of water bounding the County shall be deemed to extend straight to the County boundary.

5. Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above Paragraphs, the question shall be presented to the Zoning Administrator in accordance with the provisions of Sect. 18-103. Any person aggrieved by such decision made by the Zoning Administrator may appeal that decision in the manner prescribed in Sect. 18-301.

PART 3 2-300 INTERPRETATION OF DISTRICT REGULATIONS

The Sections that follow present a brief statement of interpretation of the district regulations set forth in Articles 3-7.

2-301 Statements of Purpose and Intent

The purpose and intent statement presented for each zoning district sets forth the underlying and primary purpose and intent of a given district; although it is not to be concluded that a district is created solely for the fulfillment of a singular stated purpose.

2-302 Permitted Uses

1. It is the intent of this Ordinance to permit any use, not otherwise prohibited by law, to locate in a specified zoning district(s), either as a permitted use, a special permit use or a special exception use. In the event there is not a particular use listed in the Ordinance that corresponds with the use in question, then it shall be interpreted that the use in the Ordinance having the most similar characteristics as the use in question shall govern. Where uncertainties continue to exist, the question shall be directed to the Zoning Administrator in conformance with the provisions of Sect. 18-103.

2. Notwithstanding that a given use might be construed to qualify as a use permitted in a district, if such use has characteristics more similar to a particular use listed or defined elsewhere in the Ordinance, then it shall be interpreted that the latter listing or definition shall govern. Where uncertainties continue to exist, the question shall be directed to the Zoning Administrator in conformance with the provisions of Sect. 18-103.

3. The term 'permitted uses' represents only those uses which are permitted by right in a given district and does not apply to uses otherwise allowed by special permit or special exception.

4. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied, except for a use that is permitted in the zoning district in which the structure or land is located.

5. No use shall be allowed in any district which is not permitted by the regulations for the district.

6. No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

7. No accessory service use, as defined in Article 20, shall hereafter be established, altered or enlarged unless such accessory service use complies with the provisions of Part 2 of Article 10.

8. No home occupation shall hereafter be established, altered or enlarged unless such home occupation complies with the provisions of Part 3 of Article 10.

9. No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

10. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied unless the minimum off-street parking and loading spaces required by Article 11 are provided. The off-street parking and loading regulations for any expansion or enlargement of a structure or use already established on the effective date of this Ordinance shall be in accordance with the provisions of Article 11.

2-303 Special Permit Uses

1. No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special permit use in such district, unless a special permit has been approved by the BZA and the use has been established in accordance with the provisions of Article 8.

2. No use existing prior to the effective date of this Ordinance which is allowed within a particular zoning district only by special permit by the provisions of this Ordinance, shall be replaced or enlarged except in accordance with the provisions of Sect. 15-101.

3. No special permit shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use group available by special permit. Provided, however, that if there is an existing and currently valid special permit for a use located on a lot which is zoned to more than one zoning district and there is an amendment to this Ordinance after the approval of the special permit which allows the use as a permitted use in one of the zoning districts in which the use is located while the requirement for a special permit continues in the other zoning district(s) in which the use is located, the special permit shall remain in full force and effect for the entire property, unless the BZA approves an amendment application to remove the land area from the special permit approval.

2-304 Special Exception Uses

1. No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been approved by the Board and the use has been established in accordance with the provisions of Article 9.

2. No use existing prior to the effective date of this Ordinance which is allowed within a particular zoning district only by special exception by the provisions of this Ordinance, shall be replaced or enlarged except in accordance with the provisions of Sect. 15-101.

3. No special exception shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use category available by special exception. Provided, however, that if there is an existing and currently valid special exception for a use located on a lot which is zoned to more than one zoning district and there is an amendment to this Ordinance after the approval of the special

exception which allows the use as a permitted use in one of the zoning districts in which the use is located while the requirement for a special exception continues in the other zoning district(s) in which the use is located, the special exception shall remain in full force and effect for the entire property, unless the Board approves an amendment application to remove the land area from the special exception approval

2-305 Use Limitations

1. No permitted, special permit or special exception use hereafter established, altered, modified or enlarged pursuant to this Ordinance shall be operated so as to conflict with the use limitations for the zoning district in which such use is located.

2. No permitted, special permit or special exception use already established on the effective date of this Ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zoning district in which such use is located.

2-306 Lot Size Requirements

1. In this Ordinance, lot size requirements are expressed in terms of:

   A. Minimum district size.

   B. Minimum lot area.

   C. Minimum lot width.

2. In the R-C through R-4 Districts, minimum lot area and lot width requirements are presented for conventional subdivision lots, and cluster subdivision lots which may be allowed in accordance with the provisions of Sections 2-421 and 9-615, as applicable. In addition, in the R-2 through R-30 Districts, minimum lot area and lot width requirements are presented for affordable dwelling unit developments.

3. Where no minimum district size is specified, the minimum lot area and lot width requirements shall define the minimum district size.

4. Where a minimum district size is specified for a given district, no parcel of lesser size shall be so classified in a given location in the County except by the Board acting on its own motion or except as may be permitted by the provisions of Sect. 9-610; provided, however:

   A. If the district is an I district and if the same classification, or that of a similar nature and intensity, exists in a given location, additional lands may be rezoned to such classification if such lands are adjacent to the zoned district, and if the rezoning of such lands would be in conformance with the adopted comprehensive plan.

   B. If the district is an R district and if the same classification exists in a given location, additional lands may be rezoned to such classification if such lands are contiguous to the zoned district, and if such lands are in the same ownership, and

if the rezoning of such lands would be in conformance with the adopted comprehensive plan.

5. Unless otherwise specified in this Ordinance, all uses permitted by right or allowed by special permit or special exception shall be subject to the lot size requirements specified for a given district. In the R-C through R-4 Districts, non-residential uses shall be controlled by the provisions presented for conventional subdivision lots, either the average or minimum lot area, whichever is greater, unless other minimum requirements are specified for such uses elsewhere in this Ordinance.

6. No land area which is encumbered by any covenant, easement or interest which would permit the establishment of power distribution facilities, including high power transmission lines, ground transformer stations and natural gas, petroleum or other transmission pipelines, but not ordinary transmission lines located in the public right-of-way or easements which total less than twenty-five (25) feet in width, shall be considered in the computation of minimum lot area or minimum district size.

2-307 Bulk Regulations

1. Except as may be qualified by the provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which such structure is located.

2. In this Ordinance, bulk regulations are expressed in terms of:

   A. Maximum building height.

   B. Minimum yard requirements.

   C. Minimum angle of bulk plane.

   D. Maximum floor area ratio.

3. Maximum building height, where specified, shall apply to all structures located in the zoning district except those structures/appurtenances presented in Sect. 506 below, unless a lower maximum height is established for a given use elsewhere in this Ordinance. Maximum building height shall be determined in accordance with the definition, Height, Building set forth in Article 20.

4. Minimum yard requirements shall be as specified for a given zoning district, except as may be qualified by the provisions of Part 4 of this Article or by the provisions of Article 13. The larger of the minimum yard requirements as specified for a given zoning district, or as may be required by the provisions of Part 4 of this Article or by the provisions of Article 13, shall be provided.

   The yard requirements shall apply to all buildings and structures as they relate to the lot lines, public streets, and to other buildings, but shall not apply to individual units in single family attached dwellings.

5. Minimum angle of bulk plane, expressed in degrees, shall be established by a vertical plane at the lot line and a plane drawn at the specified angle from the vertical, the bottom edge of which is tangential to the lot line. The angle shall be measured from that point on the lot line that is established by a line drawn perpendicular to the lot line from the closest point of the proposed principal structure; however, where a wall of the proposed principal structure is parallel to a lot line, the angle shall be measured in like manner from the midpoint of the proposed structure.

   In the case of single family detached dwellings without individual lots, groups of single family attached dwellings or multiple family structures, the minimum distance between structures shall be no less than the sum of the minimum required yards for the individual structures, determined as if a lot line were located between the structures drawn perpendicular to the shortest line between them.

   Together with other bulk regulations, the minimum angle of bulk plane shall limit the maximum effective building height of any improvement which may be constructed on a lot, and it shall establish the minimum yard requirements that shall be provided relative to the effective height of the building. In contrast to building height, the effective building height shall have application only in those instances where the angle of bulk plane is employed; however, no building shall ever exceed the maximum building height presented for the zoning district in which located. (Reference Illustration 1, Plates 1-3 in Appendix 2)

6. Maximum floor area ratio shall be established in accordance with the definition, Floor Area Ratio, presented in Article 20. Reference Par. 4 of Sect. 308 below for further provisions that may be applicable to floor area ratio.

2-308 Maximum Density

1. In no instance shall the maximum density specified for a given zoning district be exceeded, except as may be permitted by the provisions of Sect. 405 below, Part 8 of Article 2, or Part 9 of Article 8. Maximum density shall be expressed in number of units or number of persons per acre.

2. Maximum density shall be calculated on the gross area of the lot, except when thirty (30) percent or more of the total area of the lot is comprised of any or all the following features:

   A. Floodplains and adjacent slopes in excess of fifteen (15) percent grade.

   B. Quarries.

   C. Marine clays.

   D. Existing water bodies, unless a water body is a proposed integral design component of an open space system for a given development, in which case total density credit shall be calculated on such areas.

   When thirty (30) percent or more of the total area of the lot is comprised of any or all of the above features, then fifty (50) percent of the maximum permitted density shall be calculated for that area of the lot which exceeds thirty (30) percent of the total area of the

lot. The fifty (50) percent density limitation shall apply, notwithstanding that such area may be used for open space, parks, schools, rights-of-way, utility easements or other designated uses as may be presented in the following paragraphs.

3. In cases where a given area within a lot is in a major utility easement or right-of-way acquired after the effective date of this Ordinance, no density credit shall be calculated on such area. For the purpose of this Paragraph, a major utility easement or right-of-way shall be one having a width of twenty-five (25) feet or more which is located entirely outside a street right-of-way; provided, however, density credit may be allowed by the Board, by the approval of a special exception pursuant to Part 6 of Article 9, for major utility easements granted after the effective date of this Ordinance when the grantee of such easement is the Board of Supervisors or an authority or other governmental instrumentality, the members of which are appointed by the Board.

4. In cases where a given area within a lot or parcel is needed by the County for a public park, school site, other public facility site, mass transit facility or street improvement related thereto, or public street right-of-way and there are no encumbrances to the title to such area which would interfere with its use, density or intensity (floor area ratio) credit shall be calculated on that area severed for such purposes and shall be granted in accordance with the following:

   A. There is approval of density/intensity credit prior to the recordation of the dedication or conveyance among the County's land records by:

      (1) The Board in approving a rezoning or special exception application when dedication or conveyance is part of such application; or

      (2) The Director in approving a subdivision plat in accordance with Chapter 101 of The Code, or a site plan in accordance with Article 17 of this Ordinance, when dedication or conveyance is part of such subdivision plat or site plan; or

      (3) The County Executive or designee when such dedication or conveyance is not proposed as part of the approval of a rezoning, special exception, subdivision plat or site plan.

   B. Such approval shall be based upon the following:

      (1) The area to be dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public facility site or use and there are no encumbrances to the title which would interfere with such use; and

      (2) The area to be dedicated or conveyed is necessary for the public facility site or use and, with the exception of the area dedicated for public streets other than major thoroughfare, is in accordance with the adopted comprehensive plan. Where such proposed public use requires approval under Sect. 15.2-2232 of the Code of Virginia, such approval shall be obtained prior to the granting of credit under this Section; and

(3) The area to be dedicated or conveyed will be deeded to the County, and such dedication or conveyance will not be made in exchange for monetary compensation.

C. Prior to the dedication or conveyance, a plat of dedication showing the land area to be severed, the resultant lot and the appropriate appurtenant density/intensity allocation shall be submitted to and approved by the Director. Such plat and an irrevocable dedication or conveyance to the County for public use shall be of record among the land records of the County. Thereafter, any reallocation of such density/intensity credit shall require the submission to and approval by the Director of a plat, which shall then be recorded among the land records of the County.

Density/intensity credit approved after February 28, 1995 and in accordance with this paragraph shall run in perpetuity with the land remaining after such dedication or conveyance.

5. The provisions of Par. 2 and 3 above shall not be applicable in those areas of the County zoned PRC or in those areas where a planned residential community is delineated on the adopted comprehensive plan on the effective date of this Ordinance. In such areas, maximum density shall be calculated on the gross residential and associated commercial areas.

2-309 Open Space

The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Ordinance. Open space requirements shall, generally, be presented as an expressed percent of the gross area of the lot.

No part of the open space in any development shall be subsequently reduced below the minimum requirements of this Ordinance, nor be utilized in any manner contrary to the provisions of this Ordinance, except as specifically provided otherwise in this Ordinance. Open space shall not be denuded, defaced or otherwise disturbed in any manner at any time without the approval of the Director.

The computation of open space areas shall be based on the following rules:

1. In cases where the balance of land not contained in lots and streets is needed by the County for parks, recreational areas, or stream valleys, and such land is suitable in location, size, shape, condition and topography for such needed purposes as determined by the Director, then such land shall be deeded to the County for such purpose. Such land shall be referred to as dedicated open space, and shall be given full credit in satisfying the open space requirement for a given district.

2. In cases where a given area within a lot is needed by the County for a school site, then fifty (50) percent of such area shall be given credit for satisfying the open space requirement of the district in which located.

3. In cases where the balance of land not contained in lots and streets is not needed by the County for such purposes as set forth in Par. 1 and 2 above, then the Director may approve such lands to be conveyed to a nonprofit organization as provided for in Part 7.

Such land shall be referred to as common open space, and shall be given full credit in satisfying the open space requirement for a given district.

4. In cluster subdivisions, at least seventy-five (75) percent of the minimum required open space or one (1) acre, whichever is less, shall be provided as a contiguous area of open space, which has no dimension less than fifty (50) feet. Deviations from this provision may be permitted with Board of Supervisors' approval of a Category 6 special exception for waiver of open space requirements or appropriate proffered conditions for cluster subdivisions in the R-C, R-E and R-1 Districts and for cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, if it finds that such deviation will further the intent of the Ordinance, the adopted comprehensive plan and other adopted policies. No deviation from this provision shall be permitted for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater.

   In cluster subdivisions wherein the required open space will approximate five (5) acres in area, generally such open space shall be so located and shall have such dimension and topography as to be usable open space.

5. Fifty (50) percent of the area which lies within a major utility easement or right-of-way may be calculated as open space, but only if the remaining rights of the easement or right-of-way are dedicated for recreational or open space use. In no instance, however, shall lands which lie within a major utility easement or right-of-way represent more than thirty (30) percent of the total land area needed to satisfy the open space requirement for a given district. For the purpose of this Paragraph, a major utility easement or right-of-way shall be one having a width of twenty-five (25) feet or more which is located entirely outside a street right-of-way.

6. In no instance shall open space credit be given for lands which are included in or reserved for the right-of-way of any street, or for any mass transit facility, or for any public facility except as qualified in the Paragraphs above.

7. In the administration of these provisions, the Director shall have the authority to determine whether lands do qualify as open space and the authority to determine whether such lands are common open space, dedicated open space, landscaped open space or recreational open space.

8. The Board may waive the open space requirement presented for a given zoning district in accordance with the provisions of Sect. 9-612.

2-310 Affordable Dwelling Unit Developments

In the R-2 through R-30 Districts and P Districts, affordable dwelling unit developments may be required in accordance with the provisions of Part 8 below. Such developments shall be subject to the provisions of Part 8 below and the minimum lot size requirements and bulk regulations set forth for affordable dwelling unit developments in the respective zoning districts. Except as may be qualified, all other provisions of the respective zoning districts shall be applicable to such developments.

2-311 Statements of Additional Regulations

Within each zoning district there are additional regulations referenced under this Section heading that are directly applicable to development permitted in the district.

PART 4 2-400 QUALIFYING LOT AND YARD REGULATIONS

2-401 Limitations on Subdivision of a Lot and Creation of Lots in the R-C District

1. Only a lot that exceeds the minimum provisions of this Ordinance may be subdivided to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions, except for a minor adjustment of lot lines or consolidation of lots as may be permitted under Sect. 405 below.

2. In order to assure the orderly subdivision of land and avoid sharply acute angles in lots lines, elongated appendages, extreme width to depth ratios, and other configurations that would serve to circumvent the purpose and intent of this Ordinance, lots located in the R-E, R-1, R-2, R-3, R-4, R-5 or R-8 Districts and the single family portions of a PDH, PDC or PRC District may be subdivided and used for any use permitted in the zoning district in which located under this Ordinance pursuant to a Building Permit, provided that the following shape factor limitations are met:

   A. Except for lots designated as open space, lots depicted on an approved development plan in a PRC District, lots depicted on an approved final development plan in a PDH or PDC District and lots located in a cluster subdivision approved under the provisions of Sect. 9-615, all lots shall have a shape factor less than or equal to thirty-five (35) or shall meet the provisions of Par. 2B below.

   B. Lots with shape factors greater than thirty-five (35) but less than fifty (50) may be permitted with special exception approval by the Board pursuant to Sect. 9-626.

   C. Lots located within the R-2, R-3 or R-4 Districts which are approved by the Director for cluster development, or lots which are subject to a waiver of the minimum lot width requirements approved by the Board of Supervisors in accordance with Part 6 of Article 9, shall exclude the pipestem portion of a pipestem lot from the shape factor computation. The lot perimeter shall include the width of the pipestem portion of the lot at the point where it joins the main portion of the lot.

3. A lot may be created in the R-C District that complies with the R-C District regulations and any other applicable regulations, and such lot may be used for any use permitted in the R-C District pursuant to a Building Permit, provided that the following shape factor limitations are met:

   A. Except for lots designated as open space or lots developed under the cluster provisions of Sect. 9-615, all lots shall have a shape factor less than or equal to sixty (60) or shall meet the provisions of Par. 3B below.

   B. Lots with shape factors greater than 60 but less than 100 may be permitted with special exception approval by the Board pursuant to Sect. 9-626.

2-402 Restrictions on Areas Not Included in Lots

In the event any area of a parcel that is subdivided is not included as a part of an individual lot for a single family dwelling unit, including areas established to meet the open space requirements of this Ordinance, there shall be recorded with the instruments of subdivision, covenants or other restrictions designating the proposed use of such areas.

2-403 (Deleted by Amendment #87-141, Adopted April 27, 1987)

2-404 (Deleted by Amendment #87-141, Adopted April 27, 1987)

2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

   This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

   A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or

   B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:

      (1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and

      (2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements; or

      (3) Notwithstanding the preceding paragraph, a minor adjustment of lot lines may occur between corner lots and contiguous lots that changes the road frontage or orientation of the lots, provided that there shall be no additional lots or outlots created, the number of lots that does not comply with the current minimum lot width requirement shall not be increased, and the amount of lot width noncompliance shall not be aggravated. In addition, such adjustment of lot lines shall not create or aggravate any existing

noncompliance with regard to minimum lot area, shape factor or minimum yard requirements.

2. A lot that did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided that:

   A. The lot is described or depicted in a metes and bounds description or on a subdivision plat not approved by the County, which description or plat was recorded among the land records of Fairfax County prior to March 25, 2003; and

   B. The lot described in the metes and bounds description or on the unapproved plat was identified as a separate lot on the Fairfax County Real Property Identification Map and was taxed as a separate parcel on or before March 25, 2003; and

   C. The lot contained a principal structure on March 9, 2004 that was:

      (1) Occupied or had been occupied at any time within five (5) years prior to March 9, 2004; or

      (2) Under construction pursuant to a Building Permit and a Residential or Non-Residential Use Permit is issued within twelve (12) months after March 9, 2004 and

   D. Except for the minimum district size, lot area, lot width and shape factor requirements of the district, all other regulations of this Ordinance shall be satisfied, including but not limited to the bulk and permitted use regulations of the zoning district in which located.

2-406 Pipestem Lots

1. When deemed necessary to achieve more creative planning and preservation of natural property features or to provide for affordable dwelling unit developments, the Director may approve pipestem lots either as a single lot or in a group of lots not to exceed five (5) in number, but only in accordance with the provisions of the Public Facilities Manual and one of the following:

   A. Affordable dwelling unit developments required under the provisions of Part 8 below.

   B. Residential cluster subdivisions approved under the provisions of Sections 2-421 or 9-615.

   C. Notwithstanding the minimum lot width requirements, in the R-5, R-8 and R-12 Districts when shown on an approved proffered generalized development plan.

   D. In the PDH and PDC Districts when shown on an approved final development plan.

E. In the PRC District when shown on an approved PRC plan.

F. In conjunction with the approval of a special exception waiving minimum lot width requirements pursuant to Sect. 9-610.

2. In addition, where lots with pipestem driveways are created in accordance with the approval of a variance granted by the BZA, said lots will be deemed pipestem lots for the purpose of this Ordinance.

2-407 Access to Residential Lots

All dwelling units shall have access to a dedicated public street, except as provided for by the provisions of Part 3 of Article 11.

2-408 (Deleted by Amendment #87-150, Adopted October 19, 1987, Effective October 20, 1987, at 12:01 AM)

2-409 (Deleted by Amendment #06-388, Adopted October 23, 2006, Effective October 24, 2006, at 12:01 AM)

2-410 Yard, Open Space Reduction Not Permitted

Except as may be qualified in the following Sections, no yard or other open space provided on any lot for the purpose of complying with the provisions of this Ordinance shall be reduced so as to be less in width or area than is required by this Ordinance, and no such yard or open space shall be considered as providing any part of a yard or open space for any other lot.

2-411 Yard Requirements for Open Land

If a lot is, or will be, occupied by a permitted use without structures, then the minimum yards that are required for such a lot under the applicable zoning district regulations shall be provided and maintained unless some other provision of this Ordinance requires or permits a different minimum yard; provided, however, front, side and rear yards shall not be required on lots used for agricultural purposes, open public areas or open space; but in no event shall structures associated with such open land uses be located in the required minimum yards.

2-412 Permitted Extensions Into Minimum Required Yards

The features set forth in the following paragraphs may extend into minimum required yards as specified.

For lots in the PDH, PDC, PRC, PRM and PTC Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. In other districts where minimum yard requirements are determined by a specified distance between buildings, the lot lines shall be established by a line located between the buildings drawn at the mid-point and perpendicular to the shortest line between them.

1. The following shall apply to any structure:

A. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required yards but shall not extend into any required transitional screening areas nor overhang travel lanes, service drives or sidewalks.

B. Sills, leaders, belt courses and other similar ornamental features may extend twelve (12) inches into any minimum required yard.

C. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.

D. Bay windows and chimneys, none of which are more than ten feet in width, may extend three feet into any minimum required yard, but not closer than five feet to any lot line.

E. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.

F. An accessibility improvement may extend into any minimum required yard.

2. The following shall apply to any deck attached to a single family detached dwelling:

A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line

(2) Side yard: 5 feet, but not closer than 5 feet to any side lot line

(3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line

B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: No extension

(2) Side yard: No extension

(3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

C. Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: No extension

(2) Side yard: No extension

(3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line

3. The following shall apply to any deck attached to a single family attached dwelling:

A. Any open deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: No extension

(2) Side yard: 5 feet, but not closer than 5 feet to any side lot line

(3) Rear yard: To the rear lot line and from side lot line to side lot line, except on lots with a minimum required side yard, not closer than 5 feet to that side lot line

B. Any open deck with any part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: No extension

(2) Side yard: No extension

(3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line. Notwithstanding the above, on lots with rear yards of 17 feet or less, a deck with a depth of 12 feet may be permitted, but not closer than 2 feet to the rear lot line, if such lot line abuts open space or an utility easement, not less than 10 feet in width. In addition, on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.

C. Any roofed deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

(1) Front yard: No extension

(2) Side yard: No extension

(3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard

4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:

   A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.

   B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.

5. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-922.

2-413 Yard Regulations for Residential Lots Having Reverse Frontage

1. Notwithstanding any other provision of this Ordinance, on any residential lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements as set forth for a given zoning district shall be deemed to apply to that yard in front of the principal entrance or containing the approach to the primary building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards unless such requirements are qualified below.

2. A privacy fence or wall may be approved by the Director in the rear and side yards of residential lots designed with reverse frontage, but in no instance shall such a privacy fence or wall be permitted that could obstruct the view of traffic from an intersecting street. To such end, no privacy fence or wall shall be located closer to the right-of-way than a point which would provide at least a sight distance for a vehicle seeking such intersecting street equal to the minimum sight distance acceptable to the Virginia Department of Transportation for the permitting of entrances onto a thoroughfare of the class involved.

3. Accessory uses shall also be permitted in the rear and side yards of residential lots designed with reverse frontage, but only in accordance with the provisions of Part 1 of Article 10, and subject to the qualification on location as presented in Par. 2 above.

2-414 Yard Regulations for Lots Abutting Certain Principal Arterial Highways and Railroad Tracks

1. Notwithstanding any other provision of this Ordinance, the following minimum distances shall be maintained between all principal buildings and right(s)-of-way of interstate highways, the Dulles International Airport Access Highway and the combined Dulles International Airport Access Highway and Dulles Toll Road:

   A. All residential buildings - 200 feet.

   B. All commercial and industrial buildings - 75 feet.

2. Notwithstanding any other provision of this Ordinance, there shall be a minimum distance of 200 feet between all residential dwellings and railroad tracks, except for tracks

associated with electrically-powered regional rail transit facilities and tracks associated with accessory electrically-powered regional rail transit facilities.

3. Deviations from the provisions of Par. 1 and 2 above may be permitted with Board of Supervisors' approval of appropriate proffered conditions, if it finds that such deviations will further the intent of the Ordinance, adopted comprehensive plan and other adopted policies.

4. The provisions of Par. 1 and 2 above shall not apply in those instances where a lot has been recorded prior to the effective date of this Ordinance where the enforcement of this regulation would negate the use of the lot in accordance with the provisions of the zoning district in which located.

2-415 Yard Regulations for Lots Having Area in Floodplain

Except as provided for in Sect. 412 above, no dwelling or portion thereof shall be located closer than fifteen (15) feet in horizontal distance to the edge of a floodplain, except the Director may approve:

1. The location of dwellings closer than fifteen (15) feet to a permanent water surface of any appropriately designed impoundment; or

2. The location of additions closer than fifteen (15) feet to the edge of a floodplain for single family detached and attached dwellings constructed prior to August 14, 1978. Any decision of the Director shall be based on consideration of at least all of the following factors:

   A. Type and location of proposed structure

   B. Nature and extent of any proposed grading or fill

   C. Impact of proposal on the floodplain on properties upstream and downstream

   D. Potential of proposal to cause or increase flooding or to jeopardize human life

   E. Impact of the proposed use on the natural environment and on water quality

For the purpose of this Ordinance, the fifteen (15) feet horizontal distance shall be deemed a minimum required yard. If a dwelling or portion thereof is proposed for location in a floodplain, however, such shall be regulated by the provisions set forth in Part 9 below.

2-416 Yard Regulations for Pipestem Lots and Lots Contiguous to Pipestem Driveways

1. On a pipestem lot, notwithstanding the minimum yard requirements of the district in which located, the front yard shall be a minimum of twenty-five (25) feet. The required twenty-five (25) feet shall be measured from the lot line formed by the pipestem or the edge of the pipestem driveway pavement, whichever is the greater distance. In an affordable dwelling unit development, either twenty-five (25) feet or the minimum front

yard requirement of the zoning district in which located shall apply, whichever is the lesser distance.

2. On a lot contiguous to a pipestem driveway serving more than one pipestem lot, in addition to the minimum front yard requirements of the district in which located, the yard contiguous to the pipestem driveway shall also be deemed a minimum required front yard and shall be a minimum of twenty-five (25) feet. The required twenty-five (25) feet shall be measured from the lot line formed by the pipestem or the edge of the pipestem driveway pavement, whichever is the greater distance; provided, however, that such lot shall not be deemed a corner lot. In an affordable dwelling unit development, either twenty-five (25) feet or the minimum front yard requirement of the zoning district in which located shall apply, whichever is the lesser distance.

2-417 Reduction in Any Yard Requirement

A twenty (20) percent reduction of a minimum yard requirement shall be permitted by the Director on any yard reduced in dimension below minimum requirements at any time by condemnation or by acquisition of a portion thereof for public purposes by any governmental agency.

2-418 Waiver of Yard Requirements in Selective Areas

Notwithstanding any other provision of this Ordinance and except in a Commercial Revitalization District, the minimum yard requirements and other required distances from lot lines set forth in this Ordinance may be reduced for developments located in an area where specific design guidelines have been established in the adopted comprehensive plan, such as in Community Business Centers, Commercial Revitalization Areas and Transit Station Areas, in accordance with such recommendations. Such reduced yards or other required distances from lot lines may be approved by the Board, in conjunction with the approval of a rezoning or special exception, or by the Director in approving a site plan, when it is determined that such reduction is in accordance with, and would further implementation of, the adopted comprehensive plan. Yard requirements in a Commercial Revitalization District and any allowable reductions thereof, shall be in accordance with the provisions of that district.

2-419 Reduction in Minimum Yard Requirements Based on Error in Building Location

Notwithstanding any other provision of this Ordinance, the Zoning Administrator shall have the authority, as qualified below, to approve a reduction in the minimum yard requirements in the case of a building, or a modification to the location regulations in the case of any freestanding accessory structure existing or partially constructed, which does not comply with such requirements applicable at the time such building or accessory structure was erected. Such a reduction may be approved by the Zoning Administrator in accordance with the following provisions:

1. The Zoning Administrator determines that:

   A. The error does not exceed ten (l0) percent of the measurement that is involved, and

B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building or structure subsequent to the issuance of a Building Permit, if such was required, and

C. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

E. It will not create an unsafe condition with respect to both other property and public streets, and

F. To force compliance with the minimum yard requirements and/or location regulations would cause unreasonable hardship upon the owner, and

G. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

2. In approving such a reduction or modification under the provisions of this Section, the Zoning Administrator shall allow only a reduction or modification necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.

3. Upon the approval of a reduction or modification for a particular building or structure in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

4. The Zoning Administrator shall have no power to waive or modify the standards necessary for approval as specified in this Section.

5. If there is an error greater than ten (10) percent of the measurement that is involved, a reduction or modification may be granted by the BZA in accordance with the provisions of Sect. 8-914.

6. In accordance with Sect 8-914, the BZA may also grant a reduction of the minimum yard requirements or a modification of the accessory structure location requirements due to an error in building location that is no greater than ten (10) percent of the measurement involved when such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property; or in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent.

2-420 Yard Regulations for Lots Affected by Certain Dedications

The dedication of land for a service drive, bus turnout and/or bus shelter to the County or to the Virginia Department of Transportation shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the lot line as it existed prior to such dedication, except in no instance shall a building be erected closer than fifteen (15)

feet from the nearest street line. This Section shall not apply to a lot(s) which contains a single family detached dwelling unit.

2-421 Cluster Subdivisions

1. Cluster subdivisions may be permitted in the R-2 District with a minimum district size of two (2.0) acres or greater and may be permitted in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, with approval by the Director pursuant to Chapter 101 of The Code, The Subdivision Ordinance.

2. Cluster subdivisions may be permitted in the R-C, R-E and R-1 Districts and may be permitted in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres with special exception approval by the Board pursuant to Sect. 9-615.

3. After July 1, 2004, special exception approval of new cluster subdivisions in the R-2 District and new cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, shall not be permitted.

4. After July 1, 2004, the Board may approve a proffered rezoning to the R-2 District or a proffered rezoning to a R-3 or R-4 District which has a minimum district size of three and one-half (3.5) acres or greater, for the development of a cluster subdivision without bonus density when the application is for a rezoning to a residential district that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property. In conjunction with Board approval of such a proffered rezoning, all minimum district size, lot area, lot width, shape factor and open space requirements of the district and all applicable cluster subdivision provisions of Chapter 101 of The Code, The Subdivision Ordinance, shall be met without modification or waiver. However, the provisions of Sect. 18-204 shall apply to such an approved proffered rezoning.

5. After July 1, 2004, the Board may approve a proffered rezoning to the R-C, R-E or R-1 District or a proffered rezoning to a R-3 or R-4 District which has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, for the development of a cluster subdivision without bonus density when the application is for a rezoning to a residential district that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property.

6. After July 1, 2004, the Board may approve a rezoning to a PDH District for a development consisting, in whole or in part, of single family detached dwellings without bonus density, provided that the application is for rezoning to a PDH District that has a higher permitted maximum density than the permitted maximum density of the existing zoning of the application property or is a rezoning from a district that permits cluster development with Director approval. Rezoning to a PDH District for a development consisting, in whole or in part, of single family detached dwellings shall be prohibited when the existing zoning of the property has the same permitted maximum density as the requested PDH District and such existing zoning permits cluster development with Board approval. In addition, rezoning to a PDH District shall be prohibited, where the application request is from the R-5 District to the PDH-5 District or from the R-8

District to the PDH-8 District for the development, in whole or in part, of single family detached dwellings.

7. Cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts that were approved by proffered rezoning by the Board prior to July 1, 2004, shall continue to be subject to the proffered rezoning approval. Amendments to such proffered rezonings for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts may be filed and considered in accordance with the provisions of Sect. 18-204, except that no amendment shall be filed or approved that permits the cluster subdivision to be enlarged, expanded, increased in density or relocated. Minor modifications to such subdivisions may be permitted pursuant to Sect. 18-204.

8. Special exceptions for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts that were approved by the Board prior to July 1, 2004 and which were established, shall remain valid and the cluster subdivision shall continue to be subject to the special exception approval and any development conditions imposed by such approval. Amendments to such special exceptions for cluster subdivisions in the R-C, R-E, R-1, R-2, R-3 and R-4 Districts, may be filed and considered in accordance with the provisions of Sections 9-014 and 9-615. Minor modifications to such subdivisions may be permitted pursuant to Sect. 9-004.

9. Cluster subdivisions in the R-E, R-1, R-2, R-3 and R-4 Districts that were approved administratively by the Director prior to October 20, 1987, or that are subject to the grandfathering provisions adopted pursuant to Zoning Ordinance Amendment ZO 87-150, may continue pursuant to any conditions of such approval. Any modification to such subdivision may be approved by the Director, pursuant to the requirements of this Section and Chapter 101 of The Code, The Subdivision Ordinance.

2-422 Compliance with Other Applicable Regulations and Standards

Notwithstanding any minimum yard requirements or locational criteria contained in this Ordinance or any zoning approval associated with a rezoning, special permit, special exception or variance, no structure shall be allowed if such structure is precluded by any provision of The Code and/or subject to any applicable requirements of the Virginia Uniform Statewide Building Code that conflict with the zoning approval, including but not limited to, any fire rating wall and limits on the percentage of wall openings.

2-423 Limitations on Yards That Abut Outlots That Are Contiguous to Streets

When a building lot abuts an outlot that is contiguous to a street, the minimum distance between the principal structure on the building lot and the street line of the outlot shall be equal to or greater than the minimum required front yard for the district in which the building lot is located. If two (2) or more contiguous outlots are located between a building lot and a street line, a distance equal to or greater than the minimum required front yard for the district in which the building lot is located shall be maintained between the principal structure on the building lot and such street line. In addition, the minimum yard dimension of the building lot that is abutting the outlot shall be equal to or greater than the applicable minimum required yard for the district in which the building lot is located. (Reference Illustration 4 in Appendix 2) The Board may modify this yard requirement in conjunction with the approval of a rezoning or

special exception when it is determined that such modification will have minimal adverse impacts on adjacent properties.

PART 5 2-500 QUALIFYING USE, STRUCTURE REGULATIONS

2-501 Limitation on the Number of Dwelling Units on a Lot

There must not be more than one dwelling unit on any one lot, nor may a dwelling unit be located on the same lot with any other principal building. This provision does not preclude multiple family dwelling units as permitted by the provisions of this Ordinance; an accessory use or accessory service use as may be permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by the BZA in accordance with the provisions of Part 9 of Article 8; single family attached dwellings in a rental development; or a condominium development as provided for in Sect. 518 below; or wireless facilities and associated support structures, but only in accordance with the provisions of Sections 2-514, 2-519, 2-520, and 2-522 below.

In addition, in all districts, the Board or BZA, in conjunction with the approval of a special exception or special permit use, may allow dwelling units for a proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. Such dwelling units may either be located within the same structure as the special exception or special permit use or in separate detached structures on the same lot. If located in separate detached structures, such dwelling units must meet the applicable bulk regulations for a principal structure set forth in the specific district in which located, and any locational requirements set forth as additional standards for a special exception or special permit use are not applicable to detached structures occupied by dwelling units.

2-502 Limitation on the Occupancy of a Dwelling Unit

A dwelling unit, except an accessory dwelling unit which shall be subject to the provisions of Part 9 of Article 8, may be occupied by not more than one (1) of the following:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children and with not to exceed two (2) roomers or boarders as permitted by Article 10.

2. Two (2) single parents or guardians with not more than a total of six (6) of their dependent children, including natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.

3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.

4. A group residential facility.

5. Any group housekeeping unit which may consist of not more than ten (10) persons as may be approved by the BZA in accordance with the provisions of Part 3 of Article 8.

6. One (1) person or two (2) persons one of whom shall be elderly and/or disabled as defined in Sect. 8-918, and one (1) or both of whom own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.

7. A bed and breakfast, as may be approved by the Board of Supervisors in accordance with the provisions of Part 5 of Article 9.

2-503 Sewer and Water Facility Requirements

1. All structures built hereafter shall meet the requirements for sanitary sewer and water facilities as set forth in Chapters 67.1, 68.1 and 101 of The Code, and the Public Facilities Manual.

2. An individual sewage disposal system or private water supply system is an integral part of the principal use and, therefore, shall be located on the same lot as the principal use and within a zoning district which permits the principal use served by the system. Provided, however, in the event an existing system fails, is condemned or acquired for a public purpose, a replacement system may be installed in accordance with the following:

   A. If a location conforming with the above is not available, a replacement system may be installed at any location acceptable to the Director of the Health Department, either on the lot of the principal use or within a recorded perpetual easement approved by the County Attorney on a contiguous lot; and

   B. Such a replacement system shall be limited to the size and capacity required to serve the existing principal use, and shall not be further expanded; and

   C. Such a replacement system shall not be permitted to serve new construction, except as may be provided by Article 15.

3. An individual sewage disposal system or private water supply system shall require the approval of the Director of the Health Department and may be located in any part of any front, side, or rear yard, subject to the approval of the Director of the Health Department. This provision shall not be construed as a basis for a waiver or modification of transitional screening or barriers, which shall be provided in accordance with the requirements of Article 13.

4. Structures either existing as of October 31, 1988, or grandfathered by the Board of Supervisors on October 31, 1988, which do not have an individual sewage disposal system or private water supply system located on the same lot with the structure or within a zoning district which permits the structure may be remodeled or enlarged provided such construction does not result in additional bedrooms, the addition of an appliance or fixture or other rooms or facilities which would require an expansion or enlargement of the nonconforming system.

2-504 Use Limitations in Yard Areas

In any required yard area in any C or I district no goods shall be displayed, offered for sale or stored; no services or activities of any kind that are associated with the primary use of the property shall be performed and no processing or other industrial operation of any kind shall be carried on; provided that these limitations shall not be construed to prohibit the provision of required off-street parking spaces in any yard area or the location of service station or service

station/mini-mart pump islands and any merchandise displayed thereon, except as may be qualified by other provisions of this Ordinance.

2-505 Use Limitations on Corner Lots

1. On every corner lot within the triangle formed by the street lines of such lot and a line drawn between points on such lines as established below, there shall be no structure or planting of such nature and dimension as to obstruct sight distance other than a post, column or trunk of a tree (but not branches or foliage), which is not greater than one (1) foot in cross section or diameter. Such sight distance shall be maintained between two (2) horizontal planes, one of which is three and one-half (3 ½) feet, and the other ten (10) feet above the established grade of either street or, if no grade has been officially established, then above the average elevation of the existing surface of either street at the center line thereof:

   A. For a lot having an interior angle of ninety (90) degrees or more at the street corner thereof: Points shall be 30 feet from the property lines extended.

   B. For a lot having an interior angle of less than ninety (90) degrees at the street corner thereof: Points shall be 30 feet from the property lines extended, plus one (1) foot for every ten (10) degrees or major fraction thereof by which such interior angle is less than ninety (90) degrees.

2. Notwithstanding the above, the Board, in conjunction with the approval of a rezoning or special exception application, may modify the sight distance requirements on a corner lot based upon an evaluation of the specific development proposal which shall consider the demonstrated compliance with sight distance requirements of the Virginia Department of Transportation and a specific sight distance analysis and/or any other relevant design guidelines that would demonstrate safe and adequate vehicular, bicycle and/or pedestrian movements at an intersection.

2-506 Structures Excluded From Maximum Height Regulations

1. The height limitations of this Ordinance shall not apply to accessory structures or uses such as barns, silos, chimneys, spires, cupolas, gables, penthouses, scenery lofts, domes, flagpoles, purple martin birdhouses, flues, monuments, television antennas, water towers, water tanks, smoke-stacks, or other similar roof structures and mechanical appurtenances; provided, however:

   A. No such structure when located on a building roof shall occupy an area greater than twenty-five (25) percent of the total roof area.

   B. No such structure shall be used for any purpose other than a use incidental to the main use of the building.

   C. Air-conditioning units on building roofs shall not be excluded from the maximum height regulations, unless the units are located in a penthouse or are completely screened on all four sides, such penthouse or screening to be an integral architectural design element of the building.

D. No such freestanding structure shall be located except in strict accordance with the provisions of Part 1 of Article 10.

2. A parapet wall, cornice or similar projection may exceed the height limit established for a given zoning district by not more than three (3) feet, but such projection shall not extend more than three (3) feet above the roof level of any building.

3. Rooftop guardrails required by the Virginia Uniform Statewide Building Code for safety reasons shall be excluded from building height.

2-507 Limitations on Mobile Homes

1. No mobile home shall be occupied for dwelling purposes unless the same is located in a mobile home park in accordance with all the regulations applying thereto under State law, Part M of Article 3 of this Ordinance or any other County ordinance, except as follows:

A. On railroad rights-of-way for the purpose of supplying temporary housing for personnel engaged in emergency repair work, subject to the approval of the Zoning Administrator and the Health Department, for a period not to exceed thirty (30) days.

B. As a temporary dwelling as provided for in Part 8 of Article 8.

C. On a parcel of 100 acres or more which is used primarily for agriculture, the Zoning Administrator may permit not more than one (1) mobile home as the quarters of a caretaker, watchman or tenant farmer, and his family; provided that such use meets the following conditions:

(1) Shall be located only in an R-A, R-P, R-C, R-E or R-1 District.

(2) Shall be located not less than 200 feet from any public street, and not less than 100 feet from any abutting property line.

(3) Shall be connected to public sewer or an approved septic field, public water or an approved well, and to electricity.

(4) Shall be located on the property of the employer, and the mobile home shall be titled by the property owner.

D. In conjunction with the approval of a special permit or special exception for a church, private school of general or special education, child care center or nursery school, mobile homes may be allowed as temporary dwellings for faculty, staff or students. Such mobile homes shall be connected to public sewer or an approved septic field, public water or an approved well, and to electricity and shall be subject to the regulations of the zoning district in which located. In addition, the hearing body may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with the use of adjacent properties. Such conditions and restrictions may include, but need not be limited to, location, landscaping and screening, and time limitations.

E. As a manufactured home on a lot in an R-A District, in accordance with the provisions of Part A of Article 3.

2. Except as qualified in Par. 1 above, it shall be unlawful for any property owner, tenant, lessee or administrator of any real estate in the County to rent, lease or allow any mobile home that is to be used as a dwelling or living quarters to be parked on the land under their supervision unless such land is a legal mobile home park licensed in accordance with the provisions of Chapter 32 of The Code and maintained in accordance with the provisions of this Ordinance.

2-508 (Deleted by Amendment #85-122, Adopted September 16, 1985, Effective December 1, 1985)

2-509 Dwelling Units Displayed for Advertising Purposes

A dwelling unit displayed for advertising purposes in connection with a residential development may be located in any R district, provided such dwelling unit is located within the recorded subdivision it advertises and such dwelling unit conforms to all of the requirements of this Ordinance, to include the applicable zoning district regulations. Such a dwelling unit may be used for subdivision or apartment sales or rental offices but only in accordance with the provisions of Sect. 8-808.

2-510 Sales From Vehicles

1. The sale or offering for sale of goods or services from any vehicle shall be deemed to be a commercial use. Food trucks shall be subject to Paragraphs 2 through 4 below. All other sale of goods or services from any vehicle shall be subject to all the regulations prescribed for the zoning district in which the same is conducted, but this regulation shall not be deemed to prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.

2. Food trucks shall be permitted as an accessory use in any industrial or commercial district, in the commercial areas of a P district, or on any construction site with an active building permit and on-going construction activity, subject to compliance with the provisions of this section. Any food truck shall be in substantial conformance with any proffered condition, development plan, special permit or special exception approval. If any proffered condition, development plan, special permit or special exception approval specifically precludes food trucks or otherwise regulates food trucks, including but not limited to the location, hours of operation and/or number of food trucks, the zoning approval shall govern that aspect of the food truck location or operation in lieu of the following provisions. Unless otherwise specified in any zoning approval, all provisions of this section shall apply to any food truck location. Food trucks may be operated from an approved location, subject to compliance with the standards set forth in Par. 3 below, and the following:

A. The owner of property on which a food truck may be located shall file a food truck location permit application with the Zoning Administrator on forms furnished by the County.

B. Each year, the owner and/or operator of any food truck doing business in the County shall file a food truck operation application with the Zoning Administrator on forms furnished by the County. Such permit application shall be accompanied by the written consent of the private property owner or authorized agent authorizing the food truck to be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one (1) site, only one (1) food truck operation application shall be required to be obtained from the Zoning Administrator for such food truck, provided that the property owner on any additional sites has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck shall also be subject to all Health Department and Department of Cable and Consumer Services permits/licenses.

C. Each food truck location and food truck operation permit application shall be accompanied by a filing fee of $100 made payable to the County of Fairfax. Upon the finding that the application complies with the standards set forth in Par. 3 below, the Zoning Administrator shall approve the permit application, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.

D. Any food truck location permit or food truck operation permit shall be revocable by the Zoning Administrator because of the failure of the property owner and/or the food truck operator to comply with any of the provisions of this section.

3. In addition to Par. 2 above, food trucks shall be located and operated in compliance with the following standards:

A. Food trucks shall be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit.

B. Food trucks shall only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity.

C. Food trucks shall operate for a maximum of four (4) hours in any one (1) day at any one (1) location, including set-up and break-down.

D. A maximum of three (3) food trucks shall be permitted at any one (1) location at the same time, provided that additional food trucks may be permitted in conjunction with temporary special permits or other special events regulated by any proffered condition, development condition, special permit or special exception.

E. Food trucks shall not be located in any fire lane, travel lane, entrance/exit or any required parking space.

F. Food trucks shall be located on a level, paved, or gravel surface with safe pedestrian access. The vicinity around the food truck shall be kept clean and free of debris. Trash receptacles shall be provided.

4. Notwithstanding Paragraphs 2 and 3 above, food trucks may also be permitted on County or Park Authority owned and controlled property or in conjunction with the approval of a temporary special permit, provided that such food trucks comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.

2-511 Limitation on Driveways for Uses In C and I Districts

A driveway for a use in any C or I district shall be deemed to be an integral component of such use. Such driveways shall not be permitted, either wholly or partly, in any R district unless the C or I district use served by the driveway is also allowed in the R district in which the driveway is to be located; or unless the driveway is approved by the Board in accordance with the provisions of Sect. 9-616. For the purpose of this Section, a travel lane shall not be deemed to be a driveway.

2-512 Limitations on the Keeping of Animals

1. The keeping of commonly accepted pets shall be allowed as an accessory use on any lot, provided such pets are for personal use and enjoyment, and not for any commercial purpose. Dogs shall be subject to the provisions of Par. 2 below.

2. The keeping of dogs, except a kennel as permitted by the provisions of Part 5 of Article 9, is allowed as an accessory use on any lot.

The number of dogs permitted must be in accordance with the following schedule, except that, in determining the number of dogs allowed, only those dogs six months or older in age will be counted.

Number of Dogs	***Minimum Lot Size***
1 to 2	No requirement
3 to 4	12,500 square feet
5 to 6	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each additional dog above 7

Nothing in this Ordinance shall be construed to determine the type of license required for dogs under the provisions of Chapter 41.1 of The Code.

3. The keeping of livestock or domestic fowl, excluding roosters, is allowed as an accessory use on any lot of two acres or more in size. The keeping of such livestock or domestic fowl must be in accordance with the following:

A. The number of livestock kept on a given lot shall not exceed the ratio of one (1) animal unit per one (1) acre, with an animal unit identified as follows:

2 head of cattle	= 1 animal unit
5 sheep	= 1 animal unit
3 horses	= 1 animal unit
5 swine	= 1 animal unit
5 goats	= 1 animal unit
5 llamas	= 1 animal unit
5 alpacas	= 1 animal unit

Horses shall include ponies, mules, burros and donkeys. In determining the number of livestock permitted, only horses six (6) months or older in age and cattle, sheep, goats, and swine one (1) year or older in age shall be counted. In addition, in determining the number of livestock permitted, combinations of animals are allowed, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

B. The number of fowl kept on a given lot shall not exceed the ratio of one bird unit per one acre, with a bird unit identified as follows:

32 chickens	= 1 bird unit
16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit

In determining the number of fowl permitted, only fowl two months or older in age shall be counted.

4. The keeping of honeybees in four (4) beehives or less shall be allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four (4) beehives may be kept, provided there is an additional lot area of 2500 square feet for each hive. In all instances, there shall be one (1) adequate and accessible water source provided on site and located within fifty (50) feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten (10) feet of any lot line, there shall be a flight path barrier, consisting of a fence, structure or plantings not less than six (6) feet in height, located in front of the hive.

5. The keeping of racing, homing, or exhibition (fancy) pigeons shall be allowed as an accessory use on any lot 10,000 square feet or more in size.

6. All accessory structures associated with the keeping or housing of animals shall be located in accordance with the provisions of Part 1 of Article 10.

7. The BZA may approve a special permit to modify the provisions of Paragraphs 1 through 6 above, but only in accordance with Part 9 of Article 8; provided, however, that a riding or boarding stable shall be subject to the provisions of Part 6 of Article 8, and a kennel, animal shelter shall be subject to the provisions of Part 5 of Article 9.

8. The keeping of wild, exotic, or vicious animals shall not be allowed except as may be permitted by Chapter 41.1 of The Code.

2-513 Churches, Chapels, Temples, Synagogues, and Other Places of Worship

The provisions of this Ordinance that relate to churches, chapels, temples, synagogues and other places of worship shall be deemed to refer to the use of the land, buildings and facilities with such uses. These provisions address land use matters only, and do not affect an individual's right to determine and exercise his or her religious beliefs. To this end, the uses of land, buildings and facilities associated with places of worship shall be protected as a matter of right, as the Ordinance read June 14, 1984, prior to the Zoning Administrator's Interpretation Number 52 except as is required for places of worship to be in compliance with Ordinance provisions regarding special permits or special exceptions and in compliance with provisions covering residential, commercial and industrial districts under this Ordinance. Such protected uses include those activities and functions sponsored and administered directly by the place of worship in furtherance of its religion, and other functions and activities as approved by the governing body of the place of worship, subject to the exceptions noted above.

2-514 Limitations on Wireless Facilities and Their Associated Support Structures

Wireless facilities and their associated support structures include, without limitation, wireless support structures, existing structures, and replacement structures (except as otherwise specified below). Such structures are permitted on any lot in any zoning district~~s~~ when such facilities meet the following limitations, unless any applicable proffered condition, development condition, special permit or special exception condition expressly prohibits such facilities, regardless of whether they are on any list of permitted uses. In addition, wireless facilities and support structures, including those located within the right-of-way, are subject to Sect. 15.2-2232 of the Code of Virginia and to the application fees as provided for in Sect. 18-106. Wireless facilities and their associated support structures that do not meet the following limitations or the limitations in Sect. 2-519, Sect. 2-520, or Sect. 2-522 require special exception approval.

1. Co-locations: The proposed co-location of wireless facilities, including small cell facilities, on any existing structure and on certain replacement structures that do not fall under Sect. 6409 of the Spectrum Act are subject to compliance with the provisions below.

   A. The antennas and associated mounting must be fully enclosed in a canister or other enclosure, be flush mounted, be screened by a wall, vegetation, or other existing structure, or provide other means of mitigating visual impacts.

   B. Related equipment cabinets or structures are subject to the following:

      (1) When located on an existing utility pole or light pole, the equipment structures must not exceed 32 cubic feet in volume and must be designed to match or blend with the pole on which located, or provide other means of mitigating visual impacts.

      (2) When located on all other existing structures, the equipment cabinets must be fully enclosed within the existing structure, designed to match or blend with the structure on which they are located, or provide other means of mitigating visual impacts.

(3) Any ground-mounted equipment that supports a co-location under this section on a light or utility pole is subject to the provisions of Par. 2 of Sect. 2-522.

(4) All other ground-mounted equipment associated with an existing structure:

(a) May not exceed 12 feet in height or 500 square feet of gross floor area.

(b) Must meet the minimum yard requirements of the zoning district in which located, or when located in a road right-of-way or utility easement, must be located a minimum of 10 feet from the right-of-way or easement line.

(c) Notwithstanding the fence/wall height limitations of Sect. 10-104, the equipment must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of 8 feet and a planted height of 48 inches, or an 8-foot-tall fence, wall, berm and/or landscaping combination. However, if a new equipment cabinet or structure is added to an existing fenced or screened area, the screening requirements for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

C. Routine maintenance or the replacement of existing wireless facilities or associated support structures, including light poles, within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller is permitted, and eligible facilities requests are permitted in accordance with Sect. 2-520, and a co-location may occur on such a replacement structure, on a replacement structure that meets the criteria below, or as may otherwise be reviewed and approved under Sect. 2-520.

(1) When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and not located on a major thoroughfare, the replacement pole or standard cannot be more than 15 feet higher than the existing pole. The diameter of such replacement pole or standard must not exceed 30 inches.

(2) When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and located on a major thoroughfare, the height of a replacement pole or standard, including antennas, must not exceed 80 feet. However, if the height of the existing pole exceeds 80 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standard must not exceed 30 inches.

(3) When located in zoning districts that are zoned for multiple family dwellings and are residentially developed with buildings that are 35 feet or less in height, vacant, or common open space, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if

the height of the existing pole exceeds 100 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standard must not exceed 42 inches.

(4) The height of a replacement pole or standard on property used for athletic fields, must not exceed 125 feet, including antennas. The diameter of such replacement pole or standard cannot exceed 60 inches.

(5) In all other instances, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if the height of the existing pole exceeds 100 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standards must not exceed 60 inches.

2. Wireless telecommunication hub sites are subject to the following:

A. Hub sites are permitted:

(1) In all C Districts, I-1, 1-2, I-3, I-4, I-5 and I-6 Districts, and in the commercial areas of P districts.

(2) In all R districts on lots that are not vacant, open space, or residentially developed.

B. The hub site must not exceed 12 feet in height or 750 square feet of gross floor area.

C. The maximum permitted floor area ratio for the zoning district must not be exceeded.

D. The hub site must meet the minimum yard requirements of the district in which it is located, except that hub sites located in a utility transmission easement or street right-of-way may be located a minimum of 20 feet from the utility transmission easement or street right-of-way line.

E. Hub sites are not subject to the fence/wall height limitations of Sect. 10-104. Hub sites located within a utility easement must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of at least 8 feet and a planted height of at least 48 inches, or an 8 foot tall fence, wall, berm and or landscaping combination. Hub sites located outside of a utility transmission easement are subject to the transitional screening requirements of Article 13 for a light public utility use. If a hub site is added to an existing fenced or screened enclosure that contains wireless equipment structures, the screening requirement for the hub site may be satisfied with the existing screening, provided that the screening meets the requirements listed above.

F. A wireless telecommunication hub site that is located within an existing or principal or accessory structure is not subject to Paragraphs 2B through 2E above.

3. Commercial advertising is not allowed on any portion of a wireless facility or its associated support structure.

4. Except for co-location on a light pole, signals, lights, or illumination are not permitted on wireless facilities or their support structures unless required by federal, state, or local law.

5. All applications involving wireless facilities, including without limitation small cell facilities, standard process projects, administrative review-eligible projects, and eligible facility requests under the Spectrum Act, that are submitted electronically outside of the Department of Planning and Development's regular business hours will be deemed received by the Department on the next business day.

6. All antennas, associated equipment, and structures must be removed within 120 days after such antennas or related equipment are no longer in use, at which point they will be deemed abandoned.

2-515 Limitations in Major Underground Utility Easements

1. After June 27, 1995, no land area which is encumbered by any major underground utility easement and which is located outside of a public right-of-way shall be obstructed, restricted, or impeded in any manner by any new structure, building, plantings, stockpiling of material or use except for the following when approved by the Director. Such approval may include the imposition by the Director of conditions related to maintaining the structural integrity of the transmission pipeline.

   A. Transmission pipelines and appurtenant structures and facilities, to include temporary structures used in conjunction with the maintenance and/or repair of the underground utility lines.

   B. Aboveground utility crossings and underground crossings of franchised cable television lines and crossings of underground utilities including, but not limited to storm drains, water and sanitary sewer lines, liquid petroleum lines, gas lines, electric and telephone cables, as specified in Par. 1A of Sect. 104 above.

   C. Erosion and sediment controls.

   D. Temporary equipment crossings provided transmission pipelines are adequately protected from any adverse impacts caused by such crossing.

   E. Crossings of railroad tracks, private streets, driveways, trails, sidewalks and public rights-of-way provided such facilities will not adversely impact the structural integrity of transmission pipelines.

   F. Trails as shown on the adopted comprehensive plan provided such trails will not adversely impact the structural integrity of transmission pipelines.

   G. Recreational facilities limited to open play areas and athletic fields not containing any permanent structures other than fencing, backstops, benches, bleachers, scoreboards and other similar accessory structures, provided that under no

circumstances shall mechanical equipment of any type be permitted to be used in the installation or removal of such structures and further provided such facilities shall not adversely impact the structural integrity of transmission pipelines.

H. Off-street surface parking facilities in accordance with the provisions of the Public Facilities Manual provided such facilities will not adversely impact the structural integrity of transmission pipelines.

I. Garden or landscaping with low growing plants or ornamental type shrubbery, with no vegetation having a maximum expected height of more than four (4) feet, provided that under no circumstances shall mechanical equipment of any type be permitted to be used in the planting or removal of such vegetation.

J. Accessory structures such as playground equipment, children's playhouses, doghouses, fences, storage structures and other similar structures which do not require approval of a Building Permit, provided that under no circumstances shall mechanical equipment of any type be permitted to be used in the installation or removal of such structures and further provided such structures shall not adversely impact the structural integrity of transmission pipelines.

In addition, any vegetation required by this Ordinance shall be planted and maintained in such a manner that will not obstruct, restrict or impede any major underground utility easement.

2. This Section shall not be construed to restrict measures necessary to identify the location of a transmission pipeline facility as required by the County or to restrict an operator or agent of a transmission pipeline facility from providing maintenance or emergency service to the underground facilities.

2-516 Accessory Electrically-Powered Regional Rail Transit Facilities

Accessory electrically-powered regional rail transit facilities shall be permitted on any lot in any zoning district when such use is in accordance with the limitations listed below. Additionally, such use shall be subject to the requirements of Sect. 15.2-2232 of the Code of Virginia.

1. Such facilities shall be designed in a manner that minimizes adverse impacts on adjacent properties to the greatest extent practical through the use of landscaping, screening, design and architectural techniques.

2. All buildings containing mechanical or electrical equipment associated with any accessory electrically-powered regional rail transit facility shall be fully enclosed and shall have similar architectural treatment on all sides.

Freestanding traction power substations shall not exceed 8300 square feet of gross floor area and a maximum height of 30 feet. Freestanding tie breaker stations shall not exceed 850 square feet of gross floor area and a maximum height of 20 feet. Freestanding communication rooms shall not exceed 350 square feet of gross floor area and a maximum height of 20 feet. Freestanding train control rooms shall not exceed 700 square feet of gross floor area and a maximum height of 20 feet. The cumulative gross floor area of all equipment structures on a lot shall not exceed 9350 square feet. If such

equipment facilities are co-located in a structure containing a traction power substation, the maximum height of the structure shall not exceed thirty (30) feet. If such facilities are co-located in a structure that does not contain a traction power substation, the maximum height of the structure shall not exceed twenty (20) feet.

There shall be no outside storage associated with any mechanical or electrical equipment structure. However, this provision shall not preclude the use of temporary generators for emergency purposes, or other equipment that by its nature requires an outside location.

3. Accessory electrically-powered regional rail transit facilities shall not have to comply with the lot size requirements, bulk regulations or open space requirements of the district in which located. In addition, such facilities shall not have to comply with the transitional screening provisions of Article 13.

4. Except for accessory electrically-powered regional rail transit facilities operated by WMATA, all accessory electrically-powered regional rail transit facilities shall be subject to the provisions of Article 17, Site Plans. Accessory electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County.

Notwithstanding the above, accessory electrically-powered regional rail transit facilities located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway shall not be subject to Par. 2 above.

2-517 Electrically-Powered Regional Rail Transit Facilities

1. Electrically-powered regional rail transit facilities located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway shall be permitted in any zoning district**.** Except for electrically-powered regional rail transit facilities operated by WMATA, all electrically-powered regional rail transit facilities shall be subject to the provisions of Article 17, Site Plans. Electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County.

2. Electrically-powered regional rail transit facilities not located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway shall be subject to Part 4 of Article 9.

2-518 Condominiums, Condominium and Cooperative Conversions

1. During the period of declarant control and as long as the declarant has the right to create additional units or to complete the common elements, and notwithstanding that the declarant is not the owner of the land, the declarant shall have the authority to execute, file, and process any site plan, parking tabulations, application for special permit, special exception, variance or rezoning, to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered conditions, with

respect to the common elements or a plan/application affecting more than one (1) unit. However, if such plan or application creates an affirmative obligation on the unit owners' association, then the consent of such association shall be required.

Once the declarant no longer has such authority, in accordance with subsection B of Sec. 55-79.80 of the Code of Virginia, and notwithstanding that the unit owners' association is not the owner of the land, the executive organ of the unit owners' association, if any, and if not, then a representative duly appointed by the unit owners' association, shall have the authority to execute, file and process any site plan, parking tabulation, application for special permit, special exception, variance or rezoning, to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered condition, with respect to the common elements or a plan/application affecting more than one unit. However, if such plan or application creates an affirmative obligation on the declarant, then the consent of the declarant shall be required. Such plan or application shall not adversely affect the rights of the declarant to develop additional land.

A site plan, application for special permit, special exception, variance or rezoning, to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered condition affecting only one (1) unit may be filed by the unit owner.

For purposes of obtaining Building, Residential and/or Non-Residential Use Permits and sign permits, the unit owner, including the declarant if the declarant is the unit owner, shall apply for permits for the unit, and the unit owners' association shall apply for permits for the common elements, except that the declarant shall apply for permits for convertible land. For the purposes of this Section, condominium, declarant, common elements, unit, unit owners' association and convertible land shall be as defined in the Code of Virginia, Title 55, Chapter 4.2, The Condominium Act.

2. Notwithstanding the specific minimum lot size requirements and minimum yard requirements specified for a given zoning district, a single family detached or attached dwelling condominium development may be permitted under the Code of Virginia, Title 55, Chapter 4.2, The Condominium Act, subject to the following provisions:

   A. In single family attached dwelling development, the minimum lot size and minimum yard requirements of the zoning district in which located shall be met as if lot lines existed.

   B. Single family detached dwelling developments shall be subject to the following requirements:

      (1) The minimum lot size and minimum yard requirements of the zoning district in which located shall be met as if lot lines existed, and all dwelling units shall be subject to the same requirement to have access to a dedicated public street as single family dwelling units located on lots which result from a subdivision of land, except as provided for by the provisions of Part 3 of Article 11 and Chapter 101 of The Code, The Subdivision Ordinance.

   C. The location of any community structure, such as a clubhouse or swimming pool, shall be governed by the minimum yard requirements presented for all other structures in the zoning district in which located.

D. Accessory structures shall be permitted in general accordance with the provisions of Part 1 of Article 10, as determined by the Zoning Administrator.

E. Such developments shall comply with the maximum density and other provisions of the zoning district in which located.

3. Any existing structure(s) and its related lot may be converted to a condominium or cooperative, provided the development conforms to the applicable Zoning Ordinance provisions, to include, if applicable, an approved site plan. Prior to conversions, proposed condominium and cooperative conversions which are nonconforming shall be subject to the approval of a special exception in accordance with the provisions of Sect. 9-614.

2-519 Small Cell Facilities on New Structures

An application proposing the installation of a small cell facility on a new structure is subject to the requirements of this Section, the requirements of Sect. 2-522, as applicable, and approval by the Zoning Administrator of an Administrative Review-Eligible Project permit.

1. Small Cell Facilities on New Structures:

A. Must comply with the following provisions, as well as the provisions of Sect. 2-522.

B. May locate on any property, provided that any such structure with attached wireless facilities is:

(1) Not more than 50 feet in height; and

(2) Designed to support small cell facilities.

C. New structures that meet the requirements of this section will be processed as a type of administrative review-eligible project (AREP) under Sect. 15.2-2316.3 of the Code of Virginia and subject to Zoning Administrator approval of an AREP permit and the AREP fee under Sect. 18-106.

2. Any application that meets all other requirements of this Section but proposes its location in a historic district is subject to Architectural Review Board review under Article 7.

2-520 Modifications to Existing Wireless Towers or Base Stations

Once wireless facilities are approved in accordance with this Ordinance, any eligible facilities request for a modification of a wireless tower or base station that does not substantially change the physical dimensions of such tower or base station must be submitted to the Zoning Administrator for review and decision under Sect. 6409 of the Spectrum Act (47 U.S.C. § 1455). An eligible facilities request for a modification that would substantially change the physical dimensions of a wireless tower or base station is subject to Planning Commission review under Sect. 15.2-2232 of the Code of Virginia. Any application for Sect. 6409 review or 15.2-2232 review is subject to the fee provided for in Sect. 18-106.

An eligible facilities request includes any request for modification of an existing tower or base station that involves: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

A base station is a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

2-521 Public Facilities

A public facility is any use, facility, or other feature that is subject to Planning Commission review under Sect. 15.2-2232 of the Code of Virginia. Any application for such review is subject to the fee provided for in Sect. 18-106.

2-522 Requirements for New Utility Distribution or Transmission Poles Not More than 50 Feet in Height and their Associated Facilities, Including Small Cell Facilities

New utility distribution or transmission poles not more than 50-feet in height with attached facilities are subject to the following:

1. Wiring, Cables, and Conduit Requirements

   A. All wiring and cables must be firmly secured to the utility distribution or transmission pole (referred to in this section as “new structure”).

   B. All mounting brackets and wiring, cables, and conduits that are not located in a fully enclosed structure must be the same color as, or otherwise demonstrated to match or blend with, the new structure on which they are mounted.

   C. Spools or coils of excess fiber optic or cables or any other wires may not be stored on the new structure except completely within approved enclosures or cabinets.

2. Equipment and Facilities

   A. All equipment and support structures located on the new structure:

      (1) Must be the same color or material as the new structure and covered by rust-proof treatment or materials.

      (2) Must be flush mounted to the new structure or supported by brackets.

      (3) The support brackets may not extend beyond the new structure by more than 8 inches.

(4) Must not exceed 32 cubic feet in volume.

B. Ground-mounted equipment associated with a new structure is subject to the following:

(1) In non-major-thoroughfare rights-of-way in districts zoned for single family detached or attached dwellings, each provider is limited to one cabinet or structure which does not exceed 4 feet in height and a total of 50 cubic feet in volume. Ground-mounted equipment cabinets or structures must be located adjacent to the pole.

(2) In all other street rights-of ways, and on property located outside of the right-of-way and in districts that are zoned for single family detached or attached dwellings and are residentially developed, vacant, or common open space:

(a) When located on the ground in a front yard or street right-of-way, each provider is limited to one cabinet or structure which does not exceed 5 feet in height or a total of 70 cubic feet in volume and the cabinet or structure must be located a minimum of 10 feet from all lot lines when located outside of a street right-of-way. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted equipment cabinets or structures must be screened by a solid fence, wall or berm 5 feet in height, an evergreen hedge with an ultimate height of 5 feet and a planted height of 48 inches, or a 5 foot tall fence, wall, berm and/or landscaping combination.

(b) When the related equipment cabinet or structure is located on the ground in a side or rear yard, each provider is limited to a cabinet or structure which does not exceed 12 feet in height or to allow equipment cabinets greater than 300 square feet in gross floor area, and the cabinet or structure is located a minimum of 10 feet from all lot lines. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of 8 feet and a planted height of 48 inches, or an 8 foot tall fence, wall, berm and/or landscaping combination.

(3) When the related ground-mounted equipment cabinet or structure is located on property that does not meet Paragraphs (1) or (2) above, each provider is limited to a cabinet or structure which does not exceed 12 feet in height or to allow equipment cabinets greater than 500 square feet in gross floor area. The cabinet or structure must be adjacent to the pole if located within the utility easement, and when located outside of a utility easement, must meet the minimum yard requirements of the district in which located. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of 8 feet and a planted height of 48 inches, or an 8 foot tall fence, wall, berm and/or landscaping combination.

(4) Equipment cabinets or structures must not obstruct any sight distance or visibility standards required by Fairfax County or the Virginia Department of Transportation, or be located in any sidewalk or trail.

(5) Equipment located within an existing principal or accessory structure, equipment designed as a bench, mailbox, light pole, or other structure exempt from the minimum yard requirements under Par. 2 of Sect. 2-104, is not subject to the provisions of Par. B.

3. All new structures under this section must be constructed of materials and colors designed to match or closely replicate existing utility poles within the same right-of-way or line of poles.

4. The minimum horizontal distance between any new structure under this section and any other existing, or permitted but unconstructed, utility distribution or transmission pole is:

   A. When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and not located on a major thoroughfare, not less than 300 feet.

   B. When located in all other areas, not less than 100 feet.

5. The Zoning Administrator may disapprove an application for a new structure if it is proposed to be located in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning application proceeding as set forth in the Comprehensive Plan objectives and:

   A. The undergrounding requirement or objective existed at least three months before submission of the application for the new structure;

   B. Co-location of wireless facilities is still permitted on existing utility poles, government-owned structures with government consent, existing wireless support structures, or buildings within that area;

   C. Replacement of existing utility poles and wireless support structures with poles or support structures of the same or smaller size within that area is permitted; and

   D. Disapproval does not unreasonably discriminate between the applicant and other wireless service providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.

6. Any application for a new structure that is proposed to be located in a Historic District is subject to review by the Architectural Review Board in accordance with Article 7 of this Ordinance.

7. All poles and associated equipment and structures must be removed within 120 days after such structures or related equipment are no longer in use.

2-523 Wireless Facilities Definitions and Height Measurements

1. The following terms contained in Sections 2-514, 2-519, 2-520, and 2-522 and elsewhere in the Ordinance are defined in Sect. 15.2-2316.3 of the Code of Virginia: administrative review-eligible project, co-locate, existing structure, new structure (except as otherwise specified in Sect. 2-522), project, small cell facility, wireless facility, wireless infrastructure provider, wireless services provider, and wireless support structure; however, the term small cell facility as used in this Ordinance is expanded to include the placement of such facilities on certain new structures under Sect. 2-519, above. Except as otherwise specified, the term associated support structures includes wireless support structures, existing structures, new structures, and administrative review-eligible project structures; however, the term does not include any monopoles that exceed 50 feet in height.

2. For the purposes of Sections 2-514, 2-519 and 2-522, the height of equipment structures, hub sites, new structures, and replacement light or utility poles will be measured as follows:

   A. Hub site and equipment cabinet or structure height is the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

   B. New structure and replacement pole height is the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the structure, including antennas.

PART 6 2-600 LAND REGULATIONS

2-601 Limitation on the Removal and Addition of Soil

No soil shall be removed from or added to any lot in any zoning district except in accordance with one of the following provisions:

1. Sod and soil may be removed from or added to any lot to a depth of not more than eighteen (18) inches but only in an area not exceeding 2500 square feet; provided, however, that this provision shall not apply to the temporary storage of top soil by plant nurseries and further provided that any sod and soil removal or addition within a major underground utility easement shall only be permitted in accordance with Sect. 515 above. In a floodplain, sod and soil may be removed in accordance with this paragraph, however, the addition of sod and soil shall only be permitted in accordance with the provisions of Part 9 below, or

2. Removal, dumping, filling, or excavation necessary for construction shall be permitted when such is in accordance with an approved site plan or approved plans and profiles for a subdivision; or

3. Grading of land shall be permitted in accordance with a grading plan approved by the Director. The Director shall determine that the amount of soil removal or fill and proposed grading is necessary for the establishment of a use permitted in the zoning district in which located, and that the grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code; or

4. Where the removal or addition of sod and soil or the grading of land results from the demolition of a single family dwelling, demolition of an accessory structure to a single family dwelling, construction of an addition to a single family dwelling as defined in Chapter 61 of The Code, or construction of an accessory structure to a single family dwelling, that results in a disturbed area of 5000 square feet or less and does not require the installation of water quality controls or other drainage improvements, sod and soil may be removed or added and grading of land may be permitted by the Director in accordance with a plat certified by a land surveyor, engineer, landscape architect or architect authorized by the State to practice as such meeting the requirements of Part 6 of Article 18, and which plat includes siltation and erosion control measures in conformance with Chapter 104 of The Code; or

5. Any other grading, excavating, mining, burrowing and/or filling of land not listed above shall be permitted only in accordance with the provisions of Part 1 of Article 8 or the approval of a landfill in accordance with the provisions of Part 2 of Article 9.

2-602 Drainage, Floodplains, Wetlands and Resource Protection Areas

1. Notwithstanding the provisions of Sect. 601 above, no building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any

manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith as determined by the Director in accordance with the provisions of the Public Facilities Manual.

2. There shall be no filling, change of contours or establishment of any use in any floodplain except as may be permitted by the provisions of Par. 1 of Sect. 601 above, or Part 9 below.

3. There shall be no filling, change of contours, or establishment of any use or activity in any wetlands except as may be permitted by the provisions of Chapter 116 of The Code.

4. There shall be no filling, change of contours, or establishment of any use or activity in any Resource Protection Area except as may be permitted by the provisions of Chapter 118 of The Code.

5. Notwithstanding the above, no building shall be erected, no filling or cutting, change in contours or establishment of any use or activity shall be permitted within a major underground utility easement except as may be approved by the Director in accordance with Sect. 515 above.

2-603 Erosion and Sedimentation Control Regulations

For the purpose of alleviating harmful and/or damaging effects of on-site erosion and siltation on neighboring downhill and/or downstream properties during and after development, adequate controls of erosion and sedimentation of both a temporary and permanent nature shall be provided by the property owner during all phases of clearing, filling, grading and construction. Plans and specifications for such controls shall be submitted to and approved by the Director in accordance with the provisions of the Public Facilities Manual.

2-604 Pro-Rata Share of Costs for Drainage Facilities

A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary drainage facilities in accordance with the provisions of the Public Facilities Manual.

PART 7 2-700 COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS

2-701 Applicability

The regulations set forth in this Part shall apply to the following features in all residential developments where such features are proposed to be dedicated or conveyed for public use or are to be held in common ownership by the persons residing in the development:

1. All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons residing in the development, where such lands are not to be dedicated or conveyed for public use, whether or not such lands are required by the provisions of this Ordinance, and

2. All private streets, driveways, parking bays, uses, facilities, and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development, whether or not such improvements are required by the provisions of this Ordinance.

3. Where a condominium development is proposed, such shall be established and regulated in strict accordance with the provisions of the Condominium Laws of Virginia.

4. All lands to be deeded or conveyed for public use.

2-702 General Requirements

All lands and improvements set forth in Par. 1, 2, and 3 of Sect. 701 above must be established and maintained in accordance with the following requirements:

1. The applicant or developer shall provide for and establish a nonprofit organization or other legal entity under the laws of Virginia for the ownership, care and maintenance of all such lands and improvements.

2. Such organization shall be created by covenants and restrictions running with the land and shall be composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses and facilities.

3. All lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such covenant shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty (20) years, and shall be automatically extended for successive periods of twenty (20) years unless terminated in a manner set forth hereinafter. These covenants shall become part of the deed to each lot or parcel within the development.

4. Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved nor shall such

organization dispose of any common open space, by sale or otherwise, except to an organization conceived and organized to own and maintain the common open space, without first offering to dedicate the same to the County or other appropriate governmental agency.

5. No lands in common open space may be denuded, defaced or otherwise disturbed in any manner at any time without the approval of the Director. However, routine maintenance of common open space limited to the removal of dead, diseased, dying or hazardous trees or shrubbery; removal and replacement of dead landscaping and screening materials; installation of supplemental plantings or a community garden; removal of noxious vegetation such as poison ivy or greenbrier; lawn care and maintenance; or repair and replacement of picnic and play equipment; or similar routine maintenance will be permitted without approval of the Director; provided such maintenance is allowed under any applicable proffered conditions, applicable conditions of special permits or special exceptions or other applicable laws and ordinances and further provided that such common open space does not contain areas used to comply with Best Management Practices such as floodplains and conservation easements.

6. If the Director shall determine that the public interest requires assurance as to adequate maintenance of common open space areas and improvements, the Director may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain such common open space/improvements, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, the County may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space/improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty (20) days of the notice.

7. At such hearing the County may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

8. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvements from becoming a public nuisance, may enter upon said common open space and maintain the same for one (1) year.

9. Said entry and maintenance shall not vest in the public any rights to use the common open space/improvements except when the same is voluntarily dedicated to the public by the owners.

10. Before the expiration of said one (1) year period, the County shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space/improvements, call a public hearing upon notice in writing to such organization or to the residents of such development, to be held by the Board, at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one (1) year period.

11. If the Board shall determine that such organization is ready and able to maintain the common open space/improvements in reasonable condition, the County shall cease to maintain the common open space/improvements at the end of said one (1) year period.

12. If the Board shall determine that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County may, in its discretion, continue to maintain the common open space/improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

13. The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space/improvements, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefor.

14. Notwithstanding the above provisions of this Part, an adjacent development may join the organization for purposes of utilizing the open space and improvements thereon pursuant to Sect. 16-404.

2-703 Submission Requirements

1. Prior to the dedication or conveyance of those features described in Sections 701 and 702 above, the following documents shall be submitted to and approved by the County.

   A. The articles of incorporation or other organizational documentation for the nonprofit organization.

   B. The by-laws of the nonprofit organization.

   C. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.

   D. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the nonprofit organization.

   E. A document granting the right of entry upon such common property to the County law enforcement officers, rescue squad personnel, and the fire fighting personnel while in the pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

   F. A complete listing of all land, buildings, equipment, facilities, and other holdings of the nonprofit organization, as such is proposed, and a complete description of each.

   G. A recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings.

H. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.

I. A copy of the Deed of Conveyance and a Title Certificate or, at the discretion of the Director, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the Commonwealth of Virginia, assuring unencumbered title for all lands proposed to be conveyed to the County, other appropriate governmental agency, or other organization, including the nonprofit organization.

2. The documents set forth in Par. 1 shall be reviewed and approved by the Director and the County Attorney, and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

2-704 (Deleted by Amendment #97-296, Adopted and Effective April 7, 1997)

2-705 County Not Responsible for Maintenance

Except as provided for in Par. 8 of Sect. 702 above, the County shall not be responsible for the maintenance of any of the common open space and common improvements required by this Ordinance. Where the County becomes the owner of such open space and improvements, under the provisions of Par. 4 of Sect. 702 above, there shall accrue to the County or other appropriate governmental agency no responsibility except to the general public of the entire County.

PART 8 2-800 AFFORDABLE DWELLING UNIT PROGRAM

2-801 Purpose and Intent

The Affordable Dwelling Unit Program is established to assist in the provision of affordable housing for persons of low and moderate income. The program is designed to promote a full range of housing choices and to require the construction and continued existence of dwelling units affordable to households whose income is seventy (70) percent or less of the median income for the Washington Standard Metropolitan Statistical Area. An affordable dwelling unit shall mean the rental and/or for sale dwelling unit for which the rental and/or sales price is controlled pursuant to the provisions of this Part. For all affordable dwelling unit developments, where the dwelling unit type for the affordable dwelling unit is different from that of the market rate units, the affordable dwelling units should be integrated within the developments to the extent feasible, based on building and development design. In developments where the affordable dwelling units are provided in a dwelling unit type which is the same as the market rate dwelling units, the affordable dwelling units should be dispersed among the market rate dwelling units.

2-802 Applicability

1. The requirements of the Affordable Dwelling Unit Program shall apply to any site or portion thereof at one location which is the subject of an application for rezoning or special exception or site plan or subdivision plat submission which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per acre and which is located within an approved sewer service area, except as may be exempt under the provisions of Sect. 803 below. For purposes of this Ordinance, "site or portion thereof at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, the property lines of which are contiguous or nearly contiguous at any point, or the property lines of which are separated only by a public or private street, road, highway or utility right-of-way or other public or private right-of-way at any point, or separated only by other land of the owner and/or applicant, which separating land is not subject to the requirements of this Part.

   Sites or portions thereof at one location shall include all land under common ownership and/or control by the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner and/or applicant's immediate family) is a partner, beneficiary, or is an owner of one (1) percent or more of the stock, and other such forms of business entities. Immediate family members shall include the owner and/or applicant's spouse, children and parents. However, in instances in which a lending institution, such as a pension fund, bank, savings and loan, insurance company or similar entity, has acquired, or acquires an equity interest by virtue of its agreement to provide financing, such equity interest shall not be considered in making determinations of applicability.

2. At the time of application for rezoning or special exception and at the time of site plan or subdivision plat submission, the owner and/or applicant shall submit an affidavit which shall include:

A. The names of the owners of each parcel of the sites or portions thereof, as such terms are defined in Par. 1 above.

B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

3. An owner and/or applicant shall not avoid the requirements of this Part by submitting piecemeal applications for rezoning or special exception or piecemeal site plan or subdivision plat submissions for less than fifty (50) dwelling units at any one time. However, an owner and/or applicant may submit a site plan or subdivision plat for less than fifty (50) dwelling units if the owner and/or applicant agrees in writing that the next application or submission for the site or portion thereof shall meet the requirements of this Part when the total number of dwelling units has reached fifty (50) or more. This written statement shall be recorded among the Fairfax County land records and shall be indexed in the names of all owners of the site or portion thereof, as such terms are defined in Par. 1 above.

4. The County shall process site plans or subdivision plats proposing the development or construction of affordable dwelling units within 280 days from the receipt thereof, provided that such plans and plats substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the plans or plats are in for County review, and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

5. Affordable dwelling units may be provided, at the developer's option, in any residential development in the R-2 through R-30 and P Districts which is not required to provide affordable dwelling units pursuant to the provisions of this Part. Such development shall be subject to the applicable zoning district regulations for affordable dwelling unit developments and shall be in accordance with the following:

A. For single family detached and single family attached dwelling unit developments, there may be a potential density bonus of up to twenty (20) percent, provided that not less than twelve and one-half (12.5) percent of the total number of dwelling units are provided as affordable dwelling units, subject to the provisions of this Part.

B. For multiple family dwelling unit structures that do not have an elevator, or have an elevator and are three (3) stories or less in height, there may be a potential density bonus for the development consisting of such structures of up to ten (10) percent, provided that not less than six and one-quarter (6.25) percent of the total number of dwelling units are provided as affordable dwelling units, or a potential density bonus for the development consisting of such structures from greater than ten (10) percent up to twenty (20) percent, provided that not less than twelve and one-half (12.5) percent of the total number of dwelling units are provided as affordable dwelling units, subject to the provisions of this Part.

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C. For multiple family dwelling unit structures that have an elevator and are four (4) stories or more in height, there may be a potential density bonus for the development consisting of such structures of up to seventeen (17) percent, provided that not less than six and one-quarter (6.25) percent of the total number

of dwelling units are provided as affordable dwelling units, subject to the provisions of this Part for multiple family dwelling developments with fifty (50) percent or less of the required parking provided in parking structures. For such multiple family developments with more than fifty (50) percent of the required parking provided in parking structures, there may be a potential density bonus of up to seventeen (17) percent, provided that not less than five (5) percent of the total number of dwelling units are provided as affordable dwelling units, subject to the provisions of this Part.

D. The affordable dwelling units shall be of the same dwelling unit type as the market rate units constructed on the site.

E. The Affordable Dwelling Unit Advisory Board shall have no authority to modify the percentage of affordable dwelling units required under this provision, nor to allow the construction of affordable dwelling units which are of a different dwelling unit type from the market rate units on the site.

6. For independent living facilities approved by special exception or as part of a rezoning, affordable dwelling units are required in accordance with Sect. 9-306 and the administration of such units is subject to the provisions of this Part, except where specifically excluded.

2-803 Developments Exempt From the Affordable Dwelling Unit Program

Notwithstanding the provisions of Sect. 802 above, the requirements of this Part shall not apply to the following:

1. Any multiple family dwelling unit structure which is constructed of Building Construction Types 1, 2, 3 or 4, as specified in the Virginia Uniform Statewide Building Code (VUSBC).

2. Special exception applications or rezoning applications or amendments thereto approved before July 31, 1990 or rezoning applications or amendments thereto approved before January 31, 2004 for elevator multiple family dwelling unit structures that are four (4) stories or more in height and constructed of Building Construction Type 5 (combustible) as specified in the Virginia Uniform Statewide Building Code (VUSBC), which either:

A. Include a proffered or approved generalized, conceptual, final development plan or development plan, or special exception plat which contains a lot layout; or

B. Include a proffered or approved total maximum number of dwelling units or FAR; or

C. Include a proffered or approved unit yield per acre less than the number of units per acre otherwise permitted by the applicable zoning district regulations; or

D. Fully satisfy the provisions of Sect. 816 below.

3. Proffered condition amendment, development plan amendment, and special exception amendment applications filed after July 31, 1990 which deal exclusively with issues of

building relocation, ingress/egress, storm water drainage, or other engineering or public facilities issues, or the preservation of historic structures, child care facilities or changes in the size of units, a reduction in the number of units, a change in dwelling unit type which proposes no increase in density over the previously approved density or which request the addition of a special exception or special permit use. In addition, notwithstanding the definition of "site or portion thereof at one location" set forth in Par. 1 of Sect. 802 above, proffered condition amendment, development plan amendment and special exception amendment applications filed after 12:01 AM March 31, 1998, which propose to add land area to a previously exempt development, provided, however, that such additional land area shall be subject to the provisions of this Part. The land area subject to the original zoning or special exception for which an amendment is sought shall remain in substantial conformance with such approved zoning or special exception.

4. Conversion to condominium of developments which were built pursuant to site plans filed or preliminary subdivision plats approved on or before July 31, 1990.

5. Site plans filed and preliminary subdivision plats approved on or before July 31, 1990; provided such site plan is approved within twenty-four (24) months of the return of the initial submission to the applicant or agent, a building permit(s) for the structure(s) shown on the approved site plan is issued in accordance with Par. 1 of Sect. 17-110 of this Ordinance and provided further that the structure(s) is in fact constructed in accordance with such building permit(s); and provided such preliminary plat is approved and a final plat is approved and recorded in accordance with the provisions of Chapter 101 of The Code, Subdivision Ordinance.

   Site plans filed or preliminary subdivision plats approved on or before July 31, 1990 for developments not exempt under Paragraphs 2, 3 or 4 above may, at the owner's option, be revised or resubmitted, as the case may be, in order to comply with the requirements of this Part. Such revision or resubmission shall be processed expeditiously by Land Development Services in accordance with the provisions of Par. 4 of Sect. 802 above.

6. Site plans for elevator multiple family dwelling unit structures that are four (4) stories or more in height and are to be constructed of Building Construction Type 5 (combustible) as specified in the Virginia Uniform Statewide Building Code (VUSBC) filed on or before January 31, 2004, provided such site plan is approved within twelve (12) months of the return of the initial submission to the applicant or agent, the site plan remains valid, a building permit(s) for the structure(s) shown on the approved site plan is issued and provided further that the structure(s) is in fact constructed in accordance with such building permit(s).

7. Any independent living facility for low income residents approved in accordance with this Ordinance in which not less than seventy (70) percent of the dwelling units are provided for those residents whose annual household income is not more than fifty (50) percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than thirty (30) percent of the dwelling units are provided for residents whose annual income is not more than seventy (70) percent of the median income for the WMSA.

2-804 Affordable Dwelling Unit Adjuster

1. For rezoning and special exception applications approved after 12:01 AM March 31, 1998, or for proffered rezoning applications approved prior to 12:01 AM March 31, 1998, which specifically provide for the applicability of an amendment to this Part:

   A. Which request approval of single family detached dwelling units or single family attached dwelling units, the lower and upper end of the density range set forth in the adopted comprehensive plan applicable to the application property shall be increased by twenty (20) percent for purposes of calculating the potential density which may be approved by the Board of Supervisors. The provision of affordable dwellings units or, in the case of a modification approved by the ADU Advisory Board, the conveyance of land, contribution to the Fairfax County Housing Trust Fund or combination thereof, as provided for in Par. 3 of Sect. 815 below, shall satisfy the development criteria in the adopted comprehensive plan which relate to the provisions of affordable housing. For the purposes of administration of this Part, where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Par. 8 below.

   B. Which request approval of non-elevator multiple family dwelling unit structures; or elevator multiple family dwelling unit structures which are three (3) stories or less in height, the lower and upper end of the density range set forth in the adopted comprehensive plan applicable to the application property shall be increased by ten (10) percent for purposes of calculating the potential density which may be approved by the Board of Supervisors. However, at the applicant's option, the upper end of the density range set forth in the adopted comprehensive plan shall be increased by twenty (20) percent for purposes of calculating maximum potential density. The provision of affordable dwellings units or, in the case of a modification approved by the ADU Advisory Board, the conveyance of land, contribution to the Fairfax County Housing Trust Fund or combination thereof, as provided for in Par. 3 of Sect. 815 below, shall satisfy the development criteria in the adopted comprehensive plan which relate to the provision of affordable housing. For the purposes of administration of this Part, where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Par. 8 below.

2. Affordable dwelling units required pursuant to Par. 1 above shall be provided in accordance with the following:

   A. If the total number of dwelling units approved by the Board of Supervisors or if the total number of dwelling units shown on the subsequent site plan or subdivision plat is less than the total number approved by the Board, provides for a density which is at or below the low end of the density range specified in the adopted comprehensive plan prior to application of the bonus density permitted for affordable dwelling developments, then no affordable dwelling units shall be required and the applicable zoning district regulations for affordable dwelling unit developments shall not apply.

B. If the total number of dwelling units approved by the Board of Supervisors or if the total number of dwelling units shown on the subsequent site plan or subdivision plan is less than the total number approved by the Board, provides for a density which is above the low end of the density range specified in the adopted comprehensive plan prior to application of the bonus density permitted for affordable dwelling unit developments, affordable dwelling units shall be provided in accordance with the following formulas:

(1) For developments for which a 20% bonus has been applied:

$$\frac{\text{Approved Density minus Low End of Density Range}}{\{\text{High End of Adjusted Density Range minus Low End of Adjusted Density Range}\}} \times 12.5$$

(2) For multiple family dwelling unit developments for which a 10% density bonus has been applied and for the multiple family dwelling unit component of a mixed unit development for which a 10% density bonus has been applied:

$$\frac{\text{Approved Density minus Low End of Density Range}}{\{\text{High End of Adjusted Density Range minus Low End of Adjusted Density Range}\}} \times 6.25$$

In no event shall the requirement for affordable dwelling units exceed 6.25% for those developments for which a 10% increase in density has been applied to the density range specified in the adopted comprehensive plan or 12.5% for those developments for which a 20% increase in density has been applied to the density range specified in the adopted comprehensive plan.

Examples of the foregoing sliding scale affordable dwelling unit requirement and calculation of the affordable dwelling unit requirement for mixed unit developments where a 10% density increase has been applied to the multiple family component are provided at the end of this Part and should be used for illustrative purposes only.

Description of terms used in affordable dwelling unit formulas:

Approved Density = the dwelling units per acre approved by the Board of Supervisors or as shown on the approved site plan or subdivision plat.

Low End of Density Range = the lower limit of the density range specified in the adopted comprehensive plan for the development site or as determined in accordance with Par. 8 below prior to application of the permitted density increase for affordable dwelling unit developments.

High End of Adjusted Density = the upper limit of the adopted comprehensive plan density range determined after application of the permitted density increase for affordable dwelling unit developments.

Low End of Adjusted Density = the lower limit of the adopted comprehensive plan density range determined after application of the permitted density increase for affordable dwelling unit developments.

The numbers 5.0, 6.25 and 12.5 in applicable formulas represent absolute numbers, not percentages.

3. For developments which were rezoned prior to July 31, 1990:

   A. For single family dwelling unit developments which are not otherwise exempt under Sect. 803 above, the total maximum number of dwelling units permitted under the approved density applicable to such property, exclusive of additional units allowed pursuant to this paragraph, shall be increased by up to twenty (20) percent. Provided that a twenty (20) percent increase in density is obtained, not less than twelve and one-half (12.5) percent of the adjusted total maximum number of dwelling units shall be affordable dwelling units. In the event of density increase of less than twenty (20) percent is the resulting maximum density increase, then the percentage of affordable dwelling units required shall be reduced to maintain a 20 to 12.5 ratio between the density increase and the affordable dwelling units. In the event that no density increase is achieved on the property, no affordable dwelling units shall be required.

   B. For developments consisting of non-elevator multiple family dwelling unit structures, or elevator multiple family dwelling unit structures which are three (3) stories or less in height, which are not otherwise exempt under Sect. 803 above, the total maximum number of dwelling units permitted under the approved density applicable to such property, exclusive of additional units allowed pursuant to this paragraph, shall be increased by up to twenty (20) percent.

      If a twenty (20) percent increase in density is obtained, not less than twelve and one-half (12.5) percent of the adjusted total maximum number of dwelling units shall be affordable dwelling units. In the event a density increase of less than twenty (20) percent is the resulting maximum density increase, then the percentage of affordable dwelling units required shall be reduced to maintain a 20 to 12.5 ratio between the density increase and the affordable dwelling units. In the event that no density increase is achieved on the property, no affordable dwelling units shall be required.

4. For rezoning applications approved after January 31, 2004 which request approval of elevator multiple family dwelling unit structures, that are four (4) stories or more in height and are to be constructed of Building Construction Type 5 (combustible) as specified in the Virginia Uniform Statewide Building Code (VUSBC), the lower and upper end of the density range set forth in the adopted comprehensive plan applicable to the application property shall be increased by seventeen (17) percent for purposes of calculating the potential density which may be approved by the Board of Supervisors. The provision of affordable dwelling units or, in the case of a modification approved by the ADU Advisory Board, the conveyance of land, contribution to the Fairfax County Housing Trust Fund or combination thereof, as provided for in Par. 3 of Sect. 815 below, shall satisfy the development criteria in the adopted comprehensive plan which relate to the provision of affordable housing. For the purposes of administration of this Part, where the adopted comprehensive plan does not specify a density range in terms of

dwelling units per acre, the density range shall be determined in accordance with Par. 8 below. Affordable dwelling units required pursuant to this paragraph shall be provided in accordance with the following:

A. If the total number of dwelling units approved by the Board of Supervisors or if the total number of dwelling units shown on the subsequent site plan or subdivision plat is less than the total number approved by the Board, provides for a density which is at or below the low end of the density range specified in the adopted comprehensive plan prior to application of the bonus density permitted for affordable dwelling developments, then no affordable dwelling units shall be required and the applicable zoning district regulations for affordable dwelling unit developments shall not apply.

B. If the total number of dwelling units approved by the Board of Supervisors or if the total number of dwelling units shown on the subsequent site plan or subdivision plat is less than the total number approved by the Board, provides for a density which is above the low end of the density range specified in the adopted comprehensive plan prior to application of the bonus density permitted for affordable dwelling unit developments, affordable dwelling units for which the rental and/or sales price is controlled pursuant to the provisions of this Part shall be provided in accordance with the following formulas:

(1) For developments with fifty (50) percent or less of the required parking for multiple family dwelling units provided in the above- or below-surface structures:

$$\frac{\text{Approved Density minus Low End of Density Range}}{\{\text{High End of Adjusted Density Range minus Low End of Adjusted Density Range}\}} \times 6.25$$

(2) For developments with more than fifty (50) percent of the required parking for multiple family dwelling units provided in above- or below-surface structures:

$$\frac{\text{Approved Density minus Low End of Density Range}}{\{\text{High End of Adjusted Density Range minus Low End of Adjusted Density Range}\}} \times 5.0$$

The terms uses in these formulas shall be as defined in Par. 2 above. In no event shall the requirement for affordable dwelling units exceed either 6.25% in accordance with Par. 4B(1) above or 5.0% in accordance with Par. 4B(2) above, as applicable, for those development in which a 17% increase in density has been applied to the density range specified in the adopted comprehensive plan.

C. If the provision of affordable dwelling units and bonus market rate dwelling units requires a change from Building Construction Type 5 to Types 1, 2, 3 or 4, as specified in the Virginia Uniform Statewide Building Codes (VUSBC), as demonstrated by the applicant and confirmed by the County, then the affordable dwelling unit provisions shall not be applicable.

5. For developments, which were rezoned prior to January 31, 2004 and are not otherwise exempt under Sect. 803 above, for elevator multiple family dwelling unit structures that are to be four (4) stories or more in height and constructed of Building Construction Type 5 (combustible) as specified in the Virginia Uniform Statewide Building Code (VUSBC), the total maximum number of dwelling units permitted under the approved density applicable to such property, exclusive of additional units allowed pursuant to this paragraph, shall be increased by up to seventeen (17) percent.

   For developments with fifty (50) percent or less of the required parking for multiple family dwelling units provided in above- or below-surface structures, and if a seventeen (17) percent increase in density is obtained, not less than six and one-quarter (6.25) percent of the adjusted total maximum number of dwelling units shall be affordable dwelling units. In the event a density increase of less than seventeen (17) percent is the resulting maximum density increase, then the percentage of affordable dwelling units required shall be reduced to maintain a 17 to 6.25 ratio between the density increase and the affordable dwelling units. In the event that no density increase is achieved on the property, no affordable dwelling units shall be required.

   For developments with more than fifty (50) percent of the required parking for multiple family dwelling units provided in above- or below-surface structures, and if a seventeen (17) percent increase in density is obtained, not less than five (5.0) percent of the adjusted total maximum number of dwelling units shall be affordable dwelling units. In the event a density increase of less than seventeen (17) percent is the resulting maximum density increase, then the percentage of affordable dwelling units required shall be reduced to maintain a 17 to 5.0 ratio between the density increase and the affordable dwelling units. In the event that no density increase is achieved on the property, no affordable dwelling units shall be required.

6. For developments where affordable dwelling units are being voluntarily provided, such units shall be provided in accordance with Par. 5 of Sect. 802 above.

7. When the requirement for affordable dwelling units, as calculated in accordance with the above paragraphs, results in a fractional unit of less than 0.5, the number shall be rounded down and any fractional unit of 0.5 or greater shall be rounded up to produce an additional affordable dwelling unit.

8. For the purposes of administration of this Part, where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the following shall apply:

   A. Where the adopted comprehensive plan specifies an upper density limit in terms of dwelling units per acre, but there is no lower density limit, then the low end of the density range shall be fifty (50) percent of the upper density limit set forth in the adopted comprehensive plan.

   B. Where the adopted comprehensive plan specifies a maximum number of dwelling units for an area, but no density range in terms of dwelling units per acre is specified, the density range shall be determined as follows:

      (1) The upper density limit shall be equal to the maximum number of dwelling units specified in the adopted comprehensive plan divided by the land area covered by the adopted comprehensive plan recommendation, and

(2) The lower density limit shall be equal to fifty (50) percent of the upper density limit calculated above.

C. Where the adopted comprehensive plan specifies a square footage or floor area ratio (FAR) range for residential uses for a specific area, but no density range in terms of dwelling units per acre, the dwelling unit per acre density range for single family dwelling unit developments and multiple family dwelling unit developments that do not have an elevator, or have an elevator and are three (3) stories or less in height shall be determined by dividing the residential square footage specified in the adopted comprehensive plan by an average dwelling unit size for the proposed dwelling unit type within the development.

For multiple family dwelling unit developments consisting of four (4) stories or more with an elevator, the dwelling unit per acre density range shall be determined by multiplying the residential square footage specified in the adopted comprehensive plan by eighty-five (85) percent, and dividing that product by an average dwelling unit size for the proposed dwelling unit type within the development.

In all of the above, when the adopted comprehensive plan specifies only a maximum square footage or FAR, the density range shall be determined as follows:

(1) The upper density limit shall be equal to the maximum number of dwelling units calculated above divided by the land area covered by the adopted comprehensive plan recommendation, and

(2) The lower density limit shall be equal to fifty (50) percent of the upper density limit calculated above.

Note: FAR is converted into square footage by multiplying the FAR by the acreage of the development by 43,560.

2-805 Bulk Regulations, Unit Type, Open Space, Lot Size Requirements and Other Regulations

Any development which provides affordable dwelling units on site and/or which includes bonus market rate dwelling units on site pursuant to the provisions of this Part, shall comply with the respective zoning district regulations which apply to affordable dwelling unit developments.

2-806 Designation of Affordable Dwelling Units on Approved Plans

Approved site plans and record subdivision plats shall designate the specific lots or units which are the affordable dwelling units required pursuant to this Part. However, in the case of a multiple family development which is under single ownership, and is a rental project, the affordable dwelling units need not be specifically identified. However, for all multiple family developments, the number of affordable dwelling units by bedroom count and the number of market rate dwelling units by bedroom count shall be noted on the approved site plan and building plan, which notation shall be a condition of the approved site plan and building plan. In a multiple family dwelling development, the number of bedrooms in affordable dwelling units shall be proportional to the bedroom mix of market rate units, unless the owner elects to provide a higher percentage of affordable dwelling units with a greater bedroom count. Affordable

dwelling units which are included on approved site plans and recorded subdivision plats shall be deemed features shown for purposes of Section 15.2-2232 of Va. Code Ann. and, as such, shall not require further approvals pursuant thereto in the event the Fairfax County Redevelopment and Housing Authority shall acquire or lease such units.

For multiple section developments where all the required affordable dwelling units are not to be provided in the first section of the development, the site plan and/or record subdivision plat for the first section and all subsequent sections shall contain a notation identifying in which section(s) the affordable dwelling units will be or have been provided and a total of all affordable dwelling units for which such site plan(s) and/or subdivision plat(s) have been approved.

2-807 Condominium Developments

1. If a development is initially built as a condominium and such development is subject to the requirements of this Part, then the affordable dwelling units required pursuant to this Part shall be specifically identified on the approved site plan, building plans and designated as part of the recorded condominium declaration.

2. If a development is initially built as a rental project under single ownership and such development was subject to the requirements of this Part and then should subsequently convert to a condominium, then:

   A. The provisions of Sect. 804 above shall apply to such condominium development.

   B. The affordable dwelling units required pursuant to this Part shall be specifically identified by unit number as part of the recorded condominium declaration.

   C. The sales price for such affordable dwelling units being converted shall be established by the County Executive pursuant to this Part. If the owner of such condominium conversion elects to renovate the affordable dwelling units, the Affordable Dwelling Unit Advisory Board shall consider the reasonable cost of labor and materials associated with such renovation, which costs shall be factored into the Advisory Board's recommendation to the County Executive respecting the permissible sales prices for such renovated affordable dwelling units.

   D. For any condominium conversion development for which an application for registration of a condominium conversion was filed with the Virginia Real Estate Commission pursuant to Sect. 55-79.89 of the Code of Virginia, as amended, after February 28, 2006, the affordable dwelling units may not be retained as rental units within a condominium conversion development if such units are also subject to condominium conversion. The term of sales price control for affordable dwelling units located within a condominium conversion development for which the initial sale of individual units occurred on or after February 28, 2006, shall be for a period of thirty (30) years and the units shall be priced in accordance with the provisions of this Part. However, upon any resale and/or transfer to a new owner of such affordable dwelling unit within the initial thirty (30) year period of sales price control, the sales prices for each subsequent resale and/or transfer for each such affordable dwelling unit to a new owner shall be controlled for a new thirty (30) year period commencing on the date of such resale or transfer of the affordable dwelling unit. Each initial thirty (30) year control period and each

subsequent thirty (30) year control period may be referred to as the renewable sale price control period or control period.

E. For any condominium conversion development for which an application for registration of the condominium conversion was filed with the Virginia Real Estate Commission pursuant to Sect. 55-79.89 of the Code of Virginia, as amended, on or before February 28, 2006, the affordable dwelling units may be retained as rental units within the development. The condominium declaration and an amended covenant associated with the affordable dwelling units shall specifically set forth:

(1) The term of sales price control for affordable dwelling units located within a condominium conversion development for which the initial sale of individual units occurred before February 28, 2006, shall be for a period of twenty (20) years from the date of issuance of the first Residential Use Permit for the affordable dwelling units required for the development.

(2) All rental affordable dwelling units within the development shall be transferred to the same entity or individual.

(3) The affordable dwelling units shall be rented in accordance with the rental provisions of the ADU Program, including but not limited to, pricing and monthly reporting, and no additional condominium or homeowner association fees shall be assessed to the tenants of the affordable dwelling units.

(4) Parking for the affordable dwelling units shall be provided in accordance with the applicable provisions of the Zoning Ordinance with at least the minimum number of required spaces retained and made available for use by the affordable dwelling unit tenants.

(5) The affordable dwelling units shall be provided in substantially the same bedroom mix as the market rate units in the development.

(6) The tenants of the rental affordable dwelling units shall have access to all the site amenities that were provided when the affordable dwelling units were originally established in the development.

(7) All other covenants set forth in the original covenants and all regulations set forth in the Zoning Ordinance shall remain in full force and effect.

F. The rental tenant occupants of the affordable dwelling units subject to the condominium conversion shall have the right to purchase the dwelling unit they occupy at the sales price established by the County Executive pursuant to this Part. Subsequently, the Fairfax County Redevelopment and Housing Authority shall have the right to purchase any or all of the affordable dwelling units that are not purchased by such rental tenant occupants at the sales price established for such units by the County Executive pursuant to this Part. Such units shall be offered to the Fairfax County Redevelopment and Housing Authority and purchased by it in accordance with the provisions of Par 2B of Sect. 812 below.

2-808 Limitations on Building Permits and Residential Use Permits

1. In any development, except for one that is comprised solely of rental multiple family units, building permits may be issued for all of the dwelling units in the development; however, Residential Use Permits (RUPs) shall not be issued for more than seventy-five (75) percent of the total number of units in the development until such time as RUPs have been issued for at least seventy-five (75) percent of the affordable dwelling units in the development. Additionally, in accordance with Sect. 810 below, the required Notice of Availability and Sales Offering Agreement shall be submitted prior to the issuance of the first RUP for any affordable dwelling unit in the development.

2. A development which is comprised solely of rental multiple family units shall not be subject to the limitations on the issuance of Residential Use Permits contained in this Section, except in accordance with Sect. 811 below, which requires execution of a Notice of Availability and Rental Offering Agreement prior to the issuance of the first RUP for the development.

2-809 Affordable Dwelling Unit Specifications

1. The Fairfax County Redevelopment and Housing Authority (FCRHA) shall develop specifications for the prototype affordable housing products both for sale and rental, which specifications shall be reviewed and approved by the Affordable Dwelling Unit Advisory Board before becoming effective. All building plans for affordable dwelling units shall comply to such specifications. Any applicant or owner may voluntarily construct affordable dwelling units to a standard in excess of such specifications, but only fifty (50) percent of any added cost for exterior architectural compatibility upgrades (such as brick facade, shutters, bay windows, etc.) and additional landscaping on the affordable dwelling unit lot shall be included within recoverable costs, up to a maximum of two (2) percent of the sales price of the affordable dwelling unit, with the allowance for additional landscaping not to exceed one-half (1/2) of the above-noted two (2) percent maximum.

2. In the administration of the Affordable Dwelling Unit Program, the design and construction specifications established in both rental and sales prices shall be structured to make the units affordable to households whose incomes do not exceed seventy (70) percent of the median income of the Washington Standard Metropolitan Statistical Area.

2-810 Administration of For Sale Affordable Dwelling Units

l. The sale of affordable dwelling units shall be regulated by the Fairfax County Redevelopment and Housing Authority. The Housing Authority may adopt reasonable rules and regulations to assist in the regulation and monitoring of the sale and resale of affordable dwelling units, which may include giving a priority to persons who live or work in Fairfax County.

2. The Fairfax County Redevelopment and Housing Authority shall have an exclusive right to purchase up to one-third (1/3) of the for sale affordable dwelling units within a development for a ninety (90) day period beginning on the date that a complete Notice of Availability and ADU Sales Offering Agreement, submitted by the owner, is executed by

the Redevelopment and Housing Authority. The notice shall advise the Redevelopment and Housing Authority that a particular affordable dwelling unit or units are or will be completed and ready for purchase. The notice shall be in the form prescribed by the Redevelopment and Housing Authority and include specific identification of the unit or units being offered; the number of bedrooms, floor area and amenities for each unit; the approved sales price for each unit and evidence of issuance of a building permit for the units. Such written notice may be sent by the owner at any time after the issuance of a building permit for the affordable dwelling unit and approval of the sales price for the unit by the County Executive, but shall occur prior to the issuance of the first Residential Use Permit for any affordable dwelling unit in the development. If the Redevelopment and Housing Authority elects to purchase a particular affordable dwelling unit, the Redevelopment and Housing Authority shall so notify the owner in writing and an all cash closing shall occur within thirty (30) days from the end of the respective ninety (90) day period, provided a Residential Use Permit has been issued for the unit prior to closing.

3. The remaining two-thirds (2/3) of the for sale affordable dwelling units within a development and any units which the Fairfax County Redevelopment and Housing Authority does not elect to purchase shall be offered for sale exclusively for a ninety (90) day period to persons who meet the income criteria established by the Redevelopment and Housing Authority, and who have been issued a Certificate of Qualification by the Redevelopment and Housing Authority. This ninety (90) day period shall begin on the date that a complete Notice of Availability and ADU Sales Offering Agreement, submitted by the owner, is executed by the Redevelopment and Housing Authority. The notice shall advise the Redevelopment and Housing Authority that a particular affordable dwelling unit or units are or will be completed and ready for purchase. The notice shall be in the form prescribed by the Redevelopment and Housing Authority and include the information described in Par. 2 above. In addition, the owner shall provide marketing materials concerning the units and the development to be used in the sale of the units. Such written notice may be sent by the owner at any time after the issuance of a building permit for the affordable dwelling unit and approval of the sales price for the unit by the County Executive. Notwithstanding the foregoing, after the first thirty (30) days of the ninety (90) day period referenced in this paragraph, the Redevelopment and Housing Authority may elect to purchase up to one-half (1/2) of the affordable dwelling units offered pursuant to this paragraph by giving written notice of its election to do so for those units then available within the ninety (90) day period, which notice shall provide for an all cash closing within thirty (30) days from the end of the ninety (90) day period, provided a Residential Use Permit has been issued prior to closing.

4. After the expiration of the sixty (60) days of the ninety (90) day period(s) referenced in Paragraphs 2 and 3 above, the affordable dwelling units not sold shall be offered for sale to nonprofit housing groups, as designated by the County Executive, subject to the established affordable dwelling unit prices and the requirements of this Part. The nonprofit housing groups shall have a thirty (30) day period within which to commit to purchase the units. This thirty (30) day period shall begin on the date of receipt of written notification from the owner, sent by registered or certified mail, advising them that a particular affordable dwelling unit is or will be ready for purchase. The notice shall state the number of bedrooms, floor area and amenities for each unit offered for sale. Such written notice may be sent by the owner any time after the commencement of the ninety (90) day period referenced in Paragraphs 2 and 3 above. If a nonprofit housing

group elects to purchase a particular affordable dwelling unit, they shall so notify the owner in writing and an all cash closing shall occur within thirty (30) days from the end of the thirty (30) day period, provided a Residential Use Permit has been issued for the unit prior to closing.

5. After the expiration of the time period(s) referenced in Paragraphs 2, 3, and 4 above, the affordable dwelling units not sold may be offered to the general public as for sale units subject to established affordable dwelling unit prices and the requirements of this Part or may be offered as rental units subject to the requirements of this Part to persons who meet income requirements hereunder.

6. A schedule of County-wide cost factors and the cost calculation formula used to determine sales prices shall be established initially and may be amended periodically by the County Executive, based upon a determination of all ordinary, necessary and reasonable costs required to construct the various affordable dwelling unit prototype dwellings by private industry in Fairfax County, after consideration by the County Executive of written comment from the public, the Fairfax County Redevelopment and Housing Authority and the Affordable Dwelling Unit Advisory Board, and other information which may be available, such as the area's current general market and economic conditions.

7. Sales prices shall include, among other costs, a marketing and commission allowance of one and one-half (1 1/2) percent of the sales price for the affordable dwelling unit, provisions for builder-paid permanent mortgage placement costs and buy-down fees, and closing costs, except pre-paid expenses required at settlement, but shall not include the cost of land.

8. There shall be a semiannual review and possible adjustment in affordable dwelling unit sales prices which shall be applied to the affordable dwelling unit sales prices initially established by the County Executive adjusted according to the percentage change in the various cost elements as indicated by the U.S. Department of Commerce's Composite Construction Cost Index and/or such other comparable index or indices selected by the County Executive and recommended by the Affordable Dwelling Unit Advisory Board.

9. The sales prices for affordable dwelling units within a development shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units. "Economic loss" shall mean that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by the County Executive for the affordable dwelling units pursuant to this Part, exclusive of the land acquisition cost and cost voluntarily incurred, but not authorized under this Part, upon the sale of an affordable dwelling unit.

10. For the purposes of this Section, the "annual household income" shall not include the income of any live-in aide when determining the eligibility of the qualified household, provided such live-in aide meets the standards set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Article 24, of the Code of Federal Regulations, Section CFR 5.403 and 982.316, and is further subject to Public and Indian Housing Notices PIH 2008-20 and 2009-22 and any future applicable notices issued by HUD.

2-811 Administration of Rental Affordable Dwelling Units

1. The Fairfax County Redevelopment and Housing Authority may adopt reasonable rules and regulations to assist in the regulation and monitoring of the rental of affordable dwelling units, which may include giving a priority to persons who live or work in Fairfax County.

   The Redevelopment and Housing Authority or its designee shall have an exclusive right to lease up to one-third (1/3) of the rental affordable dwelling units within a single family detached or attached dwelling unit development during the control period.

   For the initial rentals of units within a single family detached or attached dwelling unit development or multiple family dwelling development, the owner shall send the Redevelopment and Housing Authority a Notice of Availability and ADU Rental Offering Agreement in a form prescribed by the Redevelopment and Housing Authority, to advise that a particular affordable dwelling unit or units are or will be completed and ready for rental. Such Notice of Availability and ADU Rental Offering Agreement shall be submitted to and executed by the Redevelopment and Housing Authority prior to the issuance of the first Residential Use Permit for any dwelling within the development. The notice shall state the number of bedrooms, floor area, amenities and rent for each unit offered for rental. Such written notice may be sent by the owner at any time after the issuance of a building permit for the affordable dwelling units which are being offered for rental. If the Redevelopment and Housing Authority elects to assume control for a particular affordable dwelling unit, the Redevelopment and Housing Authority shall so notify the owner in writing within thirty (30) days from the execution of the notice by the Redevelopment and Housing Authority.

   For multiple family dwelling developments, for thirty (30) days subsequent to execution of the notice described above by the Redevelopment and Housing Authority, up to one-third (1/3) of the rental affordable dwelling units, which units shall be of proportional bedroom count to the market rate units in the multiple family development, shall be made available to households meeting owner's normal rental criteria, other than income, having state and/or local rental subsidies, and certified as eligible by the Redevelopment and Housing Authority at rents affordable to households with incomes up to fifty (50) percent of the Washington Standard Metropolitan Statistical Area median income. If the name of a qualifying tenant is not made available to the owner by the Redevelopment and Housing Authority, at the end of the thirty (30) day notice period, the owner may rent the unit(s) to households with income up to fifty (50) percent of the median income for the Washington Standard Metropolitan Statistical Area at a rent affordable to such a household.

   At the owner's option, the Redevelopment and Housing Authority may lease additional rental units at the affordable dwelling unit or market rent as appropriate. The remaining two-thirds (2/3) of the for rental affordable dwelling units within a development, which units shall be of proportional bedroom count to the market rate units in the multiple family development, shall be offered to persons who meet the established income criteria.

2. Any affordable dwelling units required pursuant to this Part which are not leased by the Fairfax County Redevelopment and Housing Authority shall be leased for a minimum six (6) month period with a maximum term of lease for one (1) year to tenants who meet the eligibility criteria established by the Fairfax County Redevelopment and Housing Authority. The lease agreements for such units shall include conditions which require the tenant to occupy the unit as his or her domicile, which prohibit the subleasing of the

unit, which require continued compliance with the eligibility criteria established by the Housing Authority, and which require the tenant to annually verify under oath, on a form approved by the Fairfax County Redevelopment and Housing Authority, his or her annual income and such other facts that the landlord may require in order to ensure that the tenant continues to meet the eligibility criteria established by the Housing Authority.

3. Eligible tenants must continue to meet the income criteria established by the Fairfax County Redevelopment and Housing Authority in order to continue occupancy of the affordable dwelling unit. However, a tenant who no longer meets such criteria may continue to occupy an affordable dwelling unit until the end of the lease term. Affordable dwelling units not leased by the Fairfax County Redevelopment and Housing Authority may not be subleased.

4. By the end of each month, the owner of a development containing rental affordable dwelling units leased to individuals other than the Fairfax County Redevelopment and Housing Authority shall provide the Housing Authority with a statement verified under oath which certifies the following as of the first of such month:

   A. The address and name of the development and the name of the owner.

   B. The number of affordable dwelling units by bedroom count, other than those leased to the Housing Authority, which are vacant.

   C. The number of affordable dwelling units by bedroom count which are leased to individuals other than the Housing Authority. For each such unit, the statement shall contain the following information:

      (1) The unit address and bedroom count.

      (2) The tenant's name and household size.

      (3) The effective date of the lease.

      (4) The tenant's (household) income as of the date of the lease.

      (5) The current monthly rent.

   D. That to the best of owner's information and belief, the tenants who lease affordable dwelling units meet the eligibility criteria established by the Fairfax County Redevelopment and Housing Authority.

   E. The owner shall provide the Housing Authority with a copy of each new or revised annual tenant verification obtained from the renters of affordable dwelling units pursuant to Par. 2 above.

5. For single family detached or attached dwelling units, County-wide rental prices shall be established initially by the County Executive, based upon a determination of all ordinary, necessary and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, after consideration by the County Executive of written comments from the public, the Fairfax County

Redevelopment and Housing Authority and the Affordable Dwelling Unit Advisory Board, and other information which may be available, such as the area's current general market and economic conditions. In establishing rental prices, consideration shall be given to reasonable and customary allowances in the rental industry for construction, financing and operating costs of the rental units.

6. For multiple family dwelling units, County-wide rental prices shall be established by the County Executive in accordance with the following:

   A. Two-thirds (2/3) of the affordable units in multiple family dwelling unit structure developments, which are not otherwise exempt under Sect. 803 above, shall be established according to the following formula which shall be based on sixty-five (65) percent of the median income for the Washington Standard Metropolitan Statistical Area. This base figure shall be adjusted by the following factors for different multiple family dwelling unit sizes based on the number of bedrooms in the dwelling unit:

Number of Bedrooms	**Adjustment Factor**
Efficiency (0 bedroom)	70%
1 Bedroom	80%
2 Bedroom	90%
3 Bedroom	100%

   The result of this calculation for each size multiple family dwelling unit shall then be divided by twelve (12), then multiplied by twenty-five (25) percent and rounded to the nearest whole number to establish the rent for the unit, excluding utilities.

   B. One-third (1/3) of the affordable units in multiple family dwelling unit structure developments, which are not otherwise exempt under Sect. 803 above, shall be established according to the following formula which shall be based on fifty (50) percent of the median income for the Washington Standard Metropolitan Statistical Area. This base figure shall be adjusted by the same factors set forth in Par. A above and the results of this calculation for each size dwelling unit shall then be divided by twelve (12), then multiplied by twenty-five (25) percent and rounded to the nearest whole number to establish the rent for the unit, excluding utilities.

   C. Rental prices for affordable dwelling units in independent living facility projects which have a monthly charge which combines rent with a service package shall be established on a case by case basis after consideration of written comments from the public, the Fairfax County Redevelopment and Housing Authority and the Affordable Dwelling Unit Advisory Board.

7. Rental prices for affordable dwelling units shall be established such that the owner/applicant shall not suffer economic loss as a result of providing rental affordable dwelling units.

8. There shall be a semiannual review and possible adjustment in affordable dwelling unit rental prices which shall be applied to the affordable dwelling unit rental prices initially established by the County Executive, adjusted according to the percentage change in the various cost elements as indicated by the U. S. Department of Commerce's Composite Construction Cost Index and/or such other comparable index or indices that are selected by the County Executive and recommended by the Affordable Dwelling Unit Advisory Board. In setting adjusted rental prices, the County Executive may establish different rental classifications and prices which reflect the age and condition of the various rental developments within Fairfax County. Rental prices for multiple family dwelling units shall be adjusted in accordance with the formulas set forth in Par. 6 above.

9. For the purposes of this Section, the "annual household income" shall not include the income of any live-in aide when determining the eligibility of the qualified household, provided such live-in aide meets the standards set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Article 24, of the Code of Federal Regulations, Section CFR 5.403 and 982.316, and is further subject to Public and Indian Housing Notices PIH 2008-20 and 2009-22 and any future applicable notices issued by HUD.

2-812 Covenant, Price and Financing Control of Affordable Dwelling Units

1. Except as qualified by this Section, subsequent price control of affordable dwelling units shall be as follows:

   A. For affordable dwelling units for which the initial sale and/or rental occurred prior to March 31, 1998, the prices for subsequent resales and rerentals shall be controlled for a period of fifty (50) years after the initial sale and/or rental transaction for the respective affordable dwelling unit, provided that the control period may be amended upon recordation of a revised covenant in accordance with Par. 2 below; or

   B. For affordable dwelling units for which the initial sale/rental occurred on or after March 31, 1998, and before February 28, 2006, the prices for subsequent resales shall be controlled for a period of fifteen (15) years and rerentals shall be controlled for a period of twenty (20) years after the initial sale and/or rental transaction for the respective affordable dwelling unit; or

   C. For affordable dwelling units for which the initial sale occurred on or after February 28, 2006, the price for subsequent resales shall be controlled for a period of thirty (30) years after the initial sale. However, upon any resale and/or transfer to a new owner of such affordable dwelling unit within the initial thirty (30) year period of control, the prices for each subsequent resale and/or transfer to a new owner shall be controlled for a new thirty (30) year period commencing on the date of such resale or transfer of the affordable dwelling unit. Each initial thirty (30) year control period and each renewable subsequent thirty (30) year control period may be referred to as a sales price control period. For any affordable dwelling unit that is owned for an entire 30 year control period by the same individual(s), the price control term shall expire and the first sale of the unit after such expiration shall be in accordance with Par. 5 below; or

D. For affordable dwelling units for which the initial rental occurred on or after February 28, 2006, the prices for subsequent rerental shall be controlled for a period of thirty (30) years after the initial rental.

2. In developments containing affordable dwelling units offered for sale, Affordable Dwelling Unit Program covenants, which are applicable to the affordable dwelling units and which run in favor of and are in the form prescribed by the Fairfax County Redevelopment and Housing Authority, shall be recorded simultaneously with the recordation of the final subdivision plat or, in the case of a condominium, recorded simultaneously with the condominium declaration. All such initial and any subsequent or revised Affordable Dwelling Unit Program covenants thereafter recorded shall expressly provide all of the following:

A. The dwelling unit may not be resold during any sales price control period set forth herein for an amount that exceeds the limits set by the County Executive and, prior to offering the dwelling unit for sale, the sales price shall be approved by the Department of Housing and Community Development.

B. Each time the unit may be offered for resale during any sales price control period set forth herein it shall first be offered exclusively through the Fairfax County Redevelopment and Housing Authority. The owner of each such unit to be resold shall provide the Fairfax County Redevelopment and Housing Authority with written notification sent by certified mail that the affordable dwelling unit is being offered for sale. The Fairfax County Redevelopment and Housing Authority shall have the exclusive right to purchase such unit at a purchase price that shall not exceed the control price of the unit at that time as established in accordance with this Part. The Fairfax County Redevelopment and Housing Authority shall notify the owner in writing within thirty (30) days after receipt of the written notification from the owner advising whether or not the Fairfax County Redevelopment and Housing Authority will enter into a contract to purchase the unit on the form approved by the Fairfax County Redevelopment and Housing Authority and subject to certain conditions, such as acceptable condition of title and acceptable physical and environmental conditions. An all cash closing shall occur within ninety (90) days after receipt by the Fairfax County Redevelopment and Housing Authority of the written notification of the owner offering the unit for sale, in the event that all such conditions of the contract are satisfied. The Fairfax County Redevelopment and Housing Authority may either take title to the affordable dwelling unit and amend and restate the covenants applicable to that unit to make the covenants consistent with the then current provisions of this Part or may assign the contract of purchase to a qualified homebuyer with a condition of the assignment being that such amended and restated covenants would be recorded and effective as express terms of the deed of resale. Affordable dwelling units so acquired/contracted for purchase by the Fairfax County Redevelopment and Housing Authority shall be resold to qualified homebuyers in accordance with the Affordable Dwelling Unit Program.

C. For the initial sale of an affordable dwelling unit after the expiration of any sales price control period set forth herein, it shall first be offered exclusively to the Fairfax County Redevelopment and Housing Authority for sixty (60) days. In all instances, whether or not the Housing Authority purchases the unit, one-half (1/2)

of the difference between the net sales price paid by the purchaser at such sale and the owner's purchase price (as adjusted in accordance with Par. 4 below) shall be contributed to the Fairfax County Housing Trust Fund to promote housing affordability in Fairfax County.

D. The unit is subject to the provisions of the Affordable Dwelling Unit Program as set forth in the Fairfax County Zoning Ordinance.

E. For the initial and revised covenants recorded before July 2, 2002:

(1) the covenants shall be senior to all instruments securing permanent financing, and that the covenants shall be binding upon all assignees, mortgagees, purchasers and other successors in interest. However, the covenants shall provide that, in the event of foreclosure, the covenants shall be released.

(2) the covenants shall state that any or all financing documents shall require the lender to provide to the County Executive and the Fairfax County Redevelopment and Housing Authority written notice of any delinquency or other event of default under a mortgage and that the Fairfax County Redevelopment and Housing Authority shall have the right for a sixty (60) day period to cure such a default.

F. For any individual affordable dwelling unit initially conveyed between July 2, 2002 and February 28, 2006 and the resale of any individual affordable dwelling unit conveyed between July 2, 2002 and February 28, 2006, regardless of whether the covenants applicable to any such initial conveyance or resale conveyance were recorded prior to July 2, 2002, and for initial and revised covenants recorded between July 2, 2002 and February 28, 2006:

(1) the covenants shall be senior to all instruments securing financing, and the covenants shall be binding upon all assignees, mortgagees, purchasers and other successors in interest, except that the covenants shall be released in the event of foreclosure by an Eligible Lender, as such term is defined in Par. 8B below, as and only to the extent provided for in Par. 8B below.

(2) the covenants shall state that all financing documents shall require every Eligible Lender and every other lender secured by an individual for sale affordable dwelling unit to provide to the County Executive and the Fairfax County Redevelopment and Housing Authority written notice of any delinquency or other event of default under the deed of trust or mortgage and that the Fairfax County Redevelopment and Housing Authority shall have the right to cure such delinquency or other event of default within a period of ninety (90) days immediately after receipt by the Fairfax County Redevelopment and Housing Authority of such notice.

(3) no sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of the Affordable Dwelling Unit Program as set forth in this Part.

(4) each Eligible Lender and any other lender secured by an interest in the affordable dwelling unit shall be required prior to foreclosure to provide the County Executive and the Fairfax County Redevelopment and Housing Authority at least ninety (90) days prior written notice thereof.

(5) the covenants shall state that the unit is subject to all of the provisions set forth in Par. 8B below and shall state those provisions.

(6) the total aggregate amount of principal and accrued interest for all financing secured by an individual for sale affordable dwelling units shall not exceed the owner's purchase price (as adjusted in accordance with Par. 4 below). Any financing in excess of the owner's purchase price (as adjusted in accordance with Par. 4 below) shall not be secured by any interest in the applicable individual for sale affordable dwelling unit.

G. For any individual affordable dwelling unit initially conveyed on or after February 28, 2006, the resale during the sales price control period of any individual affordable dwelling unit conveyed on or after February 28, 2006, and for the conversion of rental affordable dwelling units to condominiums on or after February 28, 2006, regardless of whether the covenants applicable to any such initial conveyance or resale conveyance were recorded prior to February 28, 2006, and for initial and revised covenants recorded on or after February 28, 2006:

(1) the covenants shall be senior to all instruments securing financing, and the covenants shall be binding upon all assignees, mortgagees, purchasers and other successors in interest, except that the covenants shall be released in the event of foreclosure by an Eligible Lender, as such term is defined in Par. 8B below, as and only to the extent provided for in Par. 8B below.

(2) the covenants shall state that all financing documents shall require every Eligible Lender and every other lender secured by an individual for sale affordable dwelling unit to provide to the County Executive and the Fairfax County Redevelopment and Housing Authority written notice of any delinquency or other event of default under the deed of trust or mortgage and that the Fairfax County Redevelopment and Housing Authority shall have the right to cure such delinquency or other event of default within a period of ninety (90) days immediately after receipt by the Fairfax County Redevelopment and Housing Authority of such notice.

(3) no sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of the Affordable Dwelling Unit Program as set forth in the Fairfax County Zoning Ordinance.

(4) each Eligible Lender and any other lender secured by an interest in the affordable dwelling unit shall be required prior to foreclosure to provide the County Executive and the Fairfax County Redevelopment and Housing Authority at least ninety (90) days prior written notice thereof.

(5) the covenants shall state that the unit is subject to all of the provisions set forth in Par. 8B below and shall state those provisions.

(6) the total aggregate amount of principal and accrued interest for all financing secured by an individual for sale affordable dwelling units shall not exceed the owner's purchase price (as adjusted in accordance with Par. 4 below). Any financing in excess of the owner's purchase price (as adjusted in accordance with Par. 4 below) shall not be secured by any interest in the applicable individual for sale affordable dwelling unit.

(7) the covenants shall specifically state that upon any resale and/or transfer to a new owner of such affordable dwelling unit within the initial thirty (30) year control period, the prices for each subsequent resale and/or transfer to a new owner shall be controlled for a new thirty (30) year period commencing on the date of such resale or transfer of the affordable dwelling unit.

At the time of the initial sale of an individual affordable dwelling unit, which sale occurs on or after March 31, 1998, the owner/applicant shall provide in the sales contract for each affordable dwelling unit offered for sale a copy of the recorded covenant running with the land in favor of the Redevelopment and Housing Authority. The owner/applicant shall include in the deed for each affordable dwelling unit sold an express statement that the affordable dwelling unit is subject to the terms and conditions of the Affordable Dwelling Unit Program covenants recorded pursuant to this Part with a specific reference to the deed book and page where such covenants are recorded. At the time of the initial sale and any resale of an individual affordable dwelling unit, which sale or resale occurs on or after July 2, 2002, the owner/applicant shall also include in the deed for each affordable dwelling unit sold an express statement that the total aggregate amount of indebtedness that may be secured by the affordable dwelling unit is limited and that other terms and conditions apply, including, but not limited to, a right for the Fairfax County Redevelopment and Housing Authority or a nonprofit agency designated by the County Executive to acquire the affordable dwelling unit on certain terms in the event of a pending foreclosure sale, as set forth in the Affordable Dwelling Unit Program covenants and/or in the Affordable Dwelling Unit Program set forth in the Fairfax County Zoning Ordinance, as it may be amended.

For individual affordable dwelling units conveyed prior to 12:01 AM March 31, 1998, the owner may modify the existing covenant recorded with such conveyance by recording a revised covenant in the form prescribed by the Redevelopment and Housing Authority. If the recordation of such modified covenant occurs prior to February 28, 2006, the fifteen (15) year control period with respect to for sale units and the twenty (20) year control period with respect to rental units shall be deemed to have commenced on March 31, 1998. If the recordation of such modified covenant occurs on or after February 28, 2006, the renewable sales price control period of thirty (30) years shall apply with respect to for sale units and the thirty (30) year control period with respect to rental units shall apply and shall be deemed to have commenced on March 31, 1998. Any revised covenants hereafter recorded that reduce the control period from fifty (50) years shall expressly provide that the terms and conditions of other previously recorded covenants shall continue to apply, as amended to provide that the terms thereof shall set forth terms and conditions in accordance with the terms herein.

3. The owner of each such unit to be resold during any sales price control period and, subject to the provisions of Par. 2E of Sect. 807 above, for the conversion of rental affordable dwelling units to condominium affordable dwelling units shall provide the

Fairfax County Redevelopment and Housing Authority with written notification sent by certified mail that the affordable dwelling unit is being offered for sale. The Fairfax County Redevelopment and Housing Authority shall have the exclusive right to purchase such unit at a purchase price that shall not exceed the control price of the unit at that time as established in accordance with this Part and such owner shall sell the unit to the Fairfax County Redevelopment and Housing Authority. The Fairfax County Redevelopment and Housing Authority shall notify the owner in writing within thirty (30) days after receipt of the written notification from the owner advising whether or not the Fairfax County Redevelopment and Housing Authority will enter into a contract to purchase the unit on the form approved by the Fairfax County Redevelopment and Housing Authority and subject to certain conditions, such as acceptable condition of title and acceptable physical and environmental conditions. An all cash closing shall occur within ninety (90) days after receipt by the Housing Authority of the written notification of the owner offering the unit for sale, in the event that all such conditions of the contract are satisfied. The Fairfax County Redevelopment and Housing Authority may either take title to the affordable dwelling unit and amend and restate the covenants applicable to that unit to make the covenants consistent with the then current provisions of this Part or may assign the contract of purchase to a qualified homebuyer with a condition of the assignment being that such amended and restated covenants would be recorded and effective as express terms of the deed of resale. Affordable dwelling units so acquired/contracted for purchase by the Fairfax County Redevelopment and Housing Authority shall be resold to qualified homebuyers in accordance with its Affordable Dwelling Unit Program.

If the Fairfax County Redevelopment and Housing Authority does not elect to purchase an available affordable dwelling unit, for the first sixty (60) days individual affordable dwelling units are offered for resale, the units shall first be offered exclusively through the Fairfax County Redevelopment and Housing Authority to persons who meet the Redevelopment and Housing Authority's criteria, and who have been issued a Certificate of Qualification by the Redevelopment and Housing Authority. Upon the expiration of the sixty (60) day period, the unit may be offered for sale to the general public to persons who meet income requirements hereunder and at the current controlled price as set pursuant to Sect. 810 above.

4. Units offered for sale during any control period shall not be offered for a price greater than the original selling price plus a percentage of the unit's original selling price equal to the increase in the U. S. Department of Labor's Consumer Price-Urban Area Index or such other index selected by the County Executive following consideration of the recommendation by the Affordable Dwelling Unit Advisory Board, plus the lesser of the current fair market value or the actual original cost of certain improvements as determined by the Fairfax County Redevelopment and Housing Authority in accordance with its regulations to be (a) substantial and appropriate replacements or improvements of existing housing components and/or (b) structural improvements made to the unit between the date of original sale and the date of resale, plus an allowance for payment of closing costs on behalf of the subsequent purchaser which shall be paid by the seller. Those features deemed to be substantial and appropriate replacements or improvements of housing components and structural improvements are as set forth by the Fairfax County Redevelopment and Housing Authority. No increase in sales price shall be allowed for the payment of brokerage fees associated with the sale of the unit, except that with respect to units purchased and resold by the Fairfax County Redevelopment and Housing Authority, an increase of one and one half (1 1/2) percent of the resale price

shall be allowed for marketing and transaction costs, and with respect to resales by other owners, an increase of one and one-half (1 1/2) percent of the sales price shall be allowed as a fee to be paid to a real estate broker or agent licensed to conduct residential real estate transactions in the Commonwealth of Virginia who meets the qualifications determined by the Redevelopment and Housing Authority and who serves as a dual agent for both the qualified buyer and the seller in the resale of the affordable dwelling unit in accordance with sales procedures approved by the Housing Authority. The one and one-half (1 1/2) percent fee shall be paid to such real estate broker or agent by the seller at the time of settlement of the resale of the affordable dwelling unit as part of the disbursement of settlement proceeds.

5. For the initial sale of an affordable dwelling unit after the expiration of any control period, the Fairfax County Redevelopment and Housing Authority shall be offered the exclusive right to purchase the unit. The owner of each such unit shall provide the Redevelopment and Housing Authority with written notification sent by registered or certified mail that the unit is for sale. If the Redevelopment and Housing Authority elects to purchase such unit, the Authority shall so notify the owner in writing within thirty (30) days of receipt of the written notification from the owner and the all cash closing shall occur within sixty (60) days thereafter.

   In all instances, whether or not the Redevelopment and Housing Authority elects to purchase such unit, one-half (1/2) of the amount of the difference between the net sales price paid by the purchaser at such sale and the owner's purchase price plus a percentage of the unit's selling price equal to the increase in the U.S. Department of Labor's Consumer Price-Urban Area Index or such other index selected by the County Executive following consideration of the recommendation by the Affordable Dwelling Unit Advisory Board, plus the lesser of the current fair market value or the actual original cost of certain improvements as determined by the Redevelopment and Housing Authority in accordance with its regulations to be (a) substantial and appropriate replacements or improvements of existing housing components and/or (b) structural improvements made to the unit between the date of the owner's purchase and the date of resale shall be contributed to the Fairfax County Housing Trust Fund to promote housing affordability in Fairfax County as part of the disbursement of settlements proceeds. Such equity interest of the Fairfax County Housing Trust Fund shall apply to each affordable dwelling unit. Notice of such equity interest of the Fairfax County Housing Trust Fund may be evidenced by a document recorded among the land records of Fairfax County, Virginia encumbering any affordable dwelling unit. Net sales price shall exclude closing costs such as title charges, transfer charges, recording charges, commission fees, points and similar charges related to the closing of the sale of the property paid by the seller. All amounts necessary to pay and satisfy any and all liens, judgments, deeds of trust, or other encumbrances on the unit, other than the equity interest of the Fairfax County Housing Trust Fund, shall be paid by the seller out of proceeds of the seller from such sale, as determined in accordance with this paragraph, or shall be paid otherwise by the seller. In no event shall any such amounts required to be paid by the seller reduce the amount, as determined in accordance with this paragraph, which is to be contributed to the Fairfax County Housing Trust Fund pursuant to this paragraph.

6. In the case of a rental project having received zoning approval before February 28, 2006, where such approval includes a proffered condition or approved development plan that addresses affordable dwelling units in accordance with this Part, prior to the issuance of the first Residential Use Permit for the development and the offering for rent of any

affordable dwelling units, the owner shall record a covenant running with the land in favor of the Fairfax County Redevelopment and Housing Authority which provides that for twenty (20) years from the date of issuance of the first Residential Use Permit for the affordable dwelling units required under this Part, which date shall be subsequently specified in the covenant, that no such unit may be rented for an amount which exceeds the limits set by the County Executive, that the project is subject to the provisions of the Affordable Dwelling Unit Program as set forth in the Fairfax County Zoning Ordinance, that the covenant shall be senior to all instruments securing permanent financing, and that the covenant shall be binding upon all assignees, mortgagees, purchasers and other successors in interest.

In the case of a rental project that receives zoning approval on or after February 28, 2006, or received zoning approval before February 28, 2006, where such approval does not include a proffered condition or approved development plan that addresses affordable dwelling units in accordance with this Part, prior to the issuance of the first Residential Use Permit for the development and the offering for rent of any affordable dwelling units, the owner shall record a covenant running with the land in favor of the Fairfax County Redevelopment and Housing Authority which provides that for thirty (30) years from the date of issuance of the first Residential Use Permit for the affordable dwelling units required under this Part, which date shall be subsequently specified in the covenant, that no such unit may be rented for an amount which exceeds the limits set by the County Executive, that the project is subject to the provisions of the Affordable Dwelling Unit Program as set forth in the Fairfax County Zoning Ordinance, that the covenant shall be senior to all instruments securing permanent financing, and that the covenant shall be binding upon all assignees, mortgagees, purchasers and other successors in interest.

For initial and revised covenants recorded before July 2, 2002, the covenants shall provide that in the event of foreclosure, the covenants shall be released. For initial and revised covenants recorded between July 2, 2002, and February 27, 2006, the covenants shall terminate in the event of the foreclosure sale of a rental project by an Eligible Lender, in accordance with Par. 8B below. For initial and revised covenants recorded on or after February 28, 2006, the covenants shall remain in full force and effect in the event of the foreclosure sale of a rental project by an Eligible Lender, in accordance with Par. 8B below. Additionally, prior to the issuance of the first Residential Use Permit for any of the dwelling units within the development, the owner shall provide the Notice of Availability and Offering Agreement required by Par. 1 above.

7. Rentals subsequent to the initial rental during the twenty (20) or thirty (30) year control period, as applicable, shall not exceed the rental rate established by the County Executive pursuant to Par. 8 of Sect. 811 above.

8. The financing of affordable dwelling units provided pursuant to this Part shall comply with the following:

   A. For initial and revised covenants recorded before July 2, 2002:

      (1) the covenant shall be senior to all instruments securing permanent financing, and the covenant shall be binding upon all assignees, mortgages, purchasers and other successors in interest. However, the covenants shall provide that, in the event of foreclosure, the covenants shall be released.

(2) the covenants shall state that all financing documents shall require the lender to provide to the County Executive and the Fairfax County Redevelopment and Housing Authority written notice of any delinquency or other event of default under a mortgage and the Fairfax County Redevelopment and Housing Authority shall have the right for a sixty (60) day period to cure such a default.

(3) any and all financing documents shall provide that, in the event of foreclosure of projects and units subject to the requirements of this Part that are comprised of rental or for sale affordable dwelling units, the lender shall give written notice to the Fairfax County Redevelopment and Housing Authority of the foreclosure sale at least thirty (30) days prior thereto and in the case of individual for sale affordable dwelling units, the Housing Authority shall have the right to cure the default.

B. For any individual affordable dwelling unit initially conveyed on or after July 2, 2002, and the resale of any individual affordable dwelling unit conveyed on or after July 2, 2002, regardless of whether the covenants applicable to any such initial conveyance or resale conveyance were recorded prior to July 2, 2002, and for initial and revised covenants recorded on or after July 2, 2002:

(1) the covenants shall be senior to all instruments securing financing, and the covenants shall be binding upon all assignees, mortgagees, purchasers and other successors in interest, except that the covenant shall be released in the event of foreclosure by an Eligible Lender, as and only to the extent provided for in Par. 8B(5) below.

(2) all financing documents shall require every Eligible Lender and every other lender secured by an individual for sale affordable dwelling unit to provide to the County Executive and the Fairfax County Redevelopment and Housing Authority written notice of any delinquency or other event of default under the deed of trust or mortgage and that the Fairfax County Redevelopment and Housing Authority shall have the right to cure such delinquency or other event of default within a period of ninety (90) days immediately after receipt by the Fairfax County Redevelopment and Housing Authority of such notice.

(3) no sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of the Affordable Dwelling Unit Program as set forth in this Part.

(4) the total aggregate amount of principal and accrued interest for all financing secured by an individual for sale affordable dwelling unit shall not exceed the owner's purchase price (as adjusted in accordance with Par. 4 above). Any financing in excess of the owner's purchase price (as adjusted in accordance with Par. 4 above) shall not be secured by any interest in the applicable individual for sale affordable dwelling unit.

(5) an Eligible Lender is defined as an institutional lender holding a first priority purchase money deed of trust on a rental project or on an individual for sale

affordable dwelling unit or a refinancing of such institutionally financed purchase money deed of trust by an institutional lender, provided that such refinancing does not exceed the outstanding principal balance of the existing purchase money first trust indebtedness on the unit at the time of refinancing. An Eligible Lender shall have the right to foreclose on a rental project or an affordable dwelling unit and the covenants on the rental project or affordable dwelling unit shall terminate upon such foreclosure by the Eligible Lender in the event that the rental project or the affordable dwelling unit is sold by a trustee on behalf of the Eligible Lender to a bona fide purchaser for value at a foreclosure sale and all the requirements of the Affordable Dwelling Unit Program as set forth in this Part, the covenants, and applicable regulations with respect to such foreclosure sale are satisfied. Such requirements include, but are not limited to, the Eligible Lender with respect to an individual for sale affordable dwelling unit having provided the County Executive and the Redevelopment and Housing Authority written notice of the foreclosure sale proposed and having provided the Right to Cure and the Right to Acquire, as such terms are defined in Par. 8B(6) below. An Eligible Lender with respect to a rental project shall not be required to provide the Right to Cure and the Right to Acquire.

(6) each Eligible Lender with respect to an individual for sale affordable dwelling unit shall also provide a right to cure any delinquency or default (Right to Cure), and a right to acquire an individual for sale affordable dwelling unit subject to the foreclosure notice given pursuant to Par. 8B(8) below (Right to Acquire). The Right to Cure and/or the Right to Acquire, as applicable, may be exercised by the Fairfax County Redevelopment and Housing Authority, or by a nonprofit agency designated by the County Executive in the event the Redevelopment and Housing Authority elects not to exercise its right, at any time during such ninety (90) day period after the Redevelopment and Housing Authority has received notice of the delinquency or default or of the proposed foreclosure up to and including at such foreclosure sale. An affordable dwelling unit so acquired shall be acquired for the purpose of resale of such unit to persons qualified under the Affordable Dwelling Unit Program and not for conversion of the affordable dwelling unit to a rental unit. The Right to Acquire shall entitle the Redevelopment and Housing Authority or the nonprofit agency designated by the County Executive to acquire the affordable dwelling unit at or before any foreclosure sale for which such notice has been given upon payment in full of the outstanding indebtedness on the affordable dwelling unit owed to the Eligible Lender including principal, interest, and fees that together in the aggregate do not exceed the amount of the owner's purchase price (as adjusted in accordance with Par. 4 above), and other reasonable and customary costs and expenses (the Outstanding First Trust Debt), with no owner, prior owner or other party, whether secured or not, having any rights to compensation under such circumstances.

(7) in the event that neither the Fairfax County Redevelopment and Housing Authority nor the nonprofit agency designated by the County Executive exercises the Right to Acquire and the individual for sale affordable dwelling unit is sold for an amount greater than the Outstanding First Trust Debt, one-

half (1/2) of the amount in excess of the Outstanding First Trust Debt shall be paid to the Fairfax County Housing Trust Fund to promote housing affordability in Fairfax County as part of the disbursement of settlement proceeds.

(8) each Eligible Lender and any other lender secured by an interest in a rental project or an individual for sale affordable dwelling unit shall be required prior to foreclosing to provide the County Executive and the Fairfax County Redevelopment and Housing Authority at least ninety (90) days prior written notice thereof.

(9) all financing documents for financing secured by an individual for sale affordable dwelling unit shall state that the Eligible Lender's financing provides the Right to Cure and Right to Acquire which may be exercised by the Fairfax County Redevelopment and Housing Authority, or by a nonprofit agency designated by the County Executive in the event the Fairfax County Redevelopment and Housing Authority elects not to exercise its rights, at any time during such ninety (90) day period after the Fairfax County Redevelopment and Housing Authority has received notice, as applicable, of the delinquency or default or of the proposed foreclosure up to and including at such foreclosure sale.

9. Notwithstanding the above, for multiple family dwelling rerentals that were initially rented before February 28, 2006, all of the relevant provisions of this Part shall apply for the 20 year control period except that after the initial 10 years and after provision of 120 day written notice to the Housing Authority and the tenants of the affordable dwelling units, the owner may elect to file a rezoning application and comply with whatever requirements result there from, or may elect to pay to the Fairfax County Housing Trust Fund an amount equivalent to the then fair market value of the land attributable to all bonus and affordable dwelling units and provide relocation assistance to the tenants of the affordable dwelling units in accordance with the requirements of Article 4 of Chapter 12 of The Code. Thereupon, the units previously controlled by this Part as affordable dwelling units shall be released fully. For multiple family dwelling rerentals that were initially rented on or after February 28, 2006, all of the relevant provisions of this Part shall apply for the thirty (30) year control period; provided, however, that the provision for an early release of the covenants after the initial ten (10) years set forth above in this paragraph shall not apply.

10. The provisions set forth in Paragraphs 2F and 8B above shall apply and the applicable covenants shall be deemed to incorporate such provisions, whether or not expressly set forth in such covenants, to any individual affordable dwelling unit initially conveyed on or after July 2, 2002, and the resale of any individual affordable dwelling unit conveyed on or after July 2, 2002, regardless of whether the covenants applicable to any such initial conveyance or resale conveyance were recorded prior to July 2, 2002.

11. In the event of a foreclosure sale of any affordable dwelling unit after September 14, 2004, the following shares of the proceeds of such foreclosure sale shall be paid to the Fairfax County Housing Trust Fund to promote housing affordability in Fairfax County:

A. For any individual affordable dwelling unit initially conveyed on or after July 2,

2002, and any individual affordable dwelling unit resold and conveyed on or after July 2, 2002, regardless of whether the covenants applicable to any such initial conveyance or resale conveyance were recorded prior to July 2, 2002, and for initial and revised covenants recorded on or after July 2, 2002, in the event that the individual for sale affordable dwelling unit is sold at the foreclosure sale for an amount greater than the Outstanding First Trust Debt, as such term is defined in Par. 8B(6) above, one-half (1/2) of the amount in excess of the Outstanding First Trust Debt shall be paid to the Fairfax County Housing Trust Fund as part of the disbursement of settlement proceeds.

B. For all other individual affordable dwelling units, in all instances, one-half (1/2) of the amount of the difference between the net sales price paid by the purchaser at such sale and the foreclosed owner's purchase price plus a percentage of the unit's selling price equal to the increase in the U.S. Department of Labor's Consumer Price-Urban Area Index or such other index selected by the County Executive following consideration of the recommendation by the Affordable Dwelling Unit Advisory Board, plus the lesser of the current fair market value or the actual original cost of certain improvements as determined by the Redevelopment and Housing Authority in accordance with its regulations to be (1) substantial and appropriate replacements or improvements of existing housing components and/or (2) structural improvements made to the unit between the date of the foreclosed owner's purchase and the date of resale (the "Housing Trust Fund Share") shall be contributed to the Fairfax County Housing Trust Fund as part of the disbursement of settlement proceeds. Net sales price shall exclude closing costs such as title charges, transfer charges, recording charges, commission fees, points and similar charges related to the closing of the sale of the property paid by the seller. All amounts necessary to pay and satisfy any and all liens, judgments, deeds of trust, or other encumbrances on the unit, other than the equity interest of the Fairfax County Housing Trust Fund, shall be paid out of proceeds of the foreclosure sale that are not the Housing Trust Fund Share, as determined in accordance with this paragraph, or shall be otherwise paid by the foreclosed owner. In no event shall any such amounts required to be paid by the foreclosed owner reduce the Housing Trust Fund Share, as determined in accordance with this paragraph, which is to be contributed to the Fairfax County Housing Trust Fund pursuant to this paragraph.

2-813 Occupancy of Affordable Dwelling Units

1. Before an individual may purchase an affordable dwelling unit, he or she must obtain a Certificate of Qualification from the Fairfax County Redevelopment and Housing Authority. Before issuing a Certificate of Qualification, the Housing Authority shall determine that the applicant meets the criteria established by the Housing Authority for low and moderate income persons.

2. Before an individual may rent an affordable dwelling unit, he or she must meet the eligibility criteria established by the Fairfax County Redevelopment and Housing Authority for persons of low and moderate income. The landlord/owner shall be responsible for determining that the tenant meets the eligibility criteria.

3. Except for circumstances referenced in Par. 5 of Sect. 810 and Par. 3 of Sect. 812 above, it shall be a violation of this Ordinance for someone to sell an affordable dwelling unit to

an individual who has not been issued a Certificate of Qualification by the Fairfax County Redevelopment and Housing Authority.

4. Except as provided for in Par. 3 of Sect. 811 above, it shall be a violation of this Ordinance for someone to rent or continue to rent an affordable dwelling unit to an individual who does not meet or fails to continue to meet the income eligibility criteria established by the Fairfax County Redevelopment and Housing Authority.

5. Purchasers or renters of affordable dwelling units shall occupy the units as their domicile and shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the units. Owners of for sale affordable dwelling units shall forward such affidavit to the Fairfax County Redevelopment and Housing Authority on or before June 1 of each year that they own the unit. Renters shall provide such affidavit to their landlords/owners by the date that may be specified in their lease or that may otherwise be specified by the landlord/owner.

6. In the event the renter of an affordable dwelling unit fails to provide his or her landlord/owner with an executed affidavit as provided for in the preceding paragraph within thirty (30) days of a written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within thirty (30) days of written notice from the landlord/owner.

7. Except as provided for in Par. 3 of Sect. 811 above, in the event a renter of an affordable dwelling unit shall no longer meet the eligibility criteria established by the Fairfax County Redevelopment and Housing Authority, as a result of increased income or other factor, then at the end of the lease term, the occupant shall vacate the unit.

8. In the event a renter fails to occupy a unit for a period in excess of sixty (60) days, unless such failure is approved in writing by the Fairfax County Redevelopment and Housing Authority, a default shall occur. The lease shall automatically terminate, become null and void and the occupant shall vacate the unit within thirty (30) days of written notice from the landlord/owner.

9. Notwithstanding the provisions of Paragraphs 6, 7 and 8 above, if the landlord/owner shall immediately designate an additional comparable unit as an affordable dwelling unit to be leased under the controlled rental price and requirements of this Part, the renter of such unit referenced in Paragraphs 6, 7 and 8 above may continue to lease such unit at the market value rent.

2-814 Affordable Dwelling Unit Advisory Board

l. The Affordable Dwelling Unit (ADU) Advisory Board shall consist of nine (9) members appointed by the Board of Supervisors. Members shall be qualified as follows:

A. Two members shall be either civil engineers and/or architects, each of whom shall be registered or certified with the relevant agency of the Commonwealth, or planners, all of whom shall have extensive experience in practice in Fairfax County.

B. One member shall be a representative of a lending institution which finances residential development in Fairfax County.

C. Four members shall consist of:

(1) A representative from the Fairfax County Department of Housing and Community Development.

(2) A residential builder with extensive experience in producing single family detached and attached dwelling units.

(3) A residential builder with extensive experience in producing multiple family dwelling units.

(4) A representative from either the Fairfax County Land Development Services or the Department of Planning and Development.

D. One member shall be a representative of a nonprofit housing group which provides services in Fairfax County.

E. One member shall be a citizen of Fairfax County.

F. At least four members shall be employed in the private sector.

2. Each member of the ADU Advisory Board shall be appointed to serve a four-year term. Terms shall be staggered such that the initially constituted Board shall consist of four members appointed to four-year terms; three members appointed to three-year terms; and two members appointed to two-year terms.

3. The ADU Advisory Board shall advise the County Executive respecting the setting of the amount and terms of all sales and rental prices of affordable dwelling units.

4. The ADU Advisory Board shall be authorized to hear and make final determinations or grant requests for modifications of the requirements of the Affordable Dwelling Unit Program, except that the ADU Advisory Board shall not have the authority to:

A. modify or reduce the Affordable Dwelling Unit Adjuster required pursuant to Sect. 804 above,

B. modify the unit specifications established by the Fairfax County Redevelopment and Housing Authority pursuant to Par. 1 of Sect. 809 above,

C. modify the eligibility requirements for participation in the ADU Program,

D. modify any proffered condition, development condition or special exception condition specifically regarding ADU's,

E. modify the zoning district regulations applicable to ADU developments,

F. hear appeals or requests for modifications of affordable dwelling unit sales or rental prices,

G. modify the provisions of Par. 5 of Sect. 802 above regarding the percentage of affordable dwelling units required or to allow the construction of affordable dwelling units which are of a different dwelling unit type from the market rate units on the site, or

H. modify the provisions of Paragraphs 2D and 2E of Sect. 807 above regarding the conversion of rental developments to condominium and the establishment of new condominium developments.

5. The ADU Advisory Board shall elect its Chairperson and may adopt rules and regulations regarding its formulation of a recommendation regarding the amounts and terms of sales and rental prices of affordable dwelling units and the procedures to be followed by an applicant seeking a modification of the requirements of the Affordable Dwelling Unit Program.

6. Any determination by the ADU Advisory Board shall require the affirmative vote of a majority of those present. A quorum shall consist of no less than five (5) members. All determinations and recommendations shall be rendered within ninety (90) days of receipt of a complete application.

2-815 Modifications to the Requirements of the Affordable Dwelling Unit Program

1. Requests for modifications to the requirements of the Affordable Dwelling Unit Program as applied to a given development may be submitted in writing to the ADU Advisory Board. Such application shall include an application fee as provided for in Sect. 18-106 and the applicant shall specify the precise requirement for which a modification is being sought and shall provide a description of the requested modification and justification for such request. In the case of a modification request filed pursuant to Par. 3 below, the applicant shall demonstrate in detail how such request complies with the required findings by the ADU Advisory Board for such modification and why the requirements of this Part cannot be met on the applicant's property.

2. An applicant shall promptly provide such additional information in support of the request for a modification as the Affordable Dwelling Unit Advisory Board may require.

3. In addition, in exceptional cases, instead of building the required number of affordable dwelling units, the ADU Advisory Board may permit an applicant to:

A. Convey the equivalent amount of land within the development for which a modification is sought to the Fairfax County Redevelopment and Housing Authority which would be necessary to provide the required number of affordable dwelling units. In such instances, the total number of dwelling units which the applicant may build on the remainder of the site shall be reduced by the number of affordable dwelling units required pursuant to Sect. 804 above; or

B. Contribute to the Fairfax County Housing Trust Fund an amount equivalent to the fair market value for the lot on which the affordable dwelling unit would otherwise have been constructed; or

C. Provide any combination of affordable dwelling units, land, or contribution to the Fairfax County Housing Trust Fund.

Permitting an applicant to meet the requirements of the Affordable Dwelling Unit Program by providing either land or contributions to the Fairfax County Housing Trust Fund is not favored. However, such modifications may be allowed upon demonstration by the applicant and a finding by the ADU Advisory Board that (1) the provision of all the affordable dwelling units required is physically and/or economically infeasible; (2) the overall public benefit outweighs the benefit of the applicant actually constructing affordable dwelling units on the particular site; and (3) the alternative will achieve the objective of providing a broad range of housing opportunities throughout Fairfax County.

4. The ADU Advisory Board shall act on requests for modifications within ninety (90) days of receipt of a complete application. The ninety (90) day time period shall be tolled during the time it takes the applicant to provide information requested pursuant to Par. 2 above.

5. The ADU Advisory Board may approve, deny, or may approve in part a request for a modification filed pursuant to this Section.

6. Persons aggrieved by the affordable dwelling unit for sale and rental prices established by the County Executive pursuant to the provisions of this Part to include decisions pursuant to Par. 2C of Sect. 807 above may appeal such prices to the Board of Supervisors. Such appeal shall be filed with the Clerk to the Board of Supervisors and shall specify the grounds upon which aggrieved and the basis upon which the applicant claims the established for sale or rental prices should be modified. The Board of Supervisors shall act within ninety (90) days of receipt of a complete application for appeal. An appeal to the Circuit Court is provided in Sect. 818 below.

7. The time limits set forth in Sections 15.2-2258 through 15.2-2261 of Va. Code Ann. shall be tolled during the pendency of an application filed pursuant to Paragraphs 1 or 7 above.

2-816 Compliance with Federal, State and Other Local Laws

1. A development which provides, pursuant to federal, state or other local programs, the same or more number of affordable dwelling units as the number of affordable dwelling units required under Sect. 804 above, subject to terms and restrictions equivalent to the requirements of this Part, shall satisfy the requirements of the Affordable Dwelling Unit Program.

2. A development which provides, pursuant to federal, state or other local programs, a fewer number of affordable dwelling units required under Sect. 804 above, subject to terms and restrictions equivalent to the requirements of this Part, shall provide the additional number of affordable dwelling units necessary to make up the shortage.

3. The rents and sales prices for affordable dwelling units provided pursuant to federal, state or other local programs shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations provided rents and sale prices shall not exceed those set pursuant to this Part.

2-817 Violations and Penalties

In addition to the provisions set forth in Part 9 of Article 18, the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Part, or permits any such violation, or fails to comply with any of the requirements hereof:

1. Owners of affordable dwelling units who shall fail to submit executed affidavits or certifications as required by this Part shall be fined fifty (50) dollars per day per unit until such affidavit or certificate is filed, but only after written notice and a reasonable time to comply is provided. Fines levied pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

2. Renters of affordable dwelling units who shall fail to submit executed affidavits or certifications as required by this Part, shall be subject to lease termination and eviction procedures as provided in Sect. 813 above.

3. Owners and renters of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Part knowing the statements contained therein to be false shall be guilty of a misdemeanor and shall be fined $1,000.00.

   A. Fines levied against owners pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

   B. Renters of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Part knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures as provided in Sect. 813 above.

   C. Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their domicile shall be subject to mandamus or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Part or to occupy such affordable dwelling unit as a domicile.

2-818 Enforcement and Court Appeals

1. The Board of Supervisors or designee shall have all the enforcement authority provided under its Zoning and Subdivision Ordinances to enforce the provisions of the Affordable Housing Dwelling Unit Program.

2. Notwithstanding the provisions of Section 15.2-2311 of Va. Code Ann., any person aggrieved by a decision of the ADU Advisory Board or by the Board of Supervisors in

the case of a decision made by the latter regarding an appeal of affordable dwelling unit for sale and rental prices, or by any decision made by an administrative officer in the administration or enforcement of the Affordable Dwelling Unit Program, may appeal such decision to the Circuit Court for Fairfax County by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.

3. Any petition of appeal properly filed pursuant to Par. 2 above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of Va. Code Ann.

2-819 Deleted by Amendment #98-306, Adopted March 30, 1998, Effective March 31, 1998, 12:01 AM

2-820 Provisions for Mobile Home Parks

To encourage the redevelopment of mobile home parks to house low and moderate income families in Fairfax County, in conjunction with the review and approval of a rezoning application and proffered generalized development plan, the Board of Supervisors may grant an increase in the number of mobile homes or dwelling units per acre permitted in the R-MHP District by a factor of fifty (50) percent. Where deemed necessary, in granting such increase in density for the provision of moderately-priced housing units, the Board may waive other regulations of the R-MHP District and the provisions of Par. 2 of Sect. 308 above as such provisions apply to lots comprised of marine clays.

2-821 Deleted by Amendment #98-306, Adopted March 30, 1998, Effective March 31, 1998, 12:01 AM

SLIDING SCALE REQUIREMENT FOR AFFORDABLE DWELLING UNITS

The following examples demonstrate the sliding scale percentage of affordable dwelling units required at various development density levels for two sample comprehensive plan density ranges: 4-5 dwelling units/acre and 5-8 dwelling units/acre. These examples are provided for illustration only and do not represent all possible development density levels or density ranges specified in the adopted comprehensive plan. These figures were calculated in accordance with the provisions Sect. 2-804 and have been rounded to two decimal points for ease of illustration only. In applying the applicable formula to a proposed development, the actual number of affordable dwelling units required should be rounded in accordance with Sect. 2-804.

EXAMPLE 1: Adopted Comprehensive Plan Density Range: 4 to 5 dwelling units per acre
Adjusted Density Range Providing for a 20% Increase: 4.80 to 6.00 dwelling units per acre

Approved Density du/a=dwelling units/acre	% of ADUs Required When a 20% Density Bonus has been Applied to the Adopted Comprehensive Plan Density Range
0.00 to 4.00 du/a	0.00%
4.10 du/a	1.04%
4.20 du/a	2.08%
4.30 du/a	3.12%
4.40 du/a	4.17%
4.50 du/a	5.21%
4.60 du/a	6.25%
4.70 du/a	7.29%
4.80 du/a	8.33%
4.90 du/a	9.38%
5.00 du/a	10.42%
5.10 du/a	11.46%
5.20 du/a	12.50%
5.30 du/a	12.50%
5.40 du/a	12.50%
5.50 du/a	12.50%
5.60 du/a	12.50%
5.70 du/a	12.50%
5.80 du/a	12.50%
5.90 du/a	12.50%
6.00 du/a	12.50%

EXAMPLE 2: Adopted Comprehensive Plan Density Range: 5 to 8 dwelling units per acre
Adjusted Density Range Providing for a 10% Increase: 5.50 to 8.80 dwelling units per acre
Adjusted Density Range Providing for a 20% Increase: 6.00 to 9.60 dwelling units per acre

Approved Density du/a=dwelling units/acre	% of ADU Required When a 10% Density Bonus has been Applied to the Adopted Comprehensive Plan Density Range	% of ADU Required When a 20% Density Bonus has been Applied to the Adopted Comprehensive Plan Density Range
0.00 to 5.00 du/a	0.00%	0.00%
5.10 du/a	0.19%	0.35%
5.20 du/a	0.38%	0.69%
5.30 du/a	0.57%	1.04%
5.40 du/a	0.76%	1.39%
5.50 du/a	0.95%	1.74%
5.60 du/a	1.14%	2.08%
5.70 du/a	1.33%	2.43%
5.80 du/a	1.52%	2.78%
5.90 du/a	1.70%	3.13%
6.00 du/a	1.89%	3.74%
6.10 du/a	2.08%	3.82%
6.20 du/a	2.27%	4.17%
6.30 du/a	2.46%	4.51%
6.40 du/a	2.65%	4.86%
6.50 du/a	2.84%	5.21%
6.60 du/a	3.03%	5.56%
6.70 du/a	3.22%	5.90%
6.80 du/a	3.41%	6.25%
6.90 du/a	3.60%	6.60%
7.00 du/a	3.79%	6.94%
7.10 du/a	3.98%	7.29%
7.20 du/a	4.17%	7.64%
7.30 du/a	4.36%	7.99%
7.40 du/a	4.55%	8.33%
7.50 du/a	4.73%	8.68%
7.60 du/a	4.92%	9.03%
7.70 du/a	5.11%	9.38%
7.80 du/a	5.30%	9.72%
7.90 du/a	5.49%	10.07%
8.00 du/a	5.68%	10.42%
8.10 du/a	5.87%	10.76%

Approved Density du/a=dwelling units/acre	% of ADU Required When a 10% Density Bonus has been Applied to the Adopted Comprehensive Plan Density Range	% of ADU Required When a 20% Density Bonus has been Applied to the Adopted Comprehensive Plan Density Range
8.20 du/a	6.06%	11.11%
8.30 du/a	6.25%	11.46%
8.40 du/a	6.25%	11.80%
8.50 du/a	6.25%	12.15%
8.60 du/a	6.25%	12.50%
8.70 du/a	6.25%	12.50%
8.80 du/a	6.25%	12.50%
8.90 du/a	6.25%	12.50%
9.00 du/a	6.25%	12.50%
9.10 du/a	6.25%	12.50%
9.20 du/a	6.25%	12.50%
9.30 du/a	6.25%	12.50%
9.40 du/a	6.25%	12.50%
9.50 du/a	6.25%	12.50%
9.60 du/a	6.25%	12.50%

EXAMPLE CALCULATIONS FOR A MIXED DWELLING UNIT DEVELOPMENT:

At the developer's option, a 10% density bonus may be applied to the multiple family dwelling unit portion and a 20% density bonus may be applied to the single family attached dwelling unit portion. In such cases, calculation of the required number of ADU shall be as follows:

Assumptions: 300 unit development, of which 100 single family attached dwelling units and 200 multiple family dwelling units are to be constructed on 24.1 acres and the Adopted Comprehensive Plan Density Range is 8-12 dwelling units/acre (du/a)

The adjusted density range for the multiple family portion is 8.8-13.2 du/a
The adjusted density range for the single family attached portion is 9.6-14.4 du/a

Proposed density is 12.45 du/a

Calculation of Required Affordable Dwelling Units:

Multiple Family, in accordance with Par. 1C(2)(a) of Sect. 2-804:

$$\frac{12.45 - 8}{13.2 - 8.8} \times 6.25 = 6.32\%$$ ADU requirement, however, the maximum ADU requirement for multiple family uses where a 10% bonus has been applied is 6.25%

200 du X 6.25% = 12.50 ADUs

Single Family, in accordance with Par. 1C(2)(b) of Sect. 2-804:

$$\frac{12.45 - 8}{14.4 - 9.6} \times 12.5 = 11.59\%$$ ADU requirement

100 du X 11.59% = 11.59 ADUs

Total ADUs required in this sample development: 12.50 + 11.59 = 24.09 ADUs rounded to 24 ADUs

PART 9 2-900 FLOODPLAIN REGULATIONS

2-901 Purpose and Intent

In furtherance of the zoning powers, purposes and jurisdictions provided for by Sections 15.2-2280, 15.2-2283 and 15.2-2284, Code of Virginia, 1950, as amended, and in furtherance of the County's participation in the National Flood Insurance Program authorized under the National Flood Insurance Act of 1968, as amended (42 U.S.C. § 4001 et seq.), these regulations are created to provide for safety from flood and other dangers; to protect against loss of life, health, or property from flood or other dangers; and to preserve and protect floodplains in as natural a state as possible for the preservation of wildlife habitats, for the maintenance of the natural integrity and function of the streams, for the protection of water quality, and for the promotion of a zone for ground water recharge.

2-902 Administration

1. The provisions of this Part shall apply to all land within a floodplain. The floodplain limits shown on the Zoning Map shall be used as a guide; provided, however, that only those land areas which meet the definition of floodplain shall be subject to the provisions of this Part.

2. The Director shall be responsible for the administration of this Part. He shall review all proposed uses and development to determine whether the land on which the proposed use or development is located is in a floodplain. The Director may, in appropriate cases, require information from the applicant, including, but not limited to, an engineering study of the floodplain. Upon a determination that the land on which the proposed use or development is located is in a floodplain, he shall determine whether such use or development may be permitted in accordance with the provisions of Sect. 903 below or requires the approval of a special exception as set forth in Sect. 904 below.

3. Any decision of the Director or Board regarding a use in a floodplain shall be based on consideration of at least all of the following factors:

   A. Type and location of proposed structure and/or use

   B. Access to site

   C. Frequency and nature of flooding

   D. Nature and extent of any proposed grading or fill

   E. Impact of proposal on the floodplain on properties upstream and downstream

   F. Potential of proposal to cause or increase flooding or to jeopardize human life

   G. Impact of the proposed use on the natural environment and on water quality

4. The Director shall collect and maintain all records necessary for the County's participation in the National Flood Insurance Program. Base flood elevations may

increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the Director or designee shall notify the Federal Insurance Administrator or require the applicant to notify the Federal Insurance Administrator of any change in base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) by submitting technical and scientific data to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision.

5. The degree of flood protection required by these regulations, the Virginia Uniform Statewide Building Code, and the Public Facilities Manual is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. Therefore, these regulations do not imply that areas outside the floodplain areas, or land uses permitted within such areas, will be free from flooding and flood damages under all conditions. Additionally, the granting of a permit or approval of a site, subdivision, or land development plan in an identified floodplain area shall not constitute a representation, guarantee, or warranty of any kind by any official or employee of the County of the practicability or safety of the proposed use, and shall create no liability upon the County, its officials or employees.

2-903 Permitted Uses

Except as provided in Par. 10 below for cluster subdivisions, the following uses and topographic improvements, as qualified, may be permitted in a floodplain upon a determination by the Director that such use is permitted in the zoning district in which located, and that the use is in accordance with the provisions of this Part and the standards and criteria set forth in the Public Facilities Manual. Any such approval by the Director shall be in writing and shall specify such conditions deemed necessary to ensure that the proposed construction and resultant use conform to the provisions of this Part.

Any use, including associated fill, permitted in the zoning district in which located, which does not meet the qualifications set forth below as determined by the Director, may be permitted upon the approval of a special exception by the Board.

1. Any use within a minor floodplain. As set forth in the definition of floodplain, a minor floodplain is a floodplain which has a drainage area greater than 70 acres but less than 360 acres.

2. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting; provided, however, that such use does not require the approval of a Building Permit or require major fill. All uses permitted by this paragraph shall be operated in accordance with a conservation plan prepared in accordance with the standards of the Northern Virginia Soil and Water Conservation District.

3. Residential uses accessory to single family detached and attached dwellings such as play areas, lawns, paved tennis or play courts, trails, gardens, patios, decks and docks, which do not require major fill and accessory structures such as children's playhouses, doghouses, storage structures and other similar structures which do not require approval

of a Building Permit or require major fill. All structures shall be anchored to prevent flotation.

4. Community, commercial and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking, bicycle and equestrian trails. This paragraph shall not be deemed to permit any paved tennis or play court exceeding 5000 square feet in area, swimming pool, or any use requiring the approval of a Building Permit or requiring major fill.

5. Off-street parking and loading areas including aisles and driveways which do not exceed 5000 square feet in area, which will have one (1) foot or less depth of flooding and which will not require major fill.

6. Metrorail, railroad track and roadway floodplain crossings meeting WMATA, VDOT and/or Fairfax County design requirements and where any additional rise in water surface will not have an adverse effect upon the floodplain and/or will be set aside in an easement. A stream channel relocation proposed in conjunction with a crossing shall be subject to the provisions of the Public Facilities Manual.

7. Public and private utility lines, and all public uses and public improvements performed by or at the direction of the County, or as may be required by County ordinances, to include but not to be limited to channel improvements and erosion control, reservoirs, storm water management and best management practice facilities and similar uses provided the installation of such facilities is accomplished with appropriate easements or agreements and with the minimum disruption necessary to the floodplain.

   Notwithstanding the above, ponds, reservoirs, storm water management and best management practice (BMP) facilities in floodplains which have a drainage area of 360 acres or greater and which are designed to serve a specific private development may be permitted only upon the approval of a special exception by the Board in accordance with the provisions of this Part.

8. Permitted accessory structures, other than those specified in Par. 3 above, and additions to single family detached and attached dwellings constructed prior to August 14, 1978, subject to the following conditions:

   A. The estimated cost of the addition or accessory structure is less than fifty (50) percent of the market value as determined by the Department of Tax Administration of the existing structure.

   B. The lowest part (i.e., the bottom of the floor joists or top of a concrete slab on grade) of the lowest floor including basement of any such structure may be constructed less than eighteen (18) inches above the 100-year flood level provided it is determined that there is less than one (1) percent chance of flooding the structure in any given year, i.e., the structure is higher than the 100-year flood level.

C. The lowest part of the lowest floor of any accessory structure not meeting the requirements of Par. 8B above may be constructed below the base flood elevation provided the following standards are met:

(1) The size of the accessory structure shall not exceed 1000 square feet of gross floor area.

(2) The accessory structure shall only be used for parking and/or storage purposes.

(3) The accessory structure shall be constructed using flood damage resistant materials and all interior walls and floors shall be constructed using unfinished material.

(4) The accessory structure shall be anchored and floodproofed in accordance with the Virginia Uniform Statewide Building Code.

(5) Any mechanical, electrical and utility equipment in the accessory structure must be elevated to or above the base flood elevation.

D. As may be required by the Director, the applicant and owners shall sign a "hold harmless" agreement holding Fairfax County harmless from all adverse effects which may arise as a result of the construction and establishment of the proposed use within the floodplain. Such an agreement shall be recorded among the land records of Fairfax County.

9. Topographic improvements which do not require major fill.

10. For cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, only the following uses and improvements may be permitted by the Director, provided that the encroachments for such uses and improvements are the minimum necessary and are provided in a manner that minimizes disturbance to the floodplain to the greatest practical extent:

A. Driveways that do not exceed 5000 square feet in area and will not require major fill.

B. Extension of or connection to existing public and private utilities.

C. Trails depicted on the comprehensive plan trails map and/or trails connecting to trails depicted on the comprehensive plan trails map.

D. Channel improvements and erosion control measures performed by or at the direction of the County or as may be required by County ordinances.

E. Regional stormwater management facilities included in the regional stormwater management plan.

F. Roadway floodplain crossings, as qualified by Par. 6A above.

For the purpose of this Section, major fill shall be deemed to be any fill, regardless of amount, in an area greater than 5000 square feet or any fill in excess of 278 cubic yards in an area of 5000 square feet or less. The combined and cumulative area of any fill and pavement permitted under Paragraphs 2, 3, 4, 5 and 9 of this Section shall not exceed an area of 5000 square feet for all uses on a lot.

In addition, the provisions set forth above which exclude uses requiring a Building Permit shall not apply when such Building Permit is required for structures such as retaining walls, fences, ramps or trail bridges.

2-904 Special Exception Uses

1. All uses permitted by right, special permit or special exception in the zoning district in which located that are not approved by the Director under the provisions of Sect. 903 above may be permitted upon the approval of a special exception by the Board. Such special exception may be permitted subject to conformance with the provisions of this Part, the applicable special permit or special exception standards, the Purpose and Intent of the Zoning Ordinance, and the standards and criteria set forth in the Public Facilities Manual. Uses permitted by special permit or special exception shall be subject to their respective fees in addition to the fee for a Category 6 special exception use.

2. In addition to the submission requirements for all special exception uses set forth in Sect. 9-011, the following information shall be submitted for all Category 6 special exception applications for uses in a floodplain:

   A. The following shall be shown and certified on the plat provided with the application:

      (1) The delineation of the floodplain and the source of floodplain information, such as Federal Emergency Management Agency, USGS, Fairfax County, or other.

      (2) Existing and proposed topography with a maximum contour interval of two (2) feet.

      (3) Both normal and emergency ingress and egress from highway or street.

      (4) Nature and extent of any proposed fill and any proposed compensatory cut areas with quantities.

      (5) The location and dimensions of any structure or part thereof that is proposed for location in the floodplain.

      (6) Elevation of the nearest 100-year floodplain, and the exact distance from the structure to the floodplain line at the nearest point.

      (7) Lowest floor elevation, including basement, of all buildings, existing and proposed, and information relative to compliance with Federal and State floodproofing requirements.

B. A written statement providing, in detail, the following information:

(1) Any existing or anticipated problems of flooding or erosion in the area of the application and upstream and downstream from the application property.

(2) Whether additional Federal and/or State permits are required.

C. When structures are proposed to be erected, the following information shall be submitted:

(1) The proposed use of the structure.

(2) A statement certifying all floodproofing proposed, and indicating its compliance with all County, State and Federal requirements. This certification must be signed, sealed, and indicate the address of the certifying professional and it must cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.

(3) Acknowledgment, signed by the applicant, that the applicant is aware that flood insurance may be required by the applicant's lending institution and that the flood insurance rates may increase because of increases in risks to life and property.

D. Any additional information as may be deemed necessary by the Director, to include but not be limited to an engineering study or detailed calculation on any proposed drainage improvement.

2-905 Use Limitations

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. Except as may be permitted by Par. 6 and 7 of Sect. 903 above, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual.

2. The lowest part (i.e., the bottom of the floor joists or top of a concrete slab on grade) of the lowest floor including basement of any new or substantially improved dwelling including manufactured homes and, except as may be permitted by Par. 8 of Sect. 903 above, any proposed addition to an existing dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual

3. All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.

4. No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as required herein or under the Virginia Uniform Statewide Building Code is provided.

5. To the extent possible, stable vegetation shall be protected and maintained in the floodplain.

6. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain.

7. For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:

   A. There are no other feasible options available to achieve the proposed use; and

   B. The proposal is the least disruptive option to the floodplain; and

   C. The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property.

8. Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code, Article 15 of this Ordinance and the requirements of Par. 2 above.

9. Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County.

10. Notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code.

11. All uses and activities shall be subject to the provisions of Chapter 118 of The Code.

12. When as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate upon placement of the lowest floor, including basement and prior to further vertical construction. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations.

13. The construction of all buildings and structures shall be subject to the requirements of the Virginia Uniform Statewide Building Code.

14. All recreational vehicles shall:

A. Be on site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use; or

C. Meet the requirements of this Part and the Virginia Uniform Statewide Building Code for anchoring and elevation of manufactured homes.

A recreational vehicle shall be deemed ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

15. All necessary permits shall be received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as amended, 33 U.S.C. § 1334.

16. If any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, results in change in the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM), the applicant shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data to FEMA for a Letter of Map Revision, as soon as practicable but, not later than six (6) months after the date such information becomes available or the placement of fill, whichever comes first. If the projected increase in the base flood elevation is greater than one (1) foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of construction.

17. In riverine situations, adjacent communities and the Virginia Department of Conservation and Recreation shall be notified prior to any alteration or relocation of a watercourse depicted on the FIRM and copies of such notifications shall be submitted to the Federal Insurance Administrator. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

2-906 Definitions

The definitions listed below shall only be used in the interpretation and administration of this Part.

BASE FLOOD: A flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION: The Federal Emergency Management Agency designated water surface elevation of a flood having a one (1) percent chance of being equaled or exceeded in any given year shown on the FLOOD INSURANCE RATE MAP.

BASEMENT: Any area of the building having its floor below grade (below ground level) on all sides.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOOD OR FLOODING:

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:

   A. The overflow of inland or tidal waters; or

   B. The unusual and rapid accumulation or runoff of surface waters from any source.

   C. Mudflows which are proximately caused by flooding as defined in Par. 1B above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Par. 1A above.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been produced and made available digitally is also commonly called a Digital Flood Insurance Rate Map (DFIRM). The official FIRM for Fairfax County shall be the FIRM/DFIRM prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 17, 2010, as amended.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards. The official FIS for Fairfax County shall be the FIS prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 17, 2010, as amended.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   A. By an approved state program as determined by the Secretary of the Interior; or,

   B. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including BASEMENT). An unfinished or flood-resistant enclosure, usable solely for building access in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR §60.3.

MANUFACTURED HOME: A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes a MANUFACTURED HOME shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. A MANUFACTURED HOME shall not be deemed to include a RECREATIONAL VEHICLE.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the START OF CONSTRUCTION commenced on or after the effective date of an initial FLOOD INSURANCE RATE MAP or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, NEW CONSTRUCTION shall include structures for which the START OF CONSTRUCTION commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE: A vehicle that:

1. Is built on a single chassis;

2. Contains 400 square feet or less when measured at the largest horizontal projection;

3. Is designed to be self-propelled or permanently towable by a light duty truck; and,

4. Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA: The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as designated on the official FLOOD INSURANCE RATE MAP for Fairfax County.

START OF CONSTRUCTION for other than NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENT, under the Coastal Barriers Resource Act (P.L. – 97-348), START OF CONSTRUCTION shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction shall mean the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home or other structure as defined in Article 20. STRUCTURE for insurance coverage purposes, shall mean:

1. A building with two (2) or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

2. A MANUFACTURED HOME; or

3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance coverage purposes, STRUCTURE shall include a RECREATIONAL VEHICLE, a park trailer or other similar vehicle, except as described in Par. 3 of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a STRUCTURE whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the START OF CONSTRUCTION of the improvement. SUBSTANTIAL IMPROVEMENT shall include structures that have incurred SUBSTANTIAL DAMAGE regardless of the actual repair work performed. SUBSTANTIAL IMPROVEMENT shall not, however, include either:

1. Any project for improvement of a STRUCTURE to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a HISTORIC STRUCTURE, provided that the alteration will not preclude the structure's continued designation as an HISTORIC STRUCTURE.

VIOLATION: See Par. 1 of Sect. 18-901. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), or (c)(10) shall be presumed to be in violation until such time as that documentation is provided.

PART 10 (DELETED BY AMENDMENT #89-171, ADOPTED MARCH 13, 1989, EFFECTIVE MARCH 14, 1989, 12:01 AM)

PART 11 2-1100 WORKFORCE HOUSING

2-1101 Accommodation of Units in Conventional Residential Districts

Any development in the R-12 through R-30 Districts for which workforce dwelling units are proffered as part of a rezoning application in accordance with the Fairfax County Comprehensive Plan may utilize the district regulations applicable to Affordable Dwelling Unit Developments, as set forth in such district regulations set forth in Article 3 of this Ordinance.

2-1102 Accommodation of Units in Planned Development Districts

Any development in a Planned Development District for which workforce dwelling units are proffered as part of a rezoning application in accordance with the Fairfax County Comprehensive Plan shall be subject to the bulk and other regulations established by the proffered conditions associated with the applicable rezoning application.

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ARTICLE 3

RESIDENTIAL DISTRICT REGULATIONS

PART A 3-A00 R-A RURAL AGRICULTURAL DISTRICT

3-A01 Purpose and Intent

Since there are, within the County, certain lands used for farming and/or the raising of livestock; and since land so used is kept from urban development by these uses; and since the conservation of such land as open rural areas is deemed desirable and needed, this district is established to identify these lands and to distinguish them from urbanized single family residential districts. This district is, therefore, established to separate distinctly different uses so as to promote the general health, safety, and welfare of both the occupants of this district and of other R districts within the County.

3-A02 Permitted Uses

1. Agriculture, as defined in Article 20.

2. Any of the following uses when on the same property with and accessory to agricultural uses as defined in Article 20, provided that the agricultural uses cover not less than seventy-five (75) percent of the total land area.

   A. Accessory uses and home occupations as permitted by Article 10.

   B. Dwellings, single family detached and manufactured homes.

3. Public uses.

3-A03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Home child care facilities

2. Group 6 - Outdoor Recreation Uses, limited to:

   A. Riding or boarding stables

3. Group 8 - Temporary Uses, limited to:

   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

   B. Temporary portable storage containers

C. Community gardens

D. Farmers markets

4. Group 9 - Uses Requiring Special Regulation, limited to:

A. Sawmilling of timber

B. Veterinary hospitals

C. Accessory dwelling units

3-A04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

A. Telecommunication facilities

B. Utility transmission facilities

C. Wireless facilities and associated support structures that are not permitted by right under Sections 2-514, 2-519, 2-520, or 2-522.

2. Category 3 - Quasi-Public Uses, limited to:

A. Alternate uses of public facilities

B. Nursery schools

C. Private schools of general education

D. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Kennels, animal shelters

B. Plant nurseries

4. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-A05 Use Limitations

1. No sale of goods or products shall be permitted except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Manufactured homes shall be permitted only when such homes are placed on a permanent foundation and otherwise comply with all the requirements of this Ordinance or any other ordinance for single family detached dwellings within this district.

3-A06 Lot Size Requirements

1. Minimum lot area: 5 acres

2. Minimum lot width: 200 feet

3. Cluster subdivision provisions shall not apply in this district.

3-A07 Bulk Regulations

1. Maximum building height

   A. Single family dwellings and manufactured homes: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings and manufactured homes:

      (1) Front yard: 60 feet

      (2) Side yard: 50 feet

      (3) Rear yard: 50 feet

   B. All other structures: Controlled by a 60° angle of bulk plane

3. Maximum floor area ratio:

   A. 0.10 for uses other than residential or public

   B. 0.15 for public uses

3-A08 Maximum Density

One dwelling unit or manufactured home per five (5) acres, or 0.2 dwelling units or manufactured homes per acre

3-A09 Open Space

No Requirement

3-A10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART P 3-P00 R-P RESIDENTIAL-PRESERVATION DISTRICT

3-P01 Purpose and Intent

The R-P District is established to protect water courses, stream valleys, marshes, forest cover in upland areas of watersheds, aquifer recharge areas, rare ecological or geographical areas, and areas of natural scenic vistas; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock, and/or low density residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

3-P02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.

2. Agriculture, as defined in Article 20.

3. Dwellings, single family detached.

4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.

5. Public uses.

3-P03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship

   B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

   C. Home child care facilities

2. Group 4 - Community Uses.

3. Group 6 - Outdoor Recreation Uses, limited to:

   A. Camp or recreation grounds

   B. Riding and boarding stables

   C. Skeet and trapshooting ranges

   D. Veterinary hospitals, but only ancillary to riding or boarding stables

4. Group 7 - Older Structures, limited to:

A. Restaurants

B. Summer theatres

5. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Temporary portable storage containers

G. Community gardens

H. Farmers markets

6. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Veterinary hospitals

C. Accessory dwelling units

3-P04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Alternate uses of public facilities

B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

C. Nursery schools

D. Private schools of general education

E. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Bed and breakfasts

B. Golf courses, country clubs

C. Kennels, animal shelters

D. Marinas, docks and boating facilities, commercial

E. Offices

F. Plant nurseries

G. Veterinary hospitals, but only ancillary to kennels

4. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-P05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-P06 Lot Size Requirements

1. Minimum lot area: 10 acres

2. Minimum lot width: 200 feet

3. Cluster subdivision provisions shall not apply in this district.

3-P07 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Front yard: 60 feet

(2) Side yard: 50 feet

(3) Rear yard: 50 feet

B. All other structures: Controlled by a 60° angle of bulk plane

3. Maximum floor area ratio:

A. 0.10 for uses other than residential or public

B. 0.15 for public uses

3-P08 Maximum Density

One (1) dwelling unit per ten (10) acres, or 0.1 dwelling units per acre

3-P09 Open Space

No Requirement

3-P10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART C 3-C00 R-C RESIDENTIAL-CONSERVATION DISTRICT

3-C01 Purpose and Intent

The R-C District is established to protect water courses, stream valleys, marshes, forest cover in watersheds, aquifer recharge areas, rare ecological areas, and areas of natural scenic vistas; to minimize impervious surface and to protect the quality of water in public water supply watersheds; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock, and for low density residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

3-C02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.

2. Agriculture, as defined in Article 20, but not to include a limited brewery, limited distillery, or a farm winery that was not licensed by the state and operational prior to July 1, 2016; provided, however, that the expansion of existing structures, buildings and/or uses and construction of new buildings or structures associated with any state-licensed farm winery in operation before July 1, 2016 shall be subject to the provisions of Part 6 of Article 9. The development, including construction of new buildings or structures, of any new farm winery, limited brewery, or limited distillery pursuant to a state license that was pending before July 1, 2016, which license must be issued before a special exception may be approved, shall also be subject to the provisions of Part 6 of Article 9.

3. Dwellings, single family detached.

4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.

5. Public uses.

3-C03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues, and other such places of worship

   B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

   C. Home child care facilities

2. Group 4 - Community Uses.

3. Group 6 - Outdoor Recreation Uses, limited to:

   A. Camp or recreation grounds

B. Riding and boarding stables

C. Skeet and trapshooting ranges

D. Veterinary hospitals, but only ancillary to riding or boarding stables

4. Group 7 - Older Structures, limited to:

A. Restaurants

B. Summer theatres

5. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

6. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Veterinary hospitals

C. Modification to minimum yard requirements

D. Accessory dwelling units

3-C04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

   A. Regional sewage treatment and disposal facilities

3. Category 3 - Quasi-Public Uses, limited to:

   A. Alternate uses of public facilities

   B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

   C. Congregate living facilities

   D. Cultural centers, museums and similar facilities

   E. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

   F. Nursery schools

   G. Private clubs

   H. Private schools of general education

   I. Quasi-public parks, playgrounds, athletic fields and related facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Bed and breakfasts

   B. Golf courses, country clubs

   C. Golf driving ranges

   D. Kennels, animal shelters

   E. Marinas, docks and boating facilities, commercial

   F. Offices

   G. Plant nurseries

   H. Veterinary hospitals, but only ancillary to kennels

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

   Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-C05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615.

3-C06 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 50 acres

2. Minimum lot area

   A. Conventional subdivision lot: 5 acres

   B. Cluster subdivision lot: 36,000 sq. ft.

3. Minimum lot width

   A. Conventional subdivision lot: 200 feet

   B. Cluster subdivision lot:

      (1) Lot adjacent to a major thoroughfare:

         (a) Interior lot - 200 feet

         (b) Corner lot - 200 feet

      (2) Lot adjacent to a local or collector street:

         (a) Interior lot - No Requirement

         (b) Corner lot - 125 feet

3-C07 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet, provided, however, the maximum building height shall be 40 feet, provided there is a minimum required yard of 50 feet from all lot lines for any dwelling with a building height greater than 35 feet.

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Except as provided for in Par. 1A above, single family dwellings

(1) Front yard: 40 feet

(2) Side yard: 20 feet

(3) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 50° angle of bulk plane, but not less than 40 feet

(2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet

(3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

A. 0.10 for uses other than residential or public

B. 0.15 for public uses

3-C08 Maximum Density

1. Conventional subdivisions: One (1) dwelling unit per five (5) acres, or 0.2 dwelling unit per acre.

2. Cluster subdivisions: 0.22 dwelling unit per acre for cluster subdivisions approved by special exception, and 0.20 dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per five (5) acres.

3-C09 Open Space

In subdivision approved for cluster development, 50% of the gross area shall be open space

3-C10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART E 3-E00 R-E RESIDENTIAL ESTATE DISTRICT

3-E01 Purpose and Intent

The R-E District is established to promote agricultural uses and low density residential uses; to allow other selected uses which are compatible with the open and rural character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-E02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.
5. Public uses.

3-E03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
   A. Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreational Uses.
6. Group 7 - Older Structures.
7. Group 8 - Temporary Uses, limited to:
   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
   B. Construction material yards accessory to a construction project
   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

8. Group 9 - Uses Requiring Special Regulation, limited to:

A. Barbershops or beauty parlors as a home occupation

B. Home professional offices

C. Sawmilling of timber

D. Veterinary hospitals

E. Accessory dwelling units

3-E04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Landfills

C. Water purification facilities

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Congregate living facilities

G. Cultural centers, museums and similar facilities

H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

I. Independent living facilities

J. Medical care facilities

K. Private clubs and public benefit associations

L. Private schools of general education

M. Private schools of special education

N. Quasi-public parks, playgrounds, athletic fields and related facilities

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoor

B. Bed and breakfasts

C. Commercial off-street parking in Metro Station areas as a temporary use

D. Establishments for scientific research and development

E. Funeral chapels

F. Golf courses, country clubs

G. Golf driving ranges

H. Kennels, animal shelters

I. Marinas, docks and boating facilities, commercial

J. Miniature golf courses ancillary to golf driving ranges

K. Offices

L. Plant nurseries

M. Veterinary hospitals, but only ancillary to kennels

6. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-E05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615.

3-E06 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 20 acres

2. Average lot area: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 75,000 sq. ft.

   B. Cluster subdivision lot: 52,000 sq. ft.

4. Minimum lot width

   A. Conventional subdivision lot:

      (1) Interior lot - 200 feet

      (2) Corner lot - 225 feet

   B. Cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 175 feet

3-E07 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet, provided, however, the maximum building height shall be 40 feet, provided there is a minimum required yard of 50 feet from all lot lines for any dwelling with a building height greater than 35 feet.

   B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: 50 feet

(b) Side yard: 20 feet

(c) Rear yard: 25 feet

(2) Cluster subdivision lot

(a) Front yard: 30 feet

(b) Side yard: 15 feet, but a total minimum of 40 feet

(c) Rear yard: 25 feet

Notwithstanding the above, any single family dwelling with a building height greater than thirty-five (35) feet shall be subject to the provisions of Par. 1A above.

B. All other structures

(1) Front yard: Controlled by a 55° angle of bulk plane, but not less than 50 feet

(2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet

(3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

A. 0.15 for uses other than residential or public

B. 0.20 for public uses

3-E08 Maximum Density

1. Conventional subdivisions: One (1) dwelling unit per two (2) acres, or 0.5 dwelling unit per acre.

2. Cluster subdivisions: 0.55 dwelling unit per acre for cluster subdivisions approved by special exception, and 0.50 dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per two (2) acres.

3-E09 Open Space

In subdivisions approved for cluster development, 30% of the gross area shall be open space.

3-E10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 1 3-100 R-1 RESIDENTIAL DISTRICT, ONE DWELLING UNIT/ACRE

3-101 Purpose and Intent

The R-1 District is established to provide for single family detached dwellings; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-102 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Public uses.

3-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
   A. Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses.
6. Group 7 - Older Structures.
7. Group 8 - Temporary Uses, limited to:
   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
   B. Construction material yards accessory to a construction project
   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project
   D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

8. Group 9 - Uses Requiring Special Regulation, limited to:

A. Barbershops or beauty parlors as a home occupation

B. Home professional offices

C. Sawmilling of timber

D. Veterinary hospitals

E. Accessory dwelling units

3-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Landfills

C. Water purification facilities

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Congregate living facilities

G. Cultural centers, museums and similar facilities

H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

I. Independent living facilities

J. Medical care facilities

K. Private clubs and public benefit associations

L. Private schools of general education

M. Private schools of special education

N. Quasi-public parks, playgrounds, athletic fields and related facilities

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoor

B. Bed and breakfasts

C. Commercial off-street parking in Metro Station areas as a temporary use

D. Establishments for scientific research and development

E. Funeral chapels

F. Golf courses, country clubs

G. Golf driving ranges

H. Kennels, animal shelters

I. Marinas, docks and boating facilities, commercial

J. Miniature golf courses ancillary to golf driving ranges

K. Offices

L. Plant nurseries

M. Veterinary hospitals, but only ancillary to kennels

6. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-105 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615.

3-106 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 10 acres

2. Average lot area: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 36,000 sq. ft.

   B. Cluster subdivision lot: 25,000 sq. ft.

4. Minimum lot width

   A. Conventional subdivision lot:

      (1) Interior lot - 150 feet

      (2) Corner lot - 175 feet

   B. Cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 125 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-107 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Conventional subdivision lot

         (a) Front yard: 40 feet

         (b) Side yard: 20 feet

         (c) Rear yard: 25 feet

      (2) Cluster subdivision lot

         (a) Front yard: 30 feet

         (b) Side yard: 12 feet, but a total minimum of 40 feet

         (c) Rear yard: 25 feet

   B. All other structures

      (1) Front yard: Controlled by a 50° angle of bulk plane, but not less than 40 feet

      (2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet

      (3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

   A. 0.15 for uses other than residential or public

   B. 0.20 for public uses

3-108 Maximum Density

1. Conventional subdivisions: One (1) dwelling unit per acre.

2. Cluster subdivisions: 1.1 dwelling units per acre for cluster subdivisions approved by special exception and one (1) dwelling unit per acre for cluster subdivisions that are the result of a proffered rezoning from a district that allows a permitted maximum density of less than one (1) dwelling unit per acre.

3-109 Open Space

In subdivisions approved for cluster development, 30% of the gross area shall be open space.

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect.

2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 2 3-200 R-2 RESIDENTIAL DISTRICT, TWO DWELLING UNITS/ACRE

3-201 Purpose and Intent

The R-2 District is established to provide for single family detached dwellings at a density not to exceed two (2) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-202 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Public uses.

3-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
   A. Commercial swimming pools, tennis courts and similar courts
5. Group 7 - Older Structures, limited to:
   A. Antique shops
   B. Art and craft galleries
   C. Rooming houses
   D. Summer theatres
6. Group 8 - Temporary Uses, limited to:
   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

7. Group 9 - Uses Requiring Special Regulation, limited to:

A. Barbershops or beauty parlors as a home occupation

B. Home professional offices

C. Accessory dwelling units

3-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Landfills

C. Water purification facilities

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

4. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Bed and breakfasts

B. Commercial off-street parking in Metro Station areas as a temporary use

C. Convenience centers

D. Funeral chapels

E. Golf courses, country clubs

F. Marinas, docks and boating facilities, commercial

G. Offices

H. Plant nurseries

6. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-205 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 2-421.

3-206 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 2 acres

2. Average lot area

   A. Conventional subdivision lot: 18,000 sq. ft.

   B. Cluster subdivision lot: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 15,000 sq. ft.

   B. Cluster subdivision lot: 13,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 15,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 13,000 square feet.

4. Minimum lot width

   A. Conventional subdivision lot:

      (1) Interior lot - 100 feet

      (2) Corner lot - 125 feet

   B. Except as qualified below, cluster subdivision lot:

      (1) Interior lot - No Requirement

(2) Corner lot - 100 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contain a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 100 feet for interior lots and 125 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 100 feet for corner lots.

3-207 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Conventional subdivision lot

         (a) Front yard: 35 feet

         (b) Side yard: 15 feet

         (c) Rear yard: 25 feet

      (2) Cluster subdivision lot

         (a) Front yard: 25 feet

         (b) Side yard: 8 feet, but a total minimum of 24 feet

         (c) Rear yard: 25 feet

   B. All other structures

      (1) Front yard: Controlled by a 45° angle of bulk plane, but not less than 35 feet

      (2) Side yard: Controlled by a 40° angle of bulk plane, but not less than 15 feet

(3) Rear yard: Controlled by a 40° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

A. 0.20 for uses other than residential or public

B. 0.25 for public uses

3-208 Maximum Density

Two (2) dwelling units per acre

3-209 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space

3-210 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than thirty-five (35) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

A. Single family detached conventional subdivision lot: 12,000 sq. ft.

B. Single family detached cluster subdivision lot: 10,400 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 12,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 10,400 square feet.

C. Single family attached: No Requirement

2. Minimum lot width

A. Single family detached conventional subdivision lot:

(1) Interior lot - 80 feet

(2) Corner lot - 105 feet

B. Except as qualified below, single family detached cluster subdivision lot:

(1) Interior lot - No Requirement

(2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 2 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-2 District or to an R-2 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Single family attached dwellings: 14 feet

3. Maximum building height

A. Single family detached dwellings: 35 feet

B. Single family attached dwellings: 40 feet

4. Minimum yard requirements

A. Single family detached conventional subdivision lot

(1) Front yard: 30 feet

(2) Side yard: 8 feet

(3) Rear yard: 25 feet

B. Single family detached cluster subdivision lot

(1) Front yard: 20 feet

(2) Side yard: 8 feet

(3) Rear yard: 25 feet

C. Single family attached dwellings

(1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 206 and 207 above.

7. Single family attached dwelling units shall be located so to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

8. The maximum density shall be two and four-tenths (2.4) dwelling units per acre.

9. Open space

A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.

B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

3-211 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 3 3-300 R-3 RESIDENTIAL DISTRICT, THREE DWELLING UNITS/ACRE

3-301 Purpose and Intent

The R-3 District is established to provide for single family detached dwellings at densities set forth in Sect. 308 below; to provide for affordable dwelling unit developments; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-302 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Public uses.

3-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - C. Convents, monasteries, seminaries and nunneries
   - D. Group housekeeping units
   - E. Home child care facilities
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
5. Group 7 - Older Structures, limited to:
   - A. Antique shops
   - B. Art and craft galleries

C. Rooming houses

D. Summer theatres

6. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

7. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Accessory dwelling units

3-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Convenience centers

C. Funeral chapels

D. Golf courses, country clubs

E. Marinas, docks and boating facilities, commercial

F. Offices

G. Plant nurseries

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-305 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615 when the cluster subdivision has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

3-306 Lot Size Requirements

1. Minimum district size for cluster subdivisions:

   A. Cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres shall be subject to special exception approval.

   B. Cluster subdivisions containing a minimum district size of three and one-half acres (3.5) acres or greater shall be subject to approval by the Director.

2. Average lot area

   A. Conventional subdivision lot: 11,500 sq. ft.

   B. Cluster subdivision lot: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 10,500 sq. ft.

   B. Cluster subdivision lot approved by the Director: 8,500 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 10,500 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 8,500 square feet.

   C. Cluster subdivision lot approved by special exception: 8,500 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 80 feet

(2) Corner lot - 105 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

(1) Interior lot - No Requirement

(2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to a R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

(1) Interior lot – No Requirement

(2) Corner lot – 80 feet

3-307 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: 30 feet

(b) Side yard: 12 feet

(c) Rear yard: 25 feet

(2) Cluster subdivision lot

(a) Front yard: 20 feet

(b) Side yard: 8 feet, but a total minimum of 20 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet

(2) Side yard: Controlled by a 35° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

A. 0.25 for uses other than residential or public

B. 0.30 for public uses

3-308 Maximum Density

1. Conventional subdivisions: Three (3) dwelling units per acre.

2. Cluster subdivisions:

A. Three (3) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Sect. 2-421, or that are the result of proffered rezoning from a district that allows a permitted maximum density of less than three (3) dwelling units per acre.

B. Three dwelling units per acre plus one (1) bonus dwelling unit for cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres and approved by special exception.

3-309 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

3-310 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family

attached dwelling units are permitted, provided that no more than forty (40) percent of the total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

   A. Single family detached conventional subdivision lot: 8,400 sq. ft.

   B. Single family detached cluster subdivision lot: 6,800 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 8,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 6,800 square feet.

   C. Single family attached: No Requirement

2. Minimum lot width

   A. Single family detached conventional subdivision lot:

      (1) Interior lot - 70 feet

      (2) Corner lot - 95 feet

   B. Except as qualified below, single family detached cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 70 feet

      If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 70 feet for interior lots and 95 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 70 feet for corner lots.

   C. Single family attached dwellings: 14 feet

3. Maximum building height

   A. Single family detached dwellings: 35 feet

   B. Single family attached dwellings: 40 feet

4. Minimum yard requirements

   A. Single family detached conventional subdivision lot:

      (1) Front yard: 30 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   B. Single family detached cluster subdivision lot:

      (1) Front yard: 20 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   C. Single family attached dwellings:

      (1) Front yard: Controlled by 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by 30° angle of bulk plane, but not less than 20 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. All other structures shall be subject to lot size requirements and bulk regulations of Sections 306 and 307 above.

7. Single family attached dwelling units shall be located so to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

8. The maximum density shall be three and six-tenths (3.6) dwelling units per acre.

9. Open space

   A. In conventional subdivisions containing both conventional single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet

per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.

B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

3-311 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 4 3-400 R-4 RESIDENTIAL DISTRICT, FOUR DWELLING UNITS/ACRE

3-401 Purpose and Intent

The R-4 District is established to provide for single family detached dwellings at densities set forth in Sect. 408 below; to provide for affordable dwelling unit developments; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-402 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Public uses.

3-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - C. Convents, monasteries, seminaries and nunneries
   - D. Group housekeeping units
   - E. Home child care facilities
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
5. Group 7 - Older Structures, limited to:
   - A. Antique shops
   - B. Art and craft galleries

C. Rooming houses

D. Summer theatres

6. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

7. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Accessory dwelling units

3-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Convenience centers

C. Funeral chapels

D. Golf courses, country clubs

E. Marinas, docks and boating facilities, commercial

F. Offices

G. Plant nurseries

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-405 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615 when the cluster subdivision has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

3-406 Lot Size Requirements

1. Minimum district size for cluster subdivisions:

   A. Cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres shall be subject to special exception approval.

   B. Cluster subdivisions containing a minimum district size of three and one-half acres (3.5) acres or greater shall be subject to approval by the Director.

2. Average lot area

   A. Conventional subdivision lot: 8,800 sq. ft.

   B. Cluster subdivision lot: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 8,400 sq. ft.

   B. Cluster subdivision lot approved by the Director: 6,000 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 8,000 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 6,000 square feet.

   C. Cluster subdivision lot approved by special exception: 6,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 70 feet

(2) Corner lot - 95 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

(1) Interior lot - No Requirement

(2) Corner lot - 70 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 70 feet for interior lots and 95 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 70 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

(1) Interior lot – No Requirement

(2) Corner lot – 70 feet

3-407 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: 30 feet

(b) Side yard: 10 feet

(c) Rear yard 25 feet

(2) Cluster subdivision lot

(a) Front yard: 20 feet

(b) Side yard: 8 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

(2) Side yard: Controlled by a 30° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio:

A. 0.30 for uses other than residential or public

B. 0.35 for public uses

3-408 Maximum Density

1. Conventional subdivisions: Four (4) dwelling units per acre.

2. Cluster subdivisions:

A. Four (4) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Sect. 2-421, or that are the result of proffered rezoning from a district that allows a permitted maximum density of less than four (4) dwelling units per acre.

B. Four dwelling units per acre plus one (1) bonus dwelling unit for cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres and approved by special exception.

3-409 Open Space

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

3-410 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty-five (45) percent of the

total number of dwelling units allowed within the development shall be single family attached dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

   A. Single family detached conventional subdivision lot: 6,720 sq. ft.

   B. Single family detached cluster subdivision lot: 4,800 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 6,720 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to an R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 4,800 square feet.

   C. Single family attached: No Requirement

2. Minimum lot width

   A. Single family detached conventional subdivision lot:

      (1) Interior lot - 56 feet

      (2) Corner lot - 76 feet

   B. Except as qualified below, single family detached cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 56 feet

      If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 4 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 56 feet for interior lots and 76 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-4 District or to a R-4 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 56 feet for corner lots.

   C. Single family attached dwellings: 14 feet

3. Maximum building height

   A. Single family detached dwellings: 35 feet

   B. Single family attached dwellings: 40 feet

4. Minimum yard requirements

   A. Single family detached conventional subdivision lot

      (1) Front yard: 24 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   B. Single family detached cluster subdivision lot

      (1) Front yard: 16 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   C. Single family attached dwellings

      (1) Front yard: Controlled by 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by 30° angle of bulk plane, but not less than 20 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 406 and 407 above.

7. Single family attached dwelling units shall be located so to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.

8. The maximum density shall be four and eight-tenths (4.8) dwelling units per acre.

9. Open space

   A. In conventional subdivisions containing both single family detached and attached dwelling units, open space in an amount equivalent to 200 square feet per single family attached dwelling unit shall be provided and such open space shall be located adjacent to the single family attached dwelling units.

B. In cluster subdivisions with single family detached dwelling units, 22% of the gross area shall be open space. When such developments also contain single family attached dwelling units, within such 22% open space, 200 square feet of open space per single family attached dwelling unit shall be provided adjacent to the single family attached dwelling units.

3-411 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 5 3-500 R-5 RESIDENTIAL DISTRICT, FIVE DWELLING UNITS/ACRE

3-501 Purpose and Intent

The R-5 District is established to provide for a planned mixture of single family dwelling types at a density not to exceed five (5) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed six (6) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-502 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Dwellings, single family attached.
5. Dwellings, mixture of those types set forth above.
6. Public uses.

3-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - C. Convents, monasteries, seminaries and nunneries
   - D. Group housekeeping units
   - E. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
4. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Accessory dwelling units

3-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care centers

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Convenience centers

C. Funeral chapels

D. Golf courses, country clubs

E. Marinas, docks and boating facilities, commercial

F. Offices

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-505 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-506 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Single family attached dwellings: No Requirement

   C. Non-residential uses: 14,000 sq. ft.

3. Minimum lot width

   A. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   B. Single family attached dwellings: 18 feet

   C. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-507 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family detached dwellings

      (1) Front yard: 20 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   B. Single family attached dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(4) A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

C. All other structures

(1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.35 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. The minimum yard requirements presented in Par. 2B above may be waived by the Board in accordance with the provisions of Sect. 9-613.

3-508 Maximum Density

Five (5) dwelling units per acre

3-509 Open Space

25% of the gross area shall be open space

3-510 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached and attached dwelling units. In addition, multiple family dwelling units are permitted, provided that no more than fifty (50) percent of the total number of dwelling units allowed within an affordable dwelling unit development shall be multiple family dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

A. Single family detached dwellings: 4,000 sq. ft.

B. Single family attached dwellings: No Requirement

C. Multiple family dwellings: No Requirement

2. Minimum lot width

A. Single family detached dwellings:

(1) Interior lot - 40 feet

(2) Corner lot - 56 feet

B. Single family attached dwellings: 14 feet

C. Multiple family dwellings: No Requirement

3. Maximum building height

A. Single family detached dwellings: 35 feet

B. Single family attached dwellings: 40 feet

C. Multiple family dwellings: 50 feet

4. Minimum yard requirements

A. Single family detached dwellings

(1) Front yard: 16 feet

(2) Side yard: 8 feet

(3) Rear yard: 20 feet

B. Single family attached dwellings

(1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 8 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 16 feet

C. Multiple family dwellings

(1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 506 and 507 above.

7. The maximum density shall be six (6) dwelling units per acre.

8. 20% of the gross area shall be open space.

3-511 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 8 3-800 R-8 RESIDENTIAL DISTRICT, EIGHT DWELLING UNITS/ACRE

3-801 Purpose and Intent

The R-8 District is established to provide for a planned mixture of single family residential dwelling types at a density not to exceed eight (8) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-802 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Dwellings, single family attached.
5. Dwellings, mixture of those types set forth above.
6. Public uses.

3-803 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - C. Convents, monasteries, seminaries and nunneries
   - D. Group housekeeping units
   - E. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
4. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Accessory dwelling units

3-804 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Convenience centers

C. Funeral chapels

D. Golf courses, country clubs

E. Marinas, docks and boating facilities, commercial

F. Offices

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-805 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-806 Lot Size Requirements

1. Minimum district size: 5 acres

2. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Single family attached dwellings: No Requirement

   C. Non-residential uses: 12,000 sq. ft.

3. Minimum lot width

   A. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   B. Single family attached dwellings: 18 feet

   C. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-807 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family detached dwellings

      (1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   B. Single family attached dwellings

(1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(4) A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

C. All other structures

(1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.55 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. The minimum yard requirements presented in Par. 2B above may be waived by the Board in accordance with the provisions of Sect. 9-613.

3-808 Maximum Density

Eight (8) dwelling units per acre

3-809 Open Space

20% of the gross area shall be open space

3-810 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family detached and attached dwelling units. In addition, multiple family dwelling units are permitted, provided that no more than fifty (50) percent of the total number of dwelling units allowed within an affordable dwelling unit development shall be multiple family dwelling units. The following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area

   A. Single family detached dwellings: 4,000 sq. ft

   B. Single family attached dwellings: No Requirement

   C. Multiple family dwellings: No Requirement

2. Minimum lot width

   A. Single family detached dwellings:

      (1) Interior lot - 40 feet

      (2) Corner lot - 56 feet

   B. Single family attached dwellings: 14 feet

   C. Multiple family dwellings: No Requirement

3. Maximum building height

   A. Single family detached dwellings: 35 feet

   B. Single family attached dwellings: 40 feet

   C. Multiple family dwellings: 50 feet

4. Minimum yard requirements

   A. Single family detached dwellings

      (1) Front yard: 16 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 20 feet

   B. Single family attached dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 8 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 16 feet

   C. Multiple family dwellings

(1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 806 and 807 above.

7. The maximum density shall be nine and six-tenths (9.6) dwelling units per acre.

8. 16% of the gross area shall be open space.

3-811 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401. The shape factor limitations may be modified by the Board in accordance with the provisions of Sect. 9-626.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 12 3-1200 R-12 RESIDENTIAL DISTRICT, TWELVE DWELLING UNITS/ACRE

3-1201 Purpose and Intent

The R-12 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed twelve (12) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed fourteen and four-tenths (14.4) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-1202 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Dwellings, single family attached.
5. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
6. Dwellings, mixture of those types set forth above.
7. Public uses.
8. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

3-1203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - B. Convents, monasteries, seminaries and nunneries
   - C. Group housekeeping units
   - D. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses, limited to:

   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

   B. Construction material yards accessory to a construction project

   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

   D. Subdivision and apartment sales and rental offices

   E. Temporary dwellings or mobile homes

   F. Farmers markets

   G. Temporary portable storage containers

   H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Automated teller machines

3-1204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

   E. Colleges, universities

   F. Conference centers and retreat houses, operated by a religious or nonprofit organization

   G. Congregate living facilities

   H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Funeral chapels

C. Golf courses, country clubs

D. Marinas, docks and boating facilities, commercial

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-1205 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-1206 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

   A. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-1207 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other structures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. The minimum yard requirements presented in Par. 2A above shall apply to buildings, comprised of single family attached dwelling units, as they relate to peripheral lot lines, streets and to other buildings, but shall not apply to individual single family attached units within a building.

3-1208 Maximum Density

Twelve (12) dwelling units per acre

3-1209 Open Space

25% of the gross area shall be open space

3-1210 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family attached and multiple family dwelling units and the following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area: No Requirement

2. Minimum lot width

   A. Single family attached dwellings: 14 feet

   B. Multiple family dwellings: No Requirement

3. Maximum building height

   A. Single family attached dwellings: 40 feet

   B. Multiple family dwellings: 65 feet

4. Minimum yard requirements

   A. Single family attached dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 8 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 16 feet

B. Multiple family dwellings

(1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings. In addition, the minimum yard requirements presented in Par. 4A above shall apply to buildings, comprised of single family attached dwelling units, as they relate to peripheral lot lines, streets and to other buildings, but shall not apply to individual single family attached units within a building.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 1206 and 1207 above.

7. The maximum density shall be fourteen and four-tenths (14.4) units per acre.

8. 20% of the gross area shall be open space.

3-1211 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 16 3-1600 R-16 RESIDENTIAL DISTRICT, SIXTEEN DWELLING UNITS/ACRE

3-1601 Purpose and Intent

The R-16 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed sixteen (16) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-1602 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Dwellings, single family attached.
5. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
6. Dwellings, mixture of those types set forth above.
7. Public uses.
8. Wireless Facilities and associated support structures, subject to the provisions of Sections. 2-514, 2-519, 2-520, or 2-522

3-1603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - B. Convents, monasteries, seminaries and nunneries
   - C. Group housekeeping units
   - D. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses, limited to:

   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

   B. Construction material yards accessory to a construction project

   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

   D. Subdivision and apartment sales and rental offices

   E. Temporary dwellings or mobile homes

   F. Farmers markets

   G. Temporary portable storage containers

   H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Automated teller machines

3-1604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

   E. Colleges, universities

   F. Conference centers and retreat houses, operated by a religious or nonprofit organization

   G. Congregate living facilities

   H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Funeral chapels

C. Golf courses, country clubs

D. Marinas, docks and boating facilities, commercial

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-1605 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-1606 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

   A. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-1607 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other structures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. The minimum yard requirements presented in Par. 2A above shall apply to buildings, comprised of single family attached dwelling units, as they relate to peripheral lot lines, streets and to other buildings, but shall not apply to individual single family attached units within a building.

3-1608 Maximum Density

Sixteen (16) dwelling units per acre

3-1609 Open Space

30% of the gross area shall be open space

3-1610 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family attached and multiple family dwelling units and the following regulations shall apply to dwelling units in affordable dwelling unit developments:

1. Minimum lot area: No Requirement

2. Minimum lot width

   A. Single family attached dwellings: 14 feet

   B. Multiple family dwellings: No Requirement

3. Maximum building height

   A. Single family attached dwellings: 40 feet

   B. Multiple family dwellings: 65 feet

4. Minimum yard requirements

   A. Single family attached dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 8 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 16 feet

   B. Multiple family dwellings

(1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings. In addition, the minimum yard requirements presented in Par. 4A above shall apply to buildings, comprised of single family attached dwelling units, as they relate to peripheral lot lines, streets and to other buildings, but shall not apply to individual single family attached units within a building.

6. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 1606 and 1607 above.

7. The maximum density shall be nineteen and two-tenths (19.2) dwelling units per acre.

8. 24% of the gross area shall be open space.

3-1611 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 20 3-2000 R-20 RESIDENTIAL DISTRICT, TWENTY DWELLING UNITS/ACRE

3-2001 Purpose and Intent

The R-20 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed twenty (20) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed twenty-four (24) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-2002 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Dwellings, single family attached.
5. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
6. Dwellings, mixture of those types set forth above.
7. Public uses.
8. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

3-2003 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - B. Convents, monasteries, seminaries and nunneries
   - C. Group housekeeping units
   - D. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses, limited to:

   A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

   B. Construction material yards accessory to a construction project

   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

   D. Subdivision and apartment sales and rental offices

   E. Temporary dwellings or mobile homes

   F. Farmers markets

   G. Temporary portable storage containers

   H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Automated teller machines

3-2004 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

   E. Colleges, universities

   F. Conference centers and retreat houses, operated by a religious or nonprofit organization

   G. Congregate living facilities

   H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Funeral chapels

C. Golf courses, country clubs

D. Marinas, docks and boating facilities, commercial

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-2005 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-2006 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

   A. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-2007 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 90 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other structures:

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

6. The minimum yard requirements presented in Par. 2A above shall apply to buildings, comprised of single family attached dwelling units, as they relate to peripheral lot lines, streets and to other buildings, but shall not apply to individual single family attached units within a building.

3-2008 Maximum Density

Twenty (20) dwelling units per acre

3-2009 Open Space

30% of the gross area shall be open space

3-2010 Affordable Dwelling Unit Developments

Affordable dwelling unit developments may consist of single family attached and multiple family dwelling units in accordance with the following regulations:

1. Minimum lot width

   A. Single family attached dwellings: 14 feet

   B. Multiple family dwellings: No Requirement

2. Maximum building height

   A. Single family attached dwellings: 40 feet

   B. Multiple family dwellings: 90 feet

3. Minimum yard requirements

   A. Single family attached dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 8 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 16 feet

   B. Multiple family dwellings

(1) Front yard: Controlled by a 20° angle of bulk plane, but not less than 15 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 20° angle of bulk plane, but not less than 20 feet

4. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 2006 and 2007 above.

5. The maximum density shall be twenty-four (24) units per acre.

6. 20% of the gross area shall be open space.

3-2011 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 30 3-3000 R-30 RESIDENTIAL DISTRICT, THIRTY DWELLING UNITS/ACRE

3-3001 Purpose and Intent

The R-30 District is established to provide for multiple family dwellings at a density not to exceed thirty (30) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed thirty-six (36) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-3002 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.

2. Affordable dwelling unit developments.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Dwellings, multiple family, including accessory service uses as permitted by Article 10.

5. Public uses.

6. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

3-3003 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

    A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

    B. Convents, monasteries, seminaries and nunneries

    C. Group housekeeping units

    D. Home child care facilities

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

    A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses, limited to:

A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

A. Automated teller machines

3-3004 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Funeral chapels

C. Golf courses, country clubs

D. Marinas, docks and boating facilities, commercial

E. Offices

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-3005 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-3006 Lot Size Requirements

1. Minimum district size: 3 acres

2. Minimum lot area

   A. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-3007 Bulk Regulations

1. Maximum building height

   A. All structures: 150 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. All structures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.00 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

3-3008 Maximum Density

Thirty (30) dwelling units per acre

3-3009 Open Space

40% of the gross area shall be open space

3-3010 Affordable Dwelling Unit Developments

Affordable dwelling unit developments shall consist of multiple family dwelling units in accordance with the following regulations:

1. Maximum building height

   Multiple family dwellings: 150 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Multiple family dwellings

      (a) Front yard: Controlled by a 20° angle of bulk plane, but not less than 15 feet

      (b) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (c) Rear yard: Controlled by a 15° angle of bulk plane, but not less than 15 feet

3. All other structures shall be subject to the lot size requirements and bulk regulations of Sections 3006 and 3007 above.

4. The maximum density shall be thirty-six (36) dwelling units per acre.

5. 26% of the gross area shall be open space.

3-3011 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART M 3-M00 R-MHP RESIDENTIAL DISTRICT, MOBILE HOME PARK

3-M01 Purpose and Intent

The R-MHP District is established to provide for mobile home parks; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-M02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, single family detached.
4. Dwellings, mobile home.
5. Public uses.

3-M03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
   - B. Convents, monasteries, seminaries and nunneries
   - C Group housekeeping units
   - D. Home child care facilities
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
4. Group 8 - Temporary Uses, limited to:
   - A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
   - B. Construction material yards accessory to a construction project

C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Subdivision and apartment sales and rental offices

E. Temporary dwellings or mobile homes

F. Farmers markets

G. Temporary portable storage containers

H. Community gardens

5. Group 9 - Uses Requiring Special Regulation, limited to:

A. Automated teller machines

3-M04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Funeral chapels

C. Golf courses, country clubs

D. Marinas, docks and boating facilities, commercial

5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval:

Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval, for provisions which may qualify or supplement these district regulations.

3-M05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. No space in a mobile home park shall be rented for residential use except for periods of thirty (30) days or more, and no mobile home shall be located in any park unless it can be demonstrated that it meets the requirements of the Mobile Home Manufacturers Association 'Mobile Home Standards for Plumbing, Heating and Electrical Systems'.

4. All mobile home parks shall meet the requirements for same as set forth in Chapter 61 of The Code, Buildings.

5. Every mobile home lot shall be clearly defined on the ground by permanent monuments.

6. Every mobile home lot shall be provided with a mobile home stand so designed to provide adequate support of the maximum anticipated loads during all seasons; and so located as to provide for the practical placement of a mobile home and its appurtenant

structures in such a manner that such mobile homes shall comply fully with all requirements of this Ordinance.

7. No mobile home lot shall extend into a floodplain.

8. Every mobile home shall be provided with storage facilities located on or conveniently near each mobile home lot. There shall be a minimum of ninety (90) cubic feet of storage space provided for each mobile home. Required storage facilities shall be located no closer to park boundary lines, public streets, private streets or driveways than is permitted for mobile home units.

9. Every mobile home lot shall be provided with a paved surface outdoor patio of at least 180 square feet located to be convenient to the entrance of the mobile home.

10. All mobile home lots shall abut on a driveway or private street, and each lot shall have unobstructed access to a public street. Private streets and driveways within a mobile home park shall be constructed in accordance with the provisions of Chapter 61 of The Code, Buildings, and the Public Facilities Manual.

3-M06 Lot Size Requirements

1. Minimum district size: 15 acres

2. Average lot area

   A. Mobile home: 4,000 sq. ft.

3. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Non-residential uses: 10,000 sq. ft.

4. Minimum lot width

   A. Mobile home park: 70 feet

   B. Mobile home lot: No dimension shall be less than 50 feet

   C. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   D. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-M07 Bulk Regulations

1. Maximum building height

   A. Residential uses: 35 feet

   B. All other structures: 90 feet

2. Minimum yard requirements

   A. Front yard

      (1) Mobile homes: 35 feet from the front lot line of the park

      (2) Single family dwellings and all other structures: Controlled by a 30° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street

   B. Side yard

      (1) Mobile homes: 25 feet from the side lot line of the park

      (2) Single family detached dwellings: 8 feet

      (3) All other structures: Controlled by a 25° angle of bulk plane, but not less than 10 feet

   C. Rear yard

      (1) Mobile homes: 25 feet from the rear lot line of the park

      (2) Single family detached dwellings: 25 feet

      (3) All other structures: Controlled by a 25° angle of bulk plane, but not less than 25 feet

   D. Minimum yard requirements within a mobile home park:

      No mobile home shall be located closer than:

      (1) 15 feet to any other mobile home or building within the park

      (2) 35 feet to a public street

      (3) 10 feet to a private street or a common open space area within the mobile home park

3. Maximum floor area ratio: 0.50 for uses other than residential

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

3-M08 Maximum Density

Six (6) mobile homes or dwelling units per acre

3-M09 Open Space

20% of the gross area shall be open space

3-M10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

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PART 9 **(Deleted by Amendment #18-469, Adopted January 23, 2018, Effective January 24, 2018, 12:01 AM)**

ARTICLE 4

COMMERCIAL DISTRICT REGULATIONS

PART 1 4-100 C-1 LOW-RISE OFFICE TRANSITIONAL DISTRICT

4-101 Purpose and Intent

The C-1 District is established to provide areas where non-retail commercial uses such as offices and financial institutions may be located; to provide for such uses in a low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this Ordinance.

4-102 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Nursery schools and child care centers, limited by the provisions of Sect. 105 below.
5. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
6. Private schools of general education, private schools of special education.
7. Public uses.
8. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 105 below.
9. Telecommunication facilities.
10. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:
   A. Swimming clubs and tennis clubs/courts
2. Group 7 - Older Structures, limited to:
   A. Restaurants
   B. Rooming houses

3. Group 8 - Temporary Uses.

4-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Colleges, universities

   C. Conference centers and retreat houses, operated by a religious or nonprofit organization

   D. Congregate living facilities

   E. Cultural centers, museums and similar facilities

   F. Independent living facilities

   G. Medical care facilities

   H. Private clubs and public benefit associations

   I. Quasi-public parks, playgrounds, athletic fields and related facilities

   J. Alternate uses of public facilities

   K. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

3. Category 4 - Transportation Facilities, limited to:

   A. Electrically-powered regional rail transit facilities

   B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Commercial off-street parking in Metro Station areas as a temporary use

   B. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

   C. Golf courses, country clubs

4-105 Use Limitations

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools and child care centers shall be subject to the standards set forth in Sect. 9-309.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

   B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

   C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

   D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

   E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

   F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

4-106 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-107 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane

   B. Side yard: No Requirement

   C. Rear yard: 25 feet

3. Maximum floor area ratio: 0.25

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-108 Open Space

50% of the gross area shall be landscaped open space

4-109 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 2 4-200 C-2 LIMITED OFFICE DISTRICT

4-201 Purpose and Intent

The C-2 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; to provide for such uses in a low intensity manner such that they can be employed as transitional land uses between higher intensity uses and residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

4-202 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Nursery schools and child care centers, limited by the provisions of Sect. 205 below.
5. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
6. Private schools of general education, private schools of special education.
7. Public uses.
8. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 205 below.
9. Telecommunication facilities.
10. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:
   A. Swimming clubs and tennis clubs/courts
2. Group 5 - Commercial Recreation Uses, limited to:
   A. Commercial swimming pools, tennis courts and similar courts
3. Group 7 - Older Structures, limited to:
   A. Restaurants

B. Rooming houses

4. Group 8 - Temporary Uses.

4-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Colleges, universities

C. Conference centers and retreat houses, operated by a religious or nonprofit organization

D. Congregate living facilities

E. Cultural centers, museums and similar facilities

F. Independent living facilities

G. Medical care facilities

H. Private clubs and public benefit associations

I. Quasi-public parks, playgrounds, athletic fields and related facilities

J. Alternate uses of public facilities

K. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Carryout restaurants

B. Commercial off-street parking in Metro Station areas as a temporary use

C. Drive-in financial institutions

D. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

E. Golf courses, country clubs

F. Restaurants

4-205 Use Limitations

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools and child care centers shall be subject to the standards set forth in Sect. 9-309.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

   B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

   C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

   D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

   E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

   F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

4-206 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-207 Bulk Regulations

1. Maximum building height: 40 feet

2. Minimum yard requirements

   A. Front yard: Controlled by a 30° angle of bulk plane, but not less than 25 feet

   B. Side yard: No Requirement

   C. Rear yard: 25 feet

3. Maximum floor area ratio: 0.50

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4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-208 Open Space

30% of the gross area shall be landscaped open space

4-209 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 3 4-300 C-3 OFFICE DISTRICT

4-301 Purpose and Intent

The C-3 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; and otherwise to implement the stated purpose and intent of this Ordinance.

4-302 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Carryout restaurants.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Commercial swimming pools, tennis courts and similar courts, indoor.
5. Cultural centers, museums.
6. Financial institutions.
7. Funeral homes.
8. Health clubs.
9. New vehicle storage, limited by the provisions of Sect. 305.
10. Nursery schools and child care centers, limited by the provisions of Sect. 305 below.
11. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
12. Private schools of general education, private schools of special education.
13. Public uses.
14. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 305 below.
15. Restaurants.
16. Small-scale production establishments, limited by the provisions of Sect. 305 below.
17. Telecommunication facilities.
18. Wireless Facilities and associated support structures, subject to the provisions of Sections. 2-514, 2-519, 2-520, or 2-522.

4-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:

   A. Swimming clubs and tennis clubs/courts

2. Group 5 - Commercial Recreation Uses, limited to:

   A. Bowling alleys

   B. Commercial swimming pools, tennis courts and similar courts, outdoor

   C. Indoor archery ranges, fencing and other similar indoor recreational uses

   D. Miniature golf courses, indoor

   E. Skating facilities, indoor

3. Group 7 - Older Structures, limited to:

   A. Rooming houses

4. Group 8 - Temporary Uses.

4-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Colleges, universities

   C. Conference centers and retreat houses, operated by a religious or nonprofit organization

   D. Congregate living facilities

   E. Independent living facilities

   F. Medical care facilities

   G. Private clubs and public benefit associations

H. Quasi-public parks, playgrounds, athletic fields and related facilities

I. Alternate uses of public facilities

J. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Helistops

C. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Drive-in financial institutions

C. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

D. Golf courses, country clubs

E. Hotels, motels

F. Parking, commercial off-street, as a principal use

G. Service stations

H. Theaters

I. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

4-305 Use Limitations

1. All business, service, storage, and display of goods must be conducted within a completely enclosed building, except those permitted uses, accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building, and outdoor seating provided in association with a restaurant.

2. Nursery schools and child care centers shall be subject to the standards set forth in Sect. 9-309.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

   B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

   C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

   D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

   E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

   F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

6. New vehicle storage is permitted by right in accordance with the following:

   A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

   B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

   C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

   D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

7. Small-scale production establishments are permitted by right in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 6,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-306 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-307 Bulk Regulations

1. Maximum building height: 90 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A. Front yard: Controlled by a 25° angle of bulk plane, but not less than 40 feet

B. Side yard: No Requirement

C. Rear yard: Controlled by a 20° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.00

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-308 Open Space

15% of the gross area shall be landscaped open space

4-309 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

ART 4 4-400 C-4 HIGH INTENSITY OFFICE DISTRICT

4-401 Purpose and Intent

The C-4 District is established to provide areas of high intensity development where predominantly non-retail commercial uses may be located such as office and financial institutions; and otherwise to implement the stated purpose and intent of this Ordinance.

4-402 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Carryout restaurants.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Colleges, universities.
5. Commercial swimming pools, tennis courts and similar courts, indoor.
6. Cultural centers, museums
7. Financial institutions.
8. Funeral homes.
9. Health clubs.
10. New vehicle storage, limited by the provisions of Sect. 405.
11. Nursery schools and child care centers, limited by the provisions of Sect. 405 below.
12. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
13. Parking, commercial off-street, as a principal use.
14. Private schools of general education, private schools of special education.
15. Public uses.
16. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 405 below.
17. Restaurants.
18. Small-scale production establishments, limited by the provisions of Sect. 405 below.
19. Telecommunication facilities.

20. Wireless Facilities and associated support structures, subject to the provisions of Section 2-514, 2-519, 2-520, or 2-522.

4-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:

   A. Swimming clubs and tennis clubs/courts

2. Group 5 - Commercial Recreation Uses, limited to:

   A. Bowling alleys

   B. Commercial swimming pools, tennis courts and similar courts, outdoor

   C. Indoor archery ranges, fencing and other similar indoor recreational uses

   D. Miniature golf courses, indoor

   E. Skating facilities, indoor

3. Group 7 - Older Structures, limited to:

   A. Rooming houses

4. Group 8 - Temporary Uses.

4-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Conference centers and retreat houses, operated by a religious or nonprofit organization

   C. Congregate living facilities

   D. Independent living facilities

   E. Medical care facilities

   F. Private clubs and public benefit associations

G. Quasi-public parks, playgrounds, athletic fields and related facilities

H. Alternate uses of public facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Helistops

C. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Drive-in financial institutions

C. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

D. Golf courses, country clubs

E. Hotels, motels

F. Service stations

G. Theaters

H. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

4-405 Use Limitations

1. All business, service, storage, and display of goods must be conducted within a completely enclosed building, except those permitted uses, accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building, and outdoor seating provided in association with a restaurant.

2. Nursery schools and child care centers shall be subject to the standards set forth in Sect. 9-309.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

   B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

   C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

   D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

   E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

   F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

6. New vehicle storage is permitted by right in accordance with the following:

   A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

   B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

   C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

   D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

7. Small-scale production establishments are permitted by right in accordance with the following:

   A. The maximum size of an individual small-scale production establishment is 6,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-406 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-407 Bulk Regulations

1. Maximum building height: 120 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A. Front yard: Controlled by a 25° angle of bulk plane, but not less than 40 feet

B. Side yard: No Requirement

C. Rear yard: Controlled by a 20° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.65

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-408 Open Space

15% of the gross area shall be landscaped open space

4-409 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 5 4-500 C-5 NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

4-501 Purpose and Intent

The C-5 District is established to provide locations for convenience shopping facilities in which those retail commercial uses shall predominate that have a neighborhood-oriented market of approximately 5000 persons, and which supply necessities that usually require frequent purchasing and with a minimum of consumer travel. Typical uses to be found in the Neighborhood Retail Commercial District include a food supermarket, drugstore, personal service establishments, small specialty shops, and a limited number of small professional offices.

Areas zoned for the C-5 District should be located so that their distributional pattern throughout the County reflects their neighborhood orientation. They should be designed to be an integral, homogeneous component of the neighborhoods they serve, oriented to pedestrian traffic as well as vehicular. The district should not be located in close proximity to other retail commercial uses.

Because of the nature and location of the Neighborhood Retail Commercial District, they should be encouraged to develop in compact centers under a unified design that is architecturally compatible with the neighborhood in which they are located. Further, such districts should not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. Generally, the ultimate size of a C-5 District in a given location in the County should not exceed an aggregate gross floor area of 100,000 square feet or an aggregate site size of ten (10) acres.

4-502 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Business service and supply service establishments.
3. Carryout restaurants.
4. Churches, chapels, temples, synagogues and other such places of worship.
5. Colleges, universities.
6. Commercial swimming pools, tennis courts and similar courts, indoor.
7. Community clubs, centers and meeting halls.
8. Craft beverage production establishments, limited by the provisions of Sect. 505 below.
9. Cultural centers, museums.
10. Drive-in financial institutions, limited by the provisions of Sect. 505 below.
11. Drive-through pharmacy, limited by the provisions of Sect. 505 below.
12. Financial institutions.

13. Funeral chapels.

14. Garment cleaning establishments.

15. Health clubs.

16. Kennels, limited by the provisions of Sect. 505 below.

17. Offices, limited by the provisions of Sect. 505 below.

18. Parking, commercial off-street, as a principal use.

19. Personal service establishments.

20. Private clubs and public benefit associations.

21. Private schools of general education, private schools of special education.

22. Public uses.

23. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 505 below.

24. Quick-service food stores, limited by the provisions of Sect. 505 below.

25. Repair service establishments.

26. Restaurants.

27. Retail sales establishments.

28. Small-scale production establishments, limited by the provisions of Sect. 505 below.

29. Telecommunication facilities.

30. Veterinary hospitals, limited by the provisions of Sect. 505 below.

31. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses, limited to:

   A. Community swimming pools and archery ranges

   B. Marinas, docks and boating facilities of a private, nonprofit nature

   C. Swimming clubs and tennis clubs/courts

   D. Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas

3. Group 5 - Commercial Recreation Uses, limited to:

   A. Billiard and pool halls

   B. Commercial swimming pools, tennis courts and similar courts, outdoor

   C. Indoor archery ranges, fencing and other similar indoor recreational uses

   D. Miniature golf courses, indoor

   E. Skating facilities, indoor

4. Group 8 - Temporary Uses.

4-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   E. Conference centers and retreat houses, operated by a religious or nonprofit organization

   F. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

G. Medical care facilities

H. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Automobile-oriented uses

B. Baseball hitting and archery ranges, outdoor

C. Car washes

D. Commercial off-street parking in Metro Station areas as a temporary use

E. Drive-in financial institutions

F. Drive-through pharmacy

G. Golf courses, country clubs

H. Golf driving ranges

I. Marinas, docks and boating facilities, commercial

J. Miniature golf courses ancillary to golf driving ranges

K. Offices

L. Quick-service food stores

M. Restaurants with drive-through

N. Service stations

O. Service station/mini-marts

P. Truck rental establishments

Q. Vehicle light service establishments

4-505 Use Limitations

1. Drive-in financial institutions and quick-service food stores are permitted by right in accordance with the following:

A. Drive-in financial institutions and quick-service food stores are permitted by right when:

(1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not drive-in financial institutions or quick-service food stores; and

(2) All uses within that building are connected by party walls or partitions to form one continuous structure.

B. For all of the above, the shopping center and the building in which such drive-in financial institution or quick-service food store is located must be subject to an approved unified site plan. In addition, vehicular access to the use shall be provided only via the internal circulation system of the shopping center.

Drive-in financial institutions and quick-service food stores which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

2. All business, service, storage, and display of goods is permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. Except for 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods is limited to that area so designated on an approved site plan. The outdoor storage and display of all goods is subject to Sect. 2-504 and is limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery, mulch and those goods permitted to be sold at a service station or service station/mini-mart.

3. All refuse shall be contained in completely enclosed facilities.

4. No separate business establishment shall occupy more than 6000 square feet of gross floor area, except one drugstore or other store of general merchandise may occupy up to 30,000 square feet, and a food supermarket may occupy up to 30,000 square feet of gross floor area.

5. All uses shall comply with the performance standards set forth in Article 14.

6. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:

A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

7. Offices shall be permitted only subject to the following:

A. The total gross floor area devoted to office shall not exceed thirty (30) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use up to fifty (50) percent may be permitted by the Board in accordance with the provisions of Sect. 9-515.

8. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

9. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

10. Drive-through pharmacies are permitted by right (a) when located on a lot that is not abutting or across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through

pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

11. Craft beverage production establishments are permitted by right in accordance with the following:

    A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

    B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

    C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

    D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

12. Small-scale production establishments are permitted by right in accordance with the following:

    A. The maximum size of an individual small-scale production establishment is 6,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

    B. The use may not include the bulk storage of flammable materials for resale.

    C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

    D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

    E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

    F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

        (1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-506 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-507 Bulk Regulations

1. Maximum building height: 40 feet

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: No Requirement

   C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.30

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-508 Open Space

20% of the gross area shall be landscaped open space

4-509 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 6 4-600 C-6 COMMUNITY RETAIL COMMERCIAL DISTRICT

4-601 Purpose and Intent

The C-6 District is established to provide locations for retail commercial and service uses which are oriented to serve several neighborhoods or approximately 20,000 persons. Typical uses to be found in the C-6 District include those uses found in the C-5, Neighborhood Retail Commercial District, and in addition such uses as a variety-department store, a florist, milliner, furniture store, radio and television repair shop, such specialty stores as children's shoes, gifts, candy, lingerie, liquor, women's apparel, book store, children's wear, toys, haberdashery, athletic goods, and a movie theater.

Development within the district should be encouraged in compact centers that are planned as a unit and preferably confined to one quadrant of an intersection so as to provide for orderly development; maximize comparison shopping; permit one-stop shopping; minimize traffic congestion; and provide for safe and unimpeded pedestrian movement.

Generally, the ultimate size of a C-6 District in a given location in the County should not exceed an aggregate gross floor area of 400,000 square feet or an aggregate site size of forty (40) acres.

4-602 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Business service and supply service establishments.
3. Carryout Restaurants.
4. Churches, chapels, temples, synagogues and other such places of worship.
5. Colleges, universities.
6. Commercial swimming pools, tennis courts and similar courts, indoor.
7. Community clubs, centers and meeting halls.
8. Craft beverage production establishments, limited by the provisions of Sect. 605 below.
9. Cultural centers, museums.
10. Drive-in financial institutions, limited by the provisions of Sect. 605 below.
11. Drive-through pharmacy, limited by the provisions of Sect. 605 below.
12. Financial institutions.
13. Funeral homes.
14. Garment cleaning establishments.
15. Health clubs.

16. Kennels, limited by the provisions of Sect. 605 below.

17. Miniature golf courses, indoor.

18. New vehicle storage, limited by the provisions of Sect. 605.

19. Offices, limited by the provisions of Sect. 605 below.

20. Parking, commercial off-street, as a principal use.

21. Personal service establishments.

22. Private clubs and public benefit associations.

23. Private schools of general education, private schools of special education.

24. Public uses.

25. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 605 below.

26. Quick-service food stores, limited by the provisions of Sect. 605 below.

27. Repair service establishments.

28. Restaurants.

29. Retail sales establishments.

30. Retail sales establishments-large, limited by the provisions of Sect. 605 below.

31. Small-scale production establishments, limited by the provisions of Sect. 605 below.

32. Telecommunication facilities.

33. Theatres.

34. Vehicle light service establishments, limited by the provisions of Sect. 605 below.

35. Vehicle transportation service establishments, limited by the provisions of Sect. 605 below.

36. Veterinary hospitals, limited by the provisions of Sect. 605 below.

37. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses, limited to:

   A. Community swimming pools and archery ranges

   B. Marinas, docks and boating facilities of a private, nonprofit nature

   C. Swimming clubs and tennis clubs/courts

   D. Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas

3. Group 5 - Commercial Recreation Uses, limited to:

   A. Billiard and pool halls

   B. Bowling alleys

   C. Commercial swimming pools, tennis courts and similar courts, outdoor

   D. Dance halls

   E. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

   F. Miniature golf courses, outdoor

   G. Skating facilities, indoor or outdoor

4. Group 8 - Temporary Uses.

4-604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

E. Conference centers and retreat houses, operated by a religious or nonprofit organization

F. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

G. Medical care facilities

H. Quasi-public parks, playgrounds, athletic fields and related facilities

3. Category 4 - Transportation Facilities, limited to:

A. Bus or railroad stations

B. Electrically-powered regional rail transit facilities

C. Helistops

D. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Automobile-oriented uses

B. Baseball hitting and archery ranges, outdoor

C. Car washes

D. Commercial off-street parking in Metro Station areas as a temporary use

E. Commercial recreation restaurants

F. Drive-in financial institutions

G. Drive-through pharmacy

H. Golf courses, country clubs

I. Golf driving ranges

J. Hotels, motels

K. Marinas, docks and boating facilities, commercial

L. Offices

M. Pawnshops

N. Quick-service food stores

O. Restaurants with drive-through

P. Retail sales establishments-large

Q. Service stations

R. Service station/mini-marts

S. Truck rental establishments

T. Vehicle light service establishments

U. Vehicle sale, rental and ancillary service establishments

4-605 Use Limitations

1. Drive-in financial institutions, quick-service food stores and vehicle light service establishments are permitted by right in accordance with the following:

   A. Drive-in financial institutions and quick-service food stores are permitted by right when:

      (1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not drive-in financial institutions or quick-service food stores; and

      (2) All uses within that building are connected by party walls or partitions to form one continuous structure.

   B. Vehicle light service establishments are permitted by right when located within the main structure of a regional shopping center.

   C. For all of the above, the shopping center and the building in which such drive-in financial institution, quick-service food store or vehicle light service establishment is located must be subject to an approved unified site plan. In addition, vehicular access to the use must be provided only via the internal circulation system of the shopping center.

   Drive-in financial institutions, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

2. All business, service, storage, and display of goods is permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. Except for 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods is limited to that area so designated on an approved site plan. The outdoor storage and display of all goods is subject to Sect. 2-504 and is limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery, mulch and those goods permitted to be sold at a service station or service station/mini-mart.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:

   A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

   B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

   C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

6. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

7. Offices shall be permitted only subject to the following:

   A. The total gross floor area devoted to office shall not exceed twenty-five (25) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use up to fifty (50) percent may be permitted by the Board in accordance with the provisions of Sect. 9-515.

8. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

9. Drive-through pharmacies are permitted by right (a) when located on a lot that is not abutting or across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

10. Except in Commercial Revitalization Districts, vehicle transportation service establishments shall be permitted by right in accordance with the following:

A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

B. There shall be no maintenance or refueling of vehicles on site.

C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

Vehicle transportation service establishments which are located within a Commercial Revitalization District may be allowed by special exception in accordance with the provisions of Sect. 9-622.

11. New vehicle storage is permitted by right in accordance with the following:

A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a

parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

12. Retail sales establishments-large shall be permitted by right in accordance with the following:

When such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area with at least six (6) principal uses all of which are connected by party walls, partitions or similar structural members to form one continuous structure.

Retail sales establishments that do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

13. Craft beverage production establishments are permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

14. Small-scale production establishments are permitted by right in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 6,000 feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the

provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-606 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-607 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

B. Side yard: No Requirement

C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.40, provided however an increase to 0.50 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-608 Open Space

15% of the gross area shall be landscaped open space

4-609 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 7 4-700 C-7 REGIONAL RETAIL COMMERCIAL DISTRICT

4-701 Purpose and Intent

The C-7 District is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area containing 100,000 or more persons. The district should be located adjacent to major transportation facilities, and development within the district should be encouraged in centers that are planned as a unit.

Generally, the C-7 District in a given location in the County should contain an aggregate gross floor area in excess of 1,000,000 square feet.

4-702 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Alternative Lending Institution, limited by the provisions of Sect. 705 below.
3. Amusement arcades, limited by the provisions of Sect. 705 below.
4. Bowling alleys.
5. Business service and supply service establishments.
6. Carryout restaurants.
7. Churches, chapels, temples, synagogues and other such places of worship.
8. Colleges, universities.
9. Commercial swimming pools, tennis courts and similar courts, indoor.
10. Community clubs, centers and meeting halls.
11. Craft beverage production establishments, limited by the provisions of Sect. 705 below.
12. Cultural centers, museums.
13. Drive-in financial institutions, limited by the provisions of Sect. 705 below.
14. Drive-through pharmacy, limited by the provisions of Sect. 705 below.
15. Financial institutions.
16. Funeral homes.
17. Garment cleaning establishments.
18. Health clubs.
19. Hotels, motels.

20. Indoor archery ranges, fencing and other similar indoor recreational uses.

21. Kennels, limited by the provisions of Sect. 705 below.

22. Miniature golf courses, indoor.

23. New vehicle storage, limited by the provisions of Sect. 705.

24. Offices, limited by the provisions of Sect. 705 below.

25. Parking, commercial off-street, as a principal use.

26. Personal service establishments.

27. Private clubs and public benefit associations.

28. Private schools of general education, private schools of special education.

29. Public uses.

30. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 705 below.

31. Quick-service food stores, limited by the provisions of Sect. 705 below.

32. Repair service establishments.

33. Restaurants.

34. Retail sales establishments.

35. Retail sales establishments-large, limited by the provisions of Sect. 705 below.

36. Skating facilities, indoor.

37. Small-scale production establishments, limited by the provisions of Sect. 705 below.

38. Telecommunication facilities.

39. Theatres.

40. Vehicle light service establishments, limited by the provisions of Sect. 705 below.

41. Vehicle transportation service establishments, limited by the provisions of Sect. 705 below.

42. Veterinary hospitals, limited by the provisions of Sect. 705 below.

43. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-703 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses, limited to:

   A. Marinas, docks and boating facilities of a private, nonprofit nature

   B. Swimming clubs and tennis clubs/courts

3. Group 5 - Commercial Recreation Uses, limited to:

   A. Billiard and pool halls

   B. Commercial recreation parks, including mechanical or motorized amusement rides/devices

   C. Commercial swimming pools, tennis courts and similar courts, outdoor

   D. Dance halls

   E. Indoor firing ranges

   F. Miniature golf courses, outdoor

   G. Skating facilities, outdoor

   H. Any other similar commercial recreational use

4. Group 8 - Temporary Uses.

5. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Adult book stores and adult mini motion picture theatres

   B. Commercial nudity establishments

4-704 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   E. Conference centers and retreat houses, operated by a religious or nonprofit organization

   F. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

   G. Medical care facilities

   H. Quasi-public parks, playgrounds, athletic fields and related facilities

   I. Sports arenas, stadiums as a principal use

3. Category 4 - Transportation Facilities, limited to:

   A. Bus or railroad stations

   B. Electrically-powered regional rail transit facilities

   C. Heliports

   D. Helistops

   E. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Automobile-oriented uses

   B. Baseball hitting and archery ranges, outdoor

   C. Car washes

   D. Commercial off-street parking in Metro Station areas as a temporary use

   E. Commercial recreation restaurants

F. Drive-in financial institutions

G. Drive-in motion picture theatres

H. Drive-through pharmacy

I. Drug paraphernalia establishments

J. Golf courses, country clubs

K. Golf driving ranges

L. Marinas, docks and boating facilities, commercial

M. Offices

N. Pawnshops

O. Quick-service food stores

P. Restaurants with drive-through

Q. Retails sales establishments-large

R. Service stations

S. Service station/mini-marts

T. Truck rental establishments

U. Vehicle light service establishments

V. Vehicle sale, rental and ancillary service establishments

W. Wholesale trade establishments

X. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

4-705 Use Limitations

1. Drive-in financial institutions, quick-service food stores and vehicle light service establishments are permitted by right in accordance with the following:

   A. Drive-in financial institutions and quick-service food stores are permitted by right when:

      (1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not drive-in financial institutions or quick-service food stores; and

(2) All uses within that building are connected by party walls or partitions to form one continuous structure.

B. Vehicle light service establishments are permitted by right when located within the main structure of a regional shopping center.

C. For all of the above, the shopping center and the building in which such drive-in financial institution, quick-service food store or vehicle light service establishment is located must be subject to an approved unified site plan. In addition, vehicular access to the use must be provided only via the internal circulation system of the shopping center.

Drive-in financial institutions, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

2. Amusement arcades shall be permitted by right only when such use is located under the roof of the main structure of a regional shopping center.

3. All business, service, storage, and display of goods is permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. Except for 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods is limited to that area so designated on an approved site plan. The outdoor storage and display of all goods is subject to Sect. 2-504 and is limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery, mulch and those goods permitted to be sold at a service station or service station/mini-mart.

4. All refuse shall be contained in completely enclosed facilities.

5. All uses shall comply with the performance standards set forth in Article 14.

6. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:

A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

7. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that

there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

8. Offices shall be permitted only subject to the following:

   A. The total gross floor area devoted to office shall not exceed fifty (50) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use in excess of fifty (50) percent may be permitted by the Board in accordance with the provisions of Sect.9-515.

9. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

   B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

   C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

   D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

   E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

   F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

10. Drive-through pharmacies are permitted by right (a) when located on a lot that is not abutting or across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

11. Except in Commercial Revitalization Districts, vehicle transportation service establishments shall be permitted by right in accordance with the following:

A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

B. There shall be no maintenance of refueling or vehicles on site.

C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

Vehicle transportation service establishments which are located within a Commercial Revitalization District may be allowed by special exception in accordance with the provisions of Sect. 9-622.

12. New vehicle storage is permitted by right in accordance with the following:

A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

13. Retail sales establishments-large shall be permitted by right in accordance with the following:

When such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area with at least six (6) principal uses all of which are connected by party walls, partitions or similar structural members to form one continuous structure.

Retail sales establishments that do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

14. Alternative lending institutions shall be permitted by right in accordance with the following:

A. When such use is located on a lot that is not in a Commercial Revitalization District or a Commercial Revitalization Area; and

B. When such use is located in the building of a shopping center, with all uses within that building being connected by party walls or partitions to form one continuous structure; and

C. The shopping center is not located adjacent to or across a public right-of-way from land developed with any public use, place of worship, child care center, private school of general education, or quasi-public athletic fields and related facilities; and

D. The daily hours of operation for such uses shall be limited to between 8:00 AM and 6:00 PM; and

E. There shall be no storage and/or sale of automobiles permitted from the site.

15. Craft beverage production establishments are permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking must be provided in accordance with the requirements of Sect. 11- 104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

16. Small-scale production establishments are permitted by right in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-706 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-707 Bulk Regulations

1. Maximum building height: 90 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: No Requirement

   C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.80, provided however an increase to 1.0 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-708 Open Space

15% of the gross area shall be landscaped open space

4-709 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 8 4-800 C-8 HIGHWAY COMMERCIAL DISTRICT

4-801 Purpose and Intent

The C-8 District is established to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which (a) are oriented to the automobile, or (b) are uses which may require large land areas and good access, and (c) do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade.

The regulations of this district are designed to accommodate such uses in a manner that will minimize interference with through traffic movements and insure a high standard in site layout, design and landscaping. Uses should be encouraged to group in preplanned concentrations, and where possible, a minimum distance of three (3) miles should be encouraged between such concentrations.

4-802 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Alternative Lending Institution, limited by the provisions of Sect. 805 below.
3. Automobile-oriented uses, limited by the provisions of Sect. 805 below.
4. Bowling alleys.
5. Business service and supply service establishments.
6. Carryout restaurants.
7. Churches, chapels, temples, synagogues and other such places of worship.
8. Colleges, universities.
9. Contractor's offices and shops.
10. Commercial swimming pools, tennis courts and similar courts, indoor.
11. Community clubs, centers and meeting halls.
12. Craft beverage production establishments, limited by the provisions of Sect. 805 below.
13. Cultural centers, museums.
14. Drive-in financial institutions, limited by the provisions of Sect. 805 below.
15. Drive-through pharmacy, limited by the provisions of Sect. 805 below.
16. Financial institutions.
17. Funeral homes.

18. Garment cleaning establishments.

19. Health clubs.

20. Hotels, motels.

21. Indoor archery ranges, fencing and other similar indoor recreational uses.

22. Kennels, limited by the provisions of Sect. 805 below.

23. Miniature golf courses, indoor.

24. New vehicle storage, limited by the provisions of Sect. 805.

25. Offices, limited by the provisions of Sect. 805 below.

26. Parking, commercial off-street, as a principal use.

27. Personal service establishments.

28. Private clubs and public benefit associations.

29. Private schools of general education, private schools of special education.

30. Public uses.

31. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 805 below.

32. Quick-service food stores, limited by the provisions of Sect. 805 below.

33. Repair service establishments.

34. Restaurants.

35. Retail sales establishments.

36. Retail sales establishments-large, limited by the provisions of Sect. 805 below.

37. Skating facilities, indoor.

38. Small-scale production establishments, limited by the provisions of Sect. 805 below.

39. Telecommunication facilities.

40. Theatres.

41. Vehicle light service establishments, limited by the provisions of Sect. 805 below.

42. Vehicle transportation service establishments, limited by the provisions of Sect. 805 below.

43. Veterinary hospitals, limited by the provisions of Sect. 805 below.

44. Wholesale trade establishments.

45. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

4-803 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses, limited to:

   A. Marinas, docks and boating facilities of a private, nonprofit nature

   B. Swimming clubs and tennis clubs/courts

3. Group 5 - Commercial Recreation Uses, limited to:

   A. Billiard and pool halls

   B. Commercial recreation parks, including mechanical or motorized amusement rides/devices

   C. Commercial swimming pools, tennis courts and similar courts, outdoor

   D. Dance halls

   E. Indoor firing ranges

   F. Miniature golf courses, outdoor

   G. Skating facilities, outdoor

   H. Any other similar commercial recreational use

4. Group 8 - Temporary Uses.

5. Group 9 - Uses Requiring Special Regulation, limited to:

A. Auction establishments

4-804 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Quasi-Public Uses, limited to:

   A. Adult day care center

   B. Alternate uses of public facilities

   C. Child care centers and nursery schools

   D. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

   E. Conference centers and retreat houses, operated by a religious or nonprofit organization

   F. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

   G. Medical care facilities

   H. Quasi-public parks, playgrounds, athletic fields and related facilities

   I. Sports arenas, stadiums as a principal use

3. Category 4 - Transportation Facilities, limited to:

   A. Bus or railroad stations

   B. Electrically-powered regional rail transit facilities

   C. Helistops

   D. Regional non-rail transit facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Automobile-oriented uses

   B. Baseball hitting and archery ranges, outdoor

   C. Car washes

   D. Commercial off-street parking in Metro Station areas as a temporary use

E. Commercial recreation restaurants

F. Drive-in financial institutions

G. Drive-in motion picture theatres

H. Drive-through pharmacy

I. Golf courses, country clubs

J. Golf driving ranges

K. Marinas, docks and boating facilities, commercial

L. Mini-warehousing establishments

M. Offices

N. Pawnshops

O. Quick-service food stores

P. Restaurants with drive-through

Q. Retail sales establishments-large

R. Service stations

S. Service station/mini-marts

T. Truck rental establishments

U. Vehicle light service establishments

V. Vehicle major service establishments

W. Vehicle sale, rental and ancillary service establishments

X. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use

4-805 Use Limitations

1. Automobile-oriented uses, drive-in financial institutions, quick-service food stores and vehicle light service establishments are permitted by right in accordance with the following:

   A. Automobile-oriented uses, drive-in financial institutions, and quick-service food stores are permitted by right when:

(1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not automobile-oriented uses, drive-in financial institutions, or quick-service food stores; and

(2) All uses within that building are connected by party walls or partitions to form one continuous structure.

B. Vehicle light service establishments are permitted by right when located within the main structure of a regional shopping center.

C. For all of the above, the shopping center and the building in which such automobile-oriented use, drive-in financial institution, quick-service food store or vehicle light service establishment is located must be subject to an approved unified site plan. In addition, vehicular access to the use must be provided only via the internal circulation system of the shopping center.

Automobile-oriented uses, drive-in financial institutions, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

2. Outdoor storage and display areas shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use.

3. Except for 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104, the outdoor area devoted to storage, loading and display of goods is limited to that area so designated on an approved site plan. For all uses the outdoor storage and display of goods is subject to Sect. 2-504 and is limited to goods that are customarily used outside such as fertilizers, peat moss, shrubbery and mulch; provided, however, that this is not be deemed to preclude outdoor storage by a contractor's office and shop or the outdoor storage or display of goods permitted to be sold at a service station or service station/mini-mart.

4. All outdoor storage and loading areas shall be enclosed by screening and all refuse shall be contained in completely enclosed facilities.

5. The outdoor storage or parking of construction equipment, construction vehicles, construction machinery or vehicles such as solid waste collection vehicles, dump trucks, cement mixers, tractors and/or trailers of tractor-trailer trucks shall not be permitted.

6. Any establishment involved with the sale or storage of fuel for sale shall be permitted only if the fuel is stored underground.

7. All uses shall comply with the performance standards set forth in Article 14.

8. Except where expressly waived by the Director because of existing physical constraints, site configuration or safety considerations which would preclude strict compliance:

A. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

B. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

C. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

9. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

10. Offices shall be permitted only subject to the following:

A. The total gross floor area devoted to office shall not exceed fifty (50) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area ratio for the district; provided that an increase in office use up to seventy-five (75) percent may be permitted by the Board in accordance with the provisions of Sect. 9-515.

11. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

12. Drive-through pharmacies are permitted by right (a) when located on a lot that is not abutting or across a local or collector street from residentially zoned land, which land is

either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

13. Except in Commercial Revitalization Districts, vehicle transportation service establishments shall be permitted by right in accordance with the following:

    A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

    B. There shall be no maintenance of refueling or vehicles on site.

    C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

    Vehicle transportation service establishments which are located within a Commercial Revitalization District may be allowed by special exception in accordance with the provisions of Sect. 9-622.

14. New vehicle storage is permitted by right in accordance with the following:

    A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

    B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

    C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

    D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

15. Retail sales establishments-large shall be permitted by right in accordance with the following:

    When such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area with at least six (6) principal uses all of which are connected by party walls, partitions or similar structural members to form one continuous structure.

Retail sales establishments that do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

16. Alternative lending institutions shall be permitted by right in accordance with the following:

    A. When such use is located on a lot that is not in a Commercial Revitalization District or a Commercial Revitalization Area; and

    B. When such use is located in the building of a shopping center, with all uses within that building being connected by party walls or partitions to form one continuous structure; and

    C. The shopping center is not located adjacent to or across a public right-of-way from land developed with any public use, place of worship, child care center, private school of general education, or quasi-public athletic fields and related facilities; and

    D. The daily hours of operation for such uses shall be limited to between 8:00 AM and 6:00 PM; and

    E. There shall be no storage and/or sale of automobiles permitted from the site.

17. Craft beverage production establishments are permitted by right in accordance with the following:

    A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

    B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

    C. Parking must be provided in accordance with the requirements of Sect. 11-104 the Zoning Ordinance.

    D. Storage of materials used in the production process shall only be permitted within completely enclosed structure.

18. Small-scale production establishments are permitted by right in accordance with the following:

    A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

    B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

4-806 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-807 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

B. Side yard: No Requirement

C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.50, provided however an increase to 0.70 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

4-808 Open Space

15% of the gross area shall be landscaped open space

4-809 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 9 (Deleted by Amendment #18-469, Adopted January 23, 2018, Effective January 24, 2018, 12:01 AM)

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ARTICLE 5

INDUSTRIAL DISTRICT REGULATIONS

PART I 5-I00 I-I INDUSTRIAL INSTITUTIONAL DISTRICT

5-I01 Purpose and Intent

The I-I District presented herein is designed to set forth, to the extent possible, the provisions of the I-I District of the Zoning Ordinance of the County of Fairfax, Virginia adopted May 19, **1965, as amended.**

5-I02 Permitted Uses

1. Child care centers and nursery schools, limited by the provisions of Sect. I05 below.

2. Churches, chapels, temples, synagogues and other such places of worship.

3. Restaurants as an accessory service use, subject to the use limitations presented in Sect. I05 below.

4. Establishments for scientific research and scientific development, subject to the use limitations presented in Sect. I05 below.

5. Health clubs, spas, sauna and steam baths, swimming pools, tennis courts, and other such similar facilities as an accessory service use, subject to the use limitations presented in Sect. I05 below.

6. Offices.

7. Private schools of general education, limited by the provisions of Sect. I05 below.

8. Public uses.

9. Signs, as permitted by Article 12.

5-I03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

5-I04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

A. Sewerage pumping facilities

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Sewage treatment and disposal facilities

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Child care centers and nursery schools

C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

D. Private schools of general education

4. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Heliports

C. Helistops

D. Regional non-rail transit facilities

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

5-I05 Use Limitations

1. Before land may be zoned for establishments for scientific research and scientific development:

A. The scientific research and development activities to be performed shall be described by the applicant, and approval of an application either to rezone land to this classification for this purpose or for a Building Permit for this use will be based upon the nature, purpose and scope of the research and development and its effect upon the general welfare of the community;

B. Plans showing landscaping of the site and showing exterior appearance of all buildings shall be submitted to the Board. Such plans shall have the intent of affording maximum protection to adjoining property and strict adherence to such plans shall be required as a condition of the approval of a Non-Residential Use Permit for such uses.

2. No dwelling, mobile home, hotel, motel, rooming house or any other place of human habitation, either permanent or temporary, shall be permitted; provided, however, the quarters of caretakers or watchmen serving uses within this district may be permitted.

3. Retail sales shall be limited to goods or services primarily for the convenience of the employees of the permitted establishments and one salesroom, not exceeding 1000 square feet of floor area, for any one establishment, for the retail sale of samples and other products of the establishment.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall have adequate space for drainage, as determined in accordance with the provisions of Sect. 2-602.

6. Restaurants and health clubs, spas, sauna and steam baths, swimming pools, tennis courts, and other such similar facilities, as accessory service uses, are permitted in accordance with the following:

   A. Such use shall be located in the same building as the principal use and access to such use shall be only from an interior lobby or corridor of the building in which located;

   B. Such use shall be for the primary convenience and use of the employees of the principal use, and the hours of operation shall generally conform to the business hours of the principal use;

   C. There shall be no signs associated with such accessory service uses located on the exterior of the building; and

   D. The aggregate area of such uses shall never at any time exceed fifteen (15) percent of the total gross floor area of the principal use.

7. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

   A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

   B. All vehicular access to the use shall be provided via the internal circulation system of the park.

5-I06 Lot Size Requirements

1. Minimum lot area: 20 acres

2. Minimum lot width: No Requirement

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-I07 Bulk Regulations

1. Maximum building height: 65 feet, except that a part of any building, not exceeding in horizontal area 25% of the total horizontal roof area of the building, may be erected to a height of not more than 75 feet

2. Minimum yard requirements

   A. Front yard: 320 feet from the center line of any street, or 200 feet from the lot line, whichever is greater, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street improvement

   B. Side yard: 200 feet, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street improvement, except none required when the yard abuts a railroad right-of-way

   C. Rear yard: 200 feet, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street improvement, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: No Requirement

4. Maximum lot coverage: 30%

5-I08 Open Space

No Requirement

5-I09 Additional Regulations

1. Refer to Article 11 for off-street parking, loading and private street requirements.

2. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 1 5-100 I-1 LIGHT INDUSTRIAL RESEARCH DISTRICT

5-101 Purpose and Intent

The I-1 District is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses. The district is designed to provide for such uses in a low intensity manner on well-landscaped sites such that they can be located in proximity to residential uses. High performance standards are set forth for the district that will make development within the district compatible with all types of adjoining land uses.

5-102 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.

2. Child care centers and nursery schools, limited by the provisions of Sect. l05 below.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training.

5. Funeral chapels.

6. Offices.

7. Private schools of general education, limited by the provisions of Sect. 105 below.

8. Private schools of special education.

9. Public uses.

10. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 105 below.

11. Telecommunication facilities.

12. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

5-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

    A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses.

5-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Sewage treatment and disposal facilities

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Cultural centers, museums and similar facilities

H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

I. Medical care facilities

J. Private clubs and public benefit associations

K. Private schools of general education

L. Quasi-public parks, playgrounds, athletic fields and related facilities

4. Category 4 - Transportation Facilities, limited to:

A. Electrically-powered regional rail transit facilities

B. Heliports

C. Helistops

D. Regional non-rail transit facilities

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Golf courses, country clubs

5-105 Use Limitations

1. Before land may be zoned in this classification, in addition to the application requirements set forth in Sect. 18-202:

A. The scientific research, development and training activities to be performed shall be described by the applicant and approval of an application to zone land to this classification will be based on the nature, purpose and scope of research, development and training and its effect upon the general welfare of the community, and

B. Plans showing landscaping of the site and showing the exterior appearance of all buildings shall be submitted to the Board for approval. Such plans shall have the intent of affording maximum protection to adjoining properties.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All operations, activities and storage must be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, those permitted uses, accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building, and outdoor seating provided in association with a restaurant.

4. Wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

5. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

B. All vehicular access to the use shall be provided via the internal circulation system of the park.

6. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

5-106 Lot Size Requirements

1. Minimum lot area: 20 acres

2. Minimum lot width: 100 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-107 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A. Front yard: 320 feet from the center line of any street, or 200 feet from the lot line, whichever is greater, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street improvement

B. Side yard: 200 feet, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street

improvement, except none required when the yard abuts a railroad right-of-way

C. Rear yard: 200 feet, unless a lesser distance is approved by the Board to facilitate the implementation of a proposed major street improvement, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.25

4. Maximum lot coverage: The total area occupied by off-street parking and loading areas and by the total horizontal projected surface of all buildings, including covered porches, shall not exceed 30% of the gross area of a lot

5-108 Open Space

50% of the gross area shall be landscaped open space

5-109 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 2 5-200 I-2 INDUSTRIAL RESEARCH DISTRICT

5-201 Purpose and Intent

The I-2 District is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses. The district is designed to promote a park-like atmosphere for the conduct of research-oriented activities in structures of good design on well-landscaped sites. High performance standards shall be required for this district that will make the development within the district compatible with all types of adjoining land uses.

5-202 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.

2. Child care centers and nursery schools, limited by the provisions of Sect. 205 below.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training.

5. Financial institutions.

6. Funeral chapels.

7. Offices.

8. Private schools of general education, limited by the provisions of Sect. 205 below.

9. Private schools of special education.

10. Public uses.

11. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 205 below.

12. Telecommunication facilities.

13. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

5-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

A. Commercial swimming pools, tennis courts and similar courts

4. Group 8 - Temporary Uses.

5-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Sewage treatment and disposal facilities

C. Solid waste disposal and treatment facilities, including incinerators and landfills

D. Water purification facilities

E. Local office space and maintenance facilities incidental to any use set forth above

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Cultural centers, museums and similar facilities

H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

I. Medical care facilities

J. Private clubs and public benefit associations

K. Private schools of general education

L. Quasi-public parks, playgrounds, athletic fields and related facilities

M. Sports arenas, stadiums as a principal use

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Commercial off-street parking in Metro Station areas as a temporary use

B. Golf courses, country clubs

C. Hotels, motels

D. Marinas, docks and boating facilities, commercial

E. Parking, commercial off-street, as a principal use

F. Restaurants

G. Theatres

5-205 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage must be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and outdoor seating provided in association with a restaurant, those permitted uses, accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

3. Wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

4. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

B. All vehicular access to the use shall be provided via the internal circulation system of the park.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

5-206 Lot Size Requirements

1. Minimum district size: 10 acres

2. Minimum lot area

A. 4 acres in a district of 10 acres

B. 3 acres in a district of 11 to 20 acres

C. 1 acre in a district larger than 20 acres

3. Minimum lot width: 100 feet

4. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-207 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 50° angle of bulk plane, but not less than 50 feet

   B. Side yard: Controlled by a 50° angle of bulk plane, except none required where a side yard abuts a railroad right-of-way

   C. Rear yard: Controlled by a 50° angle of bulk plane, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.25

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5-208 Open Space

20% of the gross area shall be landscaped open space

5-209 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 3 5-300 I-3 LIGHT INTENSITY INDUSTRIAL DISTRICT

5-301 Purpose and Intent

The I-3 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. This district is designed to accommodate a broad spectrum of clean industries operating under high performance standards.

5-302 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.

2. Child care centers and nursery schools, limited by the provisions of Sect. 305 below.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Craft beverage production establishments, limited by the provisions of Sect. 305 below.

5. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; except food and beverage products, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.

6. Establishments for scientific research, development and training.

7. Financial institutions.

8. Funeral chapels.

9. Kennels, limited by the provisions of Sect. 305 below.

10. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

11. New vehicle storage, limited by the provisions of Sect. 305 below.

12. Offices.

13. Private schools of general education, limited by the provisions of Sect. 305 below.

14. Private schools of special education.

15. Public uses.

16. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 305 below.

17. Small-scale production establishments, limited by the provisions of Sect. 305 below.

18. Veterinary hospitals, limited by the provisions of Sect. 305 below.

5-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

   B. Convents, monasteries, seminaries and nunneries

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreational Uses, limited to:

   A. Commercial swimming pools, tennis courts and similar courts

   B. Health clubs

   C. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

   D. Miniature golf courses

4. Group 8 - Temporary Uses.

5-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

   A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations

   B. Wireless facilities and associated support structures that are not subject to Sections 2-515, 2-519, 2-520, or 2-522.

2. Category 2 - Heavy Public Utility Uses, limited to:

   A. Electrical generating plants and facilities

   B. Sewage treatment and disposal facilities

   C. Solid waste disposal and treatment facilities, including incinerators and landfills

   D. Water purification facilities

E. Local office space and maintenance facilities incidental to any use set forth above

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Cultural centers, museums and similar facilities

H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

I. Medical care facilities

J. Private clubs and public benefit associations

K. Private schools of general education

L. Quasi-public parks, playgrounds, athletic fields and related facilities

M. Sports arenas, stadiums as a principal use

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoors

B. Car washes

C. Commercial off-street parking in Metro Station areas as a temporary use

D. Drive-in financial institutions

E. Golf courses, country clubs

F. Golf driving ranges

G. Hotels, motels

H. Industrial/flex

I. Kennels, outdoor

J. Marinas, docks and boating facilities, commercial

K. Mini-warehousing establishments

L. Parking, commercial off-street, as a principal use

M. Restaurants

N. Service stations

O. Theatres

P. Vehicle sale, rental and ancillary service establishment, limited by the provisions of Sect. 9-518

Q. Wholesale trade establishments

5-305 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage must be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, those permitted uses, accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building, and outdoor seating provided in association with a restaurant.

3. Except as may be permitted as a principal use by special exception, wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

4. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

   A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

   B. All vehicular access to the use shall be provided via the internal circulation system of the park.

5. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide; and

6. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

7. New vehicle storage is permitted by right in accordance with the following:

A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

8. Craft beverage production establishments are permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

9. Small-scale production establishments are permitted by right in accordance with following:

A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. Retail sales may be permitted as an accessory use, if the associated retail sales area is limited to ten percent of the gross floor area of the establishment.

F. Off-street parking must be provided for a small-scale production establishment in accordance with the requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance.

5-306 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-307 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: Controlled by a 45° angle of bulk plane, except none required when a side yard abuts a railroad right-of-way

   C. Rear yard: Controlled by a 45° angle of bulk plane, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.40, provided however an increase to 0.50 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5-308 Open Space

15% of the gross area shall be landscaped open space

5-309 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 4 5-400 I-4 MEDIUM INTENSITY INDUSTRIAL DISTRICT

5-401 Purpose and Intent

The I-4 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. Basically, the provisions of the I-4 District are similar to those of the I-3 District, but a greater intensity of development is allowed than that permitted in the I-3 District.

5-402 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.

2. Child care centers and nursery schools, limited by the provisions of Sect. 405 below.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Contractor's offices and shops.

5. Craft beverage production establishments, limited by the provisions of Sect. 405 below.

6. Crematory, human or animal.

7. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products and associated retail sales; however, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 shall not be permitted.

8. Establishments for scientific research, development and training.

9. Financial institutions.

10. Funeral homes.

11. Kennels, limited by the provisions of Sect. 405 below.

12. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522

13. Motor freight terminals.

14. Motor vehicle storage and impoundment yards.

15. New vehicle storage, limited by the provisions of Sect. 405 below.

16. Offices.

17. Private schools of general education, limited by the provisions of Sect. 405 below.

18. Private schools of special education.

19. Public uses.

20. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 405 below.

21. Vehicle transportation service establishments.

22. Veterinary hospitals, limited by the provisions of Sect. 405 below.

23. Warehousing establishments.

24. Wholesale trade establishments.

5-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

   A. Commercial swimming pools, tennis courts and similar courts

   B. Health clubs

   C. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

   D. Miniature golf courses

4. Group 8 - Temporary Uses.

5-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations ile and land based telecommunication facilities

B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Sewage treatment and disposal facilities

C. Solid waste disposal and treatment facilities, including incinerators and landfills

D. Water purification facilities

E. Local office space and maintenance facilities incidental to any use set forth above

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Cultural centers, museums and similar facilities

H. Medical care facilities

I. Private clubs and public benefit associations

J. Private schools of general education

K. Quasi-public parks, playgrounds, athletic fields and related facilities

L. Sports arenas, stadiums as a principal use

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoors

B. Car washes

C. Commercial off-street parking in Metro Station areas as a temporary use

D. Drive-in financial institutions

E. Golf courses, country clubs

F. Golf driving ranges

G. Hotels, motels

H. Kennels, outdoor

I. Marinas, docks and boating facilities, commercial

J. Parking, commercial off-street, as a principal use

K. Plant nurseries

L. Restaurants

M. Retail sales establishments, as limited by the provisions of Sect. 9-524

N. Service stations

O. Theatres

P. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

5-405 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage must be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, those permitted uses, accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building, and outdoor seating provided in association with a restaurant. All storage of vehicles and activities associated with a vehicle transportation service establishment must be conducted within a completely enclosed building.

3. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10 and Part 5 of Article 9. In addition, retail sales may be permitted as an associated use:

A. In a warehouse establishment, provided the retail sales area shall be limited to the lesser of either twenty-five (25) percent of the gross floor area of the establishment or 5000 square feet, or

B. In an establishment for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products, provided the associated retail sales area shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet.

4. Motor vehicle storage and impoundment facilities shall be used only for the temporary storage of wrecked and/or inoperative and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such storage and impoundment facilities shall be conducted only within a completely enclosed building.

5. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

B. All vehicular access to the use shall be provided via the internal circulation system of the park.

6. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

7. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

8. New vehicle storage is permitted by right in accordance with the following:

   A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

   B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

   C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

   D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

9. Craft beverage production establishments are permitted by right in accordance with the following:

   A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

   B. Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

   C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

   D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

5-406 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-407 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: No Requirement

   C. Rear yard: No Requirement

3. Maximum floor area ratio: 0.50, provided however, an increase to 0.70 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5-408 Open Space

15% of the gross area shall be landscaped open space

5-409 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 5 5-500 I-5 GENERAL INDUSTRIAL DISTRICT

5-501 Purpose and Intent

The I-5 District is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this district shall operate under medium performance standards designed to minimize the impact of noise, smoke, glare, and other environmental pollutants on the industries within the district and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the district will be those which provide services and supplies primarily to industrial companies, those which engage in wholesale operations, and those which are associated with warehouse establishments.

5-502 Permitted Uses

1. Accessory uses and accessory services uses as permitted by Article 10.

2. Child care centers and nursery schools, limited by the provisions of Sect. 505 below.

3. Churches, chapels, temples, synagogues and other such places of worship.

4. Contractor's offices and shops.

5. Craft beverage production establishments, limited by the provisions of Sect. 505 below.

6. Crematory, human or animal.

7. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.

8. Establishments for scientific research, development and training.

9. Financial institutions.

10. Funeral homes.

11. Heavy equipment and specialized vehicle sale, rental and service establishments.

12. Kennels, limited by the provisions of Sect. 505 below.

13. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

14. Lumber yards and building material yards to include rock, sand and gravel.

15. Motor freight terminals.

16. Motor vehicle storage and impoundment yards.

17. New vehicle storage.

18. Offices.

19. Private schools of general education, limited by the provisions of Sect. 505 below.

20. Private schools of special education.

21. Public uses.

22. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 505 below.

23. Recycling centers.

24. Storage yards.

25. Truck rental establishments.

26. Vehicle light service establishments, limited by the provisions of Sect. 505 below.

27. Vehicle major service establishments.

28. Vehicle transportation service establishments.

29. Veterinary hospitals, limited by the provisions of Sect. 505 below.

30. Warehousing and associated retail establishments.

31. Wholesale trade establishments.

5-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

2. Group 4 - Community Uses, limited to:

   A. Swimming clubs and tennis clubs/courts

3. Group 5 - Commercial Recreation Uses, limited to:

A. Bowling alleys

B. Commercial swimming pools, tennis courts and similar courts

C. Health clubs

D. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

E. Miniature golf courses

F. Skating facilities

G. Commercial recreation parks, including mechanical or motorized amusement rides/devices

4. Group 8 - Temporary Uses.

5-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations

B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Sewage treatment and disposal facilities

C. Solid waste disposal and treatment facilities including incinerators and landfills

D. Supply yards for any public utility

E. Water purification facilities

F. Local office space and maintenance facilities incidental to any use set forth above

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Medical care facilities

F. Private clubs and public benefit associations

G. Private schools of general education

H. Quasi-public parks, playgrounds, athletic fields and related facilities

I. Sports arenas, stadiums as a principal use

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoors

B. Car washes

C. Carryout restaurants

D. Commercial off-street parking in Metro Station areas as a temporary use

E. Drive-in financial institutions

F. Drive-in motion picture theatres

G. Golf courses, country clubs

H. Golf driving ranges

I. Hotels, motels

J. Kennels, outdoor

K. Parking, commercial off-street, as a principal use

L. Plant nurseries

M. Quick-service food stores

N. Restaurants

O. Restaurants with drive-through

P. Retail sales establishments, as limited by the provisions of Sect. 9-524

Q. Service stations

R. Service station/mini-marts

S. Vehicle light service establishments

T. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

5-505 Use Limitations

1. Vehicle light service establishments shall be permitted by right only when: (a) such use is an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area; and (b) such use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; and (c) the aggregate floor area of such use and those accessory service uses permitted by the provisions of Par. 3 of Sect. 10-202 will not exceed fifteen (15) percent of the total permitted gross floor area of the total land area of the industrial site or park.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Outside storage shall not be located within a minimum required front yard or within a transitional screening area as required by the provisions of Article 13; provided, however, recycling centers shall have no outside storage.

4. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10 and Part 5 of Article 9. In addition, retail sales may be permitted as an associated use:

   A. In a warehouse establishment wherein at least sixty (60) percent of the above-ground gross floor area of the establishment is devoted to warehouse use which is not display area, or

   B. In an establishment for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

5. Motor vehicle storage and impoundment yards shall be used only for the temporary storage of wrecked and/or inoperative and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof.

6. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

   A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

B. All vehicular access to the use shall be provided via the internal circulation system of the park.

7. No recycling center shall receive, store, process or transfer any material other than source-separated nonputrescible or source-separated commingled nonputrescible metal, glass, paper or plastic containers, corrugated cardboard or other recyclable materials designated by the Director of the Department of Public Works and Environmental Services or designee.

8. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

9. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

10. Craft beverage production establishments are permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

5-506 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-507 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: No Requirement

   C. Rear yard: No Requirement

3. Maximum floor area ratio: 0.50, provided however, an increase to 1.00 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5-508 Open Space

15% of the gross area shall be landscaped open space

5-509 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

PART 6 5-600 I-6 HEAVY INDUSTRIAL DISTRICT

5-601 Purpose and Intent

The I-6 District is established to provide areas for heavy industrial activities with minimum performance standards where the uses may require that some noise, vibration and other environmental pollutants must be tolerated, and where the traffic to and from the district may be intensive. This district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy.

5-602 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.

2. Bus or railroad terminals, car barns, garages, storage and inspection yards, railroad switching and classification yards, and railroad car and locomotive repair shops, but specifically excluding electrically-powered regional rail transit facilities or regional non-rail transit facilities set forth as a Category 4 special exception use.

3. Child care centers and nursery schools, limited by the provisions of Sect. 605 below.

4. Churches, chapels, temples, synagogues and other such places of worship.

5. Contractor's offices and shops.

6. Craft beverage production establishments, limited by the provisions of Sect. 605 below.

7. Crematory, human or animal.

8. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.

9. Establishments for scientific research, development and training.

10. Financial institutions.

11. Funeral homes.

12. Heavy equipment and specialized vehicle sale, rental and service establishments.

13. Heavy public utility uses (Category 2), all uses except storage facilities for natural gas, oil and other petroleum products.

14. Junk yards, to include motor vehicle storage and impoundment yards.

15. Kennels, limited by the provisions of Sect. 605 below.

16. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

17. Lumber yards, fuel yards and building material yards to include rock, sand and gravel.

18. Motor freight terminals.

19. New vehicle storage.

20. Offices.

21. Private schools of general education, limited by the provisions of Sect. 605 below.

22. Public uses.

23. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 605 below.

24. Recycling centers.

25. Storage yards.

26. Truck rental establishments.

27. Vehicle light service establishments, limited by the provisions of Sect. 605 below.

28. Vehicle major service establishments.

29. Vehicle transportation service establishments.

30. Veterinary hospitals, limited by the provisions of Sect. 605 below.

31. Warehousing and associated retail establishments.

32. Wholesale trade establishments.

5-603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

2. Group 4 - Community Uses, limited to:

A. Swimming clubs and tennis clubs/courts

3. Group 5 - Commercial Recreation Uses, limited to:

A. Bowling alleys

B. Commercial swimming pools, tennis courts and similar courts

C. Health clubs

D. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

E. Miniature golf courses

F. Skating facilities

G. Commercial recreation parks, including mechanical or motorized amusement rides/devices

4. Group 8 - Temporary Uses.

5-604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations

B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

2. Category 2 - Heavy Public Utility Uses, limited to:

A. Storage facilities for natural gas, oil and other petroleum products

3. Category 3 - Quasi-Public Uses, limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

E. Medical care facilities

F. Private clubs and public benefit associations

G. Private schools of general education

H. Quasi-public parks, playgrounds, athletic fields and related facilities

I. Sports arenas, stadiums as a principal use

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Baseball hitting and archery ranges, outdoors

B. Car washes

C. Carryout restaurants

D. Commercial off-street parking in Metro Station areas as a temporary use

E. Drive-in financial institutions

F. Drive-in motion picture theatres

G. Golf courses, country clubs

H. Golf driving ranges

I. Heavy industrial uses

J. Kennels, outdoor

K. Mixed waste reclamation facilities

L. Parking, commercial off-street, as a principal use

M. Plant nurseries

N. Quick-service food stores

O. Restaurants

P. Restaurants with drive-through

Q. Service stations

R. Service station/mini-marts

S. Vehicle light service establishments

5-605 Use Limitations

1. Vehicle light service establishments shall be permitted by right only when: (a) such use is an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area; and (b) such use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; and (c) the aggregate floor area of such use and those accessory service uses permitted by the provisions of Par. 3 of Sect. 10-202 will not exceed fifteen (15) percent of the total permitted gross floor area for the total land area of the industrial site or park.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10. In addition, retail sales may be permitted as an associated use:

   A. In a warehouse establishment wherein at least sixty (60) percent of the above-ground gross floor area of the establishment is devoted to warehouse use which is not display area, or

   B. In an establishment for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods and products, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

4. In addition to the regulations of this Ordinance, junk yards shall be subject to the provisions of Chapter 21 of The Code, Automobile Graveyards.

5. Child care centers, nursery schools and private schools of general education may be permitted by right only when:

   A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.

   B. All vehicular access to the use shall be provided via the internal circulation system of the park.

6. No recycling center shall receive, store, process or transfer any material other than source-separated nonputrescible or source-separated commingled nonputrescible metal, glass, paper or plastic containers, corrugated cardboard or other recyclable materials designated by the Director of the Department of Public Works and Environmental Services or designee.

7. Quasi-public athletic fields and related facilities are permitted by right in accordance with the following:

   A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;

B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;

C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;

D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;

E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;

F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide.

8. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

9. Craft beverage production establishments are permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

5-606 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

5-607 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: No Requirement

   C. Rear yard: No Requirement

3. Maximum floor area ratio: 0.50, provided however, an increase to 1.00 may be permitted by the Board in accordance with the provisions of Sect. 9-618

4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

5-608 Open Space

10% of the gross area shall be landscaped open space

5-609 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

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ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT

6-101 Purpose and Intent

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-102 Principal Uses Permitted

The following principal uses are permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 106 below.

1. Affordable dwelling unit developments.
2. Dwellings, single family detached.
3. Dwellings, single family attached.
4. Dwellings, multiple family.
5. Dwellings, mixture of those types set forth above.
6. Independent living facility.
7. Public uses.

6-103 Secondary Uses Permitted

The following secondary uses are permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.
2. Automated teller machines, located within a multiple family dwelling.

3. Business service and supply service establishments.

4. Commercial and industrial uses of special impact (Category 5), limited to:

   A. Automobile-oriented uses

   B. Carryout restaurants

   C. Drive-in financial institutions

   D. Drive-through pharmacies

   E. Golf courses, country clubs

   F. Golf driving ranges

   G. Marinas, docks and boating facilities, commercial

   H. Quick-service food stores

   I. Service stations

   J. Service station/mini-marts

   K. Vehicle light service establishments

5. Commercial recreation uses (Group 5), limited to:

   A. Billiard and pool halls

   B. Bowling alleys

   C. Commercial swimming pools, tennis courts and similar courts

   D. Health clubs

   E. Indoor archery ranges, fencing and other similar indoor recreational uses.

   F. Miniature golf courses

   G. Skating facilities

6. Community uses (Group 4).

7. Financial institutions.

8. Garment cleaning establishments.

9. Institutional uses (Group 3).

10. Interment uses (Group 2).

11. Kennels, limited by the provisions of Sect. 106 below.

12. Light public utility uses (Category 1).

13. Offices.

14. Outdoor recreation uses (Group 6), limited to:

    A. Riding or boarding stables

    B. Veterinary hospitals, but only ancillary to riding or boarding stables

    C. Zoological parks

15. Personal service establishments.

16. Quasi-public uses (Category 3), limited to:

    A. Adult day care center

    B. Alternate uses of public facilities

    C. Child care centers and nursery schools

    D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

    E. Colleges, universities

    F. Conference centers and retreat houses, operated by a religious or nonprofit organization

    G. Congregate living facilities

    H. Cultural centers, museums and similar facilities

    I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

    J. Independent living facilities

    K. Medical care facilities

    L. Private clubs and public benefit associations

    M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

17. Repair service establishments.

18. Restaurants.

19. Retail sales establishments.

20. Small-scale production establishments.

21. Transportation facilities (Category 4), limited to:

A. Bus or railroad stations

B. Electrically-powered regional rail transit facilities

C. Heliports

D. Helistops

E. Regional non-rail transit facilities

22. Veterinary hospitals.

6-104 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 8 - Temporary Uses.

2. Group 9 - Uses Requiring Special Regulation, limited to:

A. Home professional offices

B. Accessory dwelling units

6-105 Special Exception Uses

1. Subject to the use limitations presented in Sect. 106 below, any use presented in Sect. 103 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

2. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Bed and breakfasts

B. Commercial off-street parking in Metro Station areas as a temporary use

C. Restaurants with drive-through

6-106 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. All uses shall comply with the performance standards set forth in Article 14.

3. When a use presented in Sect. 103 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

   When a use presented in Sect. 103 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

   In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

4. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

5. Secondary uses of a commercial and office nature shall be permitted only in a PDH District which has a minimum of fifty (50) residential dwelling units, except that the Board, in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, may modify this limitation for the Group 6 outdoor recreation special permit uses and the Category 5 special exception uses of golf courses, country clubs and golf driving ranges.

6. Secondary uses of a commercial nature, except Group 6 outdoor recreation uses, golf courses, country clubs, golf driving ranges and offices, shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:

   A. Commercial and office uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building.

   B. When located within the same building as residential uses, commercial and office uses shall be limited to the lowest two (2) floors.

C. The maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses, except Group 6 outdoor recreation uses, golf courses, country clubs and golf driving ranges, shall be as follows:

(1) PDH-1 through PDH-4: 400 square feet of commercial/dwelling unit.

(2) PDH-5 through PDH-20: 300 square feet of commercial/dwelling unit.

(3) PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

However, the Board may allow an increase in the commercial land area if there is a single commercial area proposed to serve two or more contiguous PDH Districts which are planned and designed as a single planned development and which are zoned concurrently. The Board may approve such an increase with the concurrent approval of a conceptual and final development plan which shows the layout, uses and intensity of the commercial land area. In such instance, the land area devoted to commercial use may be based on the total number of dwelling units in the PDH Districts, provided, however, that the resultant commercial land area shall not exceed twice that which would have been permitted otherwise for the individual PDH District in which the commercial land area is located.

In no instance, however, shall office uses occupy more than ten (10) percent of the total gross floor area.

7. Service stations, service station/mini-marts and vehicle light service establishments shall be permitted only under the following conditions:

A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.

B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale, except for the outdoor storage and display of goods permitted at a service station or service station/mini-mart. In addition, there shall be no separate freestanding sign associated with the use except as required by Chapter 10 of The Code, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours and there shall be no more than two (2) such vehicles on site at any one time.

8. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

9. Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

10. Zoological parks shall be subject to the following:

    A. All such uses shall be subject to and operated in compliance with all applicable Federal, State and County regulations.

    B. The Director of the Department of Animal Control shall review the operation of the zoological park on a quarterly basis and shall have the right to conduct unannounced inspections of the facility during daylight hours.

    C. The keeping of all animals including wild or exotic animals as defined in Chapter 41.1 of The Code may be permitted with the approval of the Director of the Department of Animal Control, upon a determination that the animal does not pose a risk to public health, safety and welfare and that there will be adequate feed and water, adequate shelter, adequate space in the primary enclosure for the particular type of animal depending upon its age, size and weight and adequate veterinary care.

11. Drive-through pharmacies are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

12. Small-scale production establishments are permitted in accordance with the following:

    A. The use may only be located in commercial areas as shown on an approved final development plan.

    B. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area, unless modified by the Board in conjunction with the approval of a development plan. This maximum does not preclude the location of more than one establishment per lot.

    C. The use may not include the bulk storage of flammable materials for resale.

    D. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

    E. A small-scale production establishment may not include heavy industrial uses aslisted in Par. 13 of Sect. 9-501.

    F. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement

may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

G. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

6-107 Lot Size Requirements

1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.

2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.

3. Minimum lot width: No requirement for each use or building.

6-108 Bulk Regulations

The maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16.

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as set forth below, except that the maximum density limitations may be increased in accordance with the requirements for affordable dwelling units set forth in Part 8 of Article 2 and shall be exclusive of the bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-4	4 dwelling units per acre
PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-12	12 dwelling units per acre
PDH-16	16 dwelling units per acre

PDH-20	20 dwelling units per acre
PDH-30	30 dwelling units per acre
PDH-40	40 dwelling units per acre

2. The Board may, in its sole discretion, increase the maximum number of dwelling units in a PDH District in accordance with and when the conceptual and the final development plans include one or more of the following; but in no event shall such increase be permitted when such features were used to meet the development criteria in the adopted comprehensive plan and in no event shall the total number of dwellings exceed 125% of the number permitted in Par. 1 above.

   A. Design features, amenities, open space and/or recreational facilities in the planned development which in the opinion of the Board are features which achieve an exceptional and high quality development - As determined by the Board, but not to exceed 5%.

   B. Preservation and restoration of buildings, structures, or premises which have historic or architectural significance - As determined by the Board, but not to exceed 5%.

   C. Development of the subject property in conformance with the comprehensive plan with a less intense use or density than permitted by the current zoning district - As determined by the Board in each instance, but not to exceed 10%.

6-110 Open Space

1. The following minimum amount of open space shall be provided in each PDH subdistrict:

Subdistrict	Open Space	Affordable Dwelling Unit Development Open Space
PDH-1	25% of the gross area	Not Applicable
PDH-2	20% of the gross area	18% of the gross area
PDH-3	20% of the gross area	18% of the gross area
PDH-4	20% of the gross area	18% of the gross area
PDH-5	35% of the gross area	31% of the gross area
PDH-8	25% of the gross area	22% of the gross area
PDH-12	30% of the gross area	27% of the gross area
PDH-16	35% of the gross area	31% of the gross area
PDH-20	35% of the gross area	31% of the gross area
PDH-30	45% of the gross area	40% of the gross area
PDH-40	35% of the gross area	31% of the gross area

2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities in all PDH Districts in conjunction with approval of a final development plan. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirements shall be based on a minimum expenditure of $1,900 per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or

B. The Board may approve the provision of the facilities on land which is not part of the subject PDH District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

6-111 Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401

PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT

6-201 Purpose and Intent

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density/intensity land uses which could produce detrimental effects on neighboring properties if not consistent with the recommendations of the adopted comprehensive plan and not strictly controlled as to location and design. The district regulations are further intended to insure high standards in the mix of uses, lay-out, design and construction of commercial developments; to include unique design elements and amenities; to encourage lot consolidation and the use of Transportation Demand Management techniques; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-202 Principal Uses Permitted

The following principal uses are permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 206 below.

1. Business service and supply service establishments.

2. Continuing care facility.

3. Establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.

4. Exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations, with a minimum gross floor area of 100,000 square feet.

5. Financial institutions.

6. Garment cleaning establishments.

7. Hotels, motels.

8. Offices.

9. Personal service establishments.

10. Public uses.

11. Repair service establishments.

12. Restaurants.

13. Retail sales establishments.

14. Theatres.

6-203 Secondary Uses Permitted

The following secondary uses are permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.

2. Affordable dwelling unit developments.

3. Automated teller machines, located within a multiple family dwelling.

4. Commercial and industrial uses of special impact (Category 5), limited to:

   A. Amusement arcades

   B. Automobile-oriented uses

   C. Car washes

   D. Carryout restaurants

   E. Commercial Recreation Restaurants, limited by the provisions of Sect. 9-506

   F. Drive-in financial institutions

   G. Drive-through pharmacies

   H. Golf courses, country clubs

   I. Golf driving ranges

   J. Marinas, docks and boating facilities, commercial

   K. Mini-warehousing establishments

   L. Quick-service food stores

   M. Restaurants with drive-through

   N. Retail sales establishments-large, limited by the provisions of Sect. 9-533

   O. Service stations

P. Service station/mini-marts

Q. Vehicle light service establishments

R. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518.

5. Commercial recreation uses (Group 5), limited to:

A. Billiard and pool halls

B. Bowling alleys

C. Commercial swimming pools, tennis courts and similar courts

D. Health clubs

E. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

F. Miniature golf courses

G. Skating facilities

H. Any other similar commercial recreation use

6. Community uses (Group 4).

7. Craft beverage production establishments, limited by the provisions of Sect. 206 below.

8. Dwellings.

9. Institutional uses (Group 3).

10. Kennels, limited by the provisions of Sect. 206 below.

11. Light public utility uses (Category 1).

12. New vehicle storage, limited by the provisions of Sect. 206 below.

13. Parking, commercial off-street, as a principal use.

14. Quasi-public uses (Category 3), limited to:

A. Adult day care center

B. Alternate uses of public facilities

C. Child care centers and nursery schools

D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

E. Colleges, universities

F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

15. Small-scale production establishments, limited by the provisions of Sect. 206 below.

16. Transportation facilities (Category 4), limited to:

A. Bus or railroad stations

B. Electrically-powered regional rail transit facilities

C. Heliports

D. Helistops

E. Regional non-rail transit facilities

17. Vehicle transportation service establishments.

18. Veterinary hospitals.

6-204 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 8 - Temporary Uses.

2. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Accessory dwelling units

6-205 Special Exception Uses

1. Subject to the use limitations presented in Sect. 206 below, any use presented in Sect. 203 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

2. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Commercial off-street parking in Metro Station areas as a temporary use

6-206 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. All uses shall comply with the performance standards set forth in Article 14.

3. When a use presented in Sect. 203 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

   When a use presented in Sect. 203 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 205 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

   In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

4. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

5. Secondary uses shall be permitted only in a PDC District which contains one or more principal uses. Unless modified by the Board in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, the gross floor area devoted to dwellings as a secondary use shall not exceed fifty (50) percent of the gross floor area of all principal uses in the development, except that the floor area for affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2 shall be excluded

from this limitation. The gross floor area of all other secondary uses shall not exceed twenty-five (25) percent of the gross floor area of all principal uses in the development.

The floor area for dwellings shall be determined in accordance with the gross floor area definition except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.

6. Secondary uses shall be designed so as to maintain and protect the character of adjacent properties, and shall be conducted entirely within an enclosed building, with no outside display, except those uses which by their nature must be conducted outside a building.

7. Service stations, service station/mini-marts and vehicle light service establishments shall be permitted only under the following conditions:

   A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.

   B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale, except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart. In addition, no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours and there shall be no more than two (2) such vehicles on site at any one time.

8. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

9. Notwithstanding the provisions of Par. 5 and 6 above, independent living facilities and/or medical care facilities limited to assisted living facilities and/or nursing facilities as secondary uses need not be designed to serve primarily the needs of the residents and occupants of the planned development in which located but shall be designed so as to complement, maintain and protect the character of the planned development and the adjacent properties. The gross floor area devoted to independent living facilities and/or medical care facilities limited to assisted living facilities and/or nursing facilities as secondary uses shall not exceed fifty (50) percent of the gross floor area of all uses in the development.

10. Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

11. Drive-through pharmacies are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

12. Vehicle transportation service establishments shall be permitted in accordance with the following:

    A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

    B. There shall be no maintenance or refueling of vehicles on site.

    C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

13. New vehicle storage is permitted by right in accordance with the following:

    A. When located within a parking structure that is accessory to another use(s), and provided that the spaces devoted to new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use(s) to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

    B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

    C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

    D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

14. A mini-warehousing establishment shall only be permitted when specifically identified on an approved development plan or in accordance with Sect. 205 above and only in accordance with the following:

    A. Loading and unloading areas shall be located, screened and/or fully enclosed as required to minimize the potential for adverse impacts on adjacent property. All other activities associated with the use shall be conducted completely indoors in a multiple story structure.

    B. The design of the storage structure shall be office-like in appearance and harmonious in color and design with that of the surrounding development so to minimize any adverse visual impact.

C. No individual storage bay door or storage items shall be visible from the outside of the storage structure.

D. The site shall be designed to facilitate safe and efficient on-site circulation and parking.

E. Signage shall be in scale and harmony with the surrounding development so not to detract from the character of the area.

F. There shall be no incidental parking or storage of trucks, trailers, and/or moving vans except for purposes of loading and unloading. There shall be no truck, trailer, and/or van rentals conducted from the site.

15. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include any possible parking reductions or alternate locations set forth in Sect. 11-102. Any such parking reduction may be approved by the Board as part of a rezoning and/or special exception when it is demonstrated by the applicant and determined by the Board that any such reduction(s) is/are in furtherance of the recommendations of the adopted comprehensive plan. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.

16. Craft beverage production establishments are permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

C. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

17. A continuing care facility is permitted only in accordance with the following:

A. The development of a continuing care facility and any secondary uses at the specified location must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The design of the facility, including the location, size and height of buildings, and the nature and extent of screening, buffering and landscaping should be compatible with the surrounding neighborhood.

B. Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.

C. All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

18. Small-scale production establishments are permitted in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area, unless modified by the Board in conjunction with the approval of a development plan. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

6-207 Lot Size Requirements

1. Minimum district size: No land shall be classified in the PDC District unless the Board finds that the proposed development meets at least one (1) of the following conditions:

A. The proposed development will yield a minimum of 100,000 square feet of gross floor area.

B. The proposed development will be a logical extension of an existing P District, in which case it must yield a minimum of 40,000 square feet of gross floor area.

C. The proposed development is located within an area designated as a Community Business Center, Commercial Revitalization Area or Transit Station Area in the adopted comprehensive plan or is in a Commercial Revitalization District and a final development plan is submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will complement existing and planned development by incorporating high standards of urban design, to include provision for any specific urban design plans in the comprehensive plan for the area and for safe and convenient pedestrian, bicycle and vehicular movement and access.

2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.

3. Minimum lot width: No requirement for each use or building.

6-208 Bulk Regulations

1. Maximum building height: Controlled by the standards set forth in Part 1 of Article 16.

2. Minimum yard requirements: Controlled by the standards set forth in Part 1 of Article 16.

3. Maximum floor area ratio: 2.5. However, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center Area and/or Transit Station Area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in furtherance of the purpose and intent of this district; except that in the McLean Commercial Revitalization District and Community Business Center the Board may approve an increase in the maximum floor area ratio to 3.0 when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan.

The maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate dwelling units provided in accordance with Part 8 of Article 2 and the floor area for proffered bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

4. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio for any rezoning to the PDC District approved by the Board after June 21, 2016, except when such cellar space:

A. has a structural headroom of less than six (6) feet, six (6) inches and is specifically identified for mechanical equipment; or

B. is specifically identified for storage and/or other uses that are accessory to the principal uses in the building; or

C. is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; or

D. is specifically identified to house an unmanned datacenter or other similar telecommunication or electronic equipment.

6-209 Open Space

1. 15% of the gross area shall be open space.

2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities for the enjoyment of the residents of the dwelling units in conjunction with approval of a final development plan. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirement shall be based on a minimum expenditure of $1,900 per dwelling unit for such facilities and either:

   A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses, and/or

   B. The Board may approve the provision of the facilities located on property which is not part of the subject PDC District.

   Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

6-210 Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401.

PART 3 6-300 PRC PLANNED RESIDENTIAL COMMUNITY DISTRICT

6-301 Purpose and Intent

The PRC District is established to permit the development of planned communities on a minimum of 750 contiguous acres of land, which at the time of the initial rezoning to establish a PRC District is owned and/or controlled by a single individual or entity. Such planned communities shall be permitted only in accordance with a comprehensive plan, which plan, when approved, shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time.

The PRC District regulations are designed to permit a greater amount of flexibility to a developer of a planned community by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted this zoning district, the developer must demonstrate the achievement of the following specific objectives throughout all of his planning, design and development.

1. A variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of all ages, sizes and levels of income.

2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community.

3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as mass transportation, roadways, bicycle or equestrian paths and pedestrian walkways.

4. The provision of cultural, educational, medical, and recreational facilities for all segments of the community.

5. The location of structures to take maximum advantage of the natural and manmade environment.

6. The provision of adequate and well-designed open space for the use of all residents.

7. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities and services.

To these ends, rezoning to and development under this district will be permitted only in accordance with a comprehensive plan and development plan prepared and approved in accordance with the provisions of Article 16.

6-302 Permitted Uses

Subject to the use limitations set forth in Sect. 305 below and the exceptions permitted by Sections 303 and 304 below, the following and similar uses as may be approved shall be permitted only in those locations respectively designated Residential, Neighborhood Convenience Center, Village Center, Town Center and Convention/Conference Center on an approved development plan and PRC plan, if applicable, prepared in accordance with the provisions of Article 16.

A. The following uses are permitted in those areas approved for Residential Uses:

(1) Accessory uses, accessory service uses and home occupations as permitted by Article 10 to include community gardens which are not connected with, incidental to, or on the same lot with a principal use.

(2) Affordable dwelling unit developments.

(3) Automated teller machines, located within a multiple family dwelling.

(4) Commercial and industrial uses of special impact (Category 5), limited to:

(a) Baseball hitting and archery ranges, outdoor

(b) Golf courses, country clubs

(c) Golf driving ranges

(d) Kennels, animal shelters

(e) Marina, docks and boating facilities, commercial

(f) Veterinary hospitals, but only ancillary to kennels

(5) Community uses (Group 4).

(6) Continuing care facility.

(7) Dwellings, single family detached.

(8) Dwellings, single family attached.

(9) Dwellings, multiple family.

(10) Dwellings, mixture of those types set forth above.

(11) Institutional uses (Group 3).

(12) Interment uses (Group 2).

(13) Light public utility uses (Category 1).

(14) Outdoor recreation uses (Group 6), limited to:

(a) Camp or recreation grounds

(b) Riding and boarding stables

(c) Veterinary hospitals, but only ancillary to riding or boarding stables

(15) Public uses.

(16) Quasi-public uses (Category 3).

(17) Transportation facilities (Category 4).

B. The following uses are permitted in those locations approved for a Neighborhood Convenience Center, which should be neighborhood-oriented in scope and location. A neighborhood convenience center should be oriented to both pedestrian and vehicular access.

(1) Accessory uses, accessory service uses and home occupations as permitted by Article 10.

(2) Commercial and industrial uses of special impact (Category 5), limited to:

(a) Automobile-oriented uses

(b) Car washes

(c) Carryout restaurants

(d) Drive-in financial institutions

(e) Drive-through pharmacies

(f) Golf courses, country clubs

(g) Quick-service food stores

(h) Restaurants with drive-through

(i) Service stations

(j) Service station/mini-marts

(3) Community uses (Group 4).

(4) Continuing care facility.

(5) Craft beverage production establishments.

(6) Dwellings, as set forth in Par. A above.

(7) Financial institutions.

(8) Garment cleaning establishments.

(9) Institutional uses (Group 3), limited to:

(a) Churches, chapels, temples, synagogues and other such places of worship

(b) Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

(c) Convents, monasteries, seminaries and nunneries

(d) Home child care facilities

(10) Light public utility uses (Category 1).

(11) Offices.

(12) Personal service establishments.

(13) Public uses.

(14) Quasi-public uses (Category 3).

(15) Restaurants.

(16) Retail sales establishments.

(17) Small-scale production establishments.

(18) Taxi stands.

(19) Transportation facilities (Category 4), limited to:

(a) Electrically-powered regional rail transit facilities

(b) Regional non-rail transit facilities

C. The following uses are permitted in those locations approved for a Village Center which should be a central location for activity of retail, community and leisure uses on a scale serving a number of neighborhoods. A village center should be easily accessible to both vehicles and pedestrians. Within such a center, the primary emphasis should be on the pedestrian circulation system. A village center should contain uses such as professional offices, a supermarket, a hardware store, specialty shops and other uses as listed below.

(1) Accessory uses, accessory service uses and home occupations as permitted by Article 10.

(2) Business service and supply service establishments.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(a) Amusement arcades

(b) Automobile-oriented uses

(c) Car washes

(d) Carryout restaurants

(e) Drive-in financial institutions

(f) Drive-through pharmacies

(g) Golf courses, country clubs

(h) Marinas, docks and boating facilities, commercial

(i) Quick-service food stores

(j) Restaurants drive-through

(k) Retail sales establishments-large, limited by the provisions of Sect. 9-533

(l) Service stations

(m) Service station/mini-marts

(4) Commercial recreation uses (Group 5), limited to:

(a) Billiard and pool halls

(b) Bowling alleys

(c) Commercial swimming pools, tennis courts and similar courts

(d) Dance halls

(e) Health clubs

(f) Miniature golf courses

(g) Skating facilities

(h) Any other similar commercial recreation use

(5) Community uses (Group 4).

(6) Continuing care facility.

(7) Craft beverage production establishments.

(8) Dwellings, as set forth in Par. A above.

(9) Financial institutions.

(10) Funeral chapels.

(11) Garment cleaning establishments.

(12) Institutional uses (Group 3).

(13) Kennels, limited by the provisions of Sect. 305 below.

(14) Light public utility uses (Category 1).

(15) Offices.

(16) Personal service establishments.

(17) Public uses.

(18) Quasi-public uses (Category 3).

(19) Repair service establishments.

(20) Restaurants.

(21) Retail sales establishments.

(22) Small-scale production establishments.

(23) Taxi stands.

(24) Theatres.

(25) Transportation facilities (Category 4), limited to:

(a) Bus or railroad stations

(b) Electrically-powered regional rail transit facilities

(c) Regional non-rail transit facilities

(26) Vehicle light service establishments.

(27) Veterinary hospitals, limited by the provisions of Sect. 305 below.

D. The following uses are permitted in those locations approved for a Town Center, which should be a central location for retail, community and leisure uses on a scale serving the planned community and the surrounding area. There should be no more than one town center in a new town, and it should contain a mixture of uses such as residential, community, office, retail, entertainment and specialty shops. The uses should be well integrated and contain unique design elements. The pedestrian and vehicular traffic within the center should be separated with major emphasis on the pedestrian circulation system.

(1) All uses set forth for Village Centers in Par. C above.

(2) Commercial recreation uses (Group 5).

(3) Funeral homes.

(4) Parking, commercial off-street, as a principal use.

(5) Transportation facilities (Category 4), limited to:

(a) Heliports

(b) Helistops

(6) Vehicle sale, rental and ancillary service establishments.

(7) Vehicle transportation service establishments.

E. The following uses are permitted in those locations approved for a Convention/Conference Center, which should have the facilities to accommodate conventions or large meetings and retail or commercial establishments necessary to serve the people using such facilities and any residents of the Center.

(1) Accessory uses, accessory service uses and home occupations as permitted by Article 10.

(2) Business service and supply service establishments.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(a) Automobile-oriented uses

(b) Car washes

(c) Carryout restaurants

(d) Drive-in financial institutions

(e) Drive-through pharmacies

(f) Quick-service food stores

(g) Restaurants with drive-through

(h) Retail sales establishments-large, limited by the provisions of Sect. 9-533

(i) Service stations

(j) Service station/mini-marts

(k) Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518.

(4) Commercial recreation uses (Group 5).

(5) Craft beverage production establishments.

(6) Cultural and civic centers and exhibition halls.

(7) Dwellings, multiple family.

(8) Financial institutions.

(9) Garment cleaning establishments.

(10) Hotels/motels, including facilities to accommodate conventions.

(11) Institutional uses (Group 3), limited to:

(a) Churches, chapels, temples, synagogues and other such places of worship

(b) Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

(c) Home child care facilities

(12) Light public utility uses (Category 1).

(13) Offices.

(14) Personal service establishments.

(15) Public uses.

(16) Quasi-public uses (Category 3), limited to:

(a) Adult day care center.

(b) Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education

(c) Colleges, universities

(d) Child care centers and nursery schools

(e) Private clubs and public benefit associations

(f) Private schools of general education

(g) Private schools of special education

(17) Repair service establishments.

(18) Restaurants.

(19) Retail sales establishments.

(20) Small-scale production establishments.

(21) Theatres.

(22) Transportation facilities (Category 4), limited to:

(a) Bus or railroad stations

(b) Electrically-powered regional rail transit facility

(c) Regional non-rail transit facilities

(23) Vehicle transportation service establishments.

F. In those areas approved for industrial use on the adopted comprehensive plan of the planned community, upon application, such areas may be reclassified to the I-I, I-1, I-2, I-3, I-4 or I-5 District. Industrial areas shall not be included in the PRC District nor be subject to the requirements thereof.

6-303 Special Permit Uses

The following uses shall be permitted uses in those areas as qualified when they are specifically designated on an approved development plan; otherwise they may be allowed in such qualified areas only as a special permit use upon approval by the BZA.

1. Uses presented in Par. A, B, C, D and E in Sect. 302 above as a Group use.

2. Commercial recreation centers - Village and town centers.

3. Open air markets - Neighborhood convenience, village, town and convention/conference centers.

4. Open refreshment stands - Neighborhood convenience, village, town and convention/conference centers.

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

   A. Home professional offices

   B. Accessory dwelling units

6-304 Special Exception Uses

The following uses shall be permitted uses in those areas as qualified when they are specifically designated on an approved development plan; otherwise they may be allowed in such qualified areas only as a special exception use upon approval of the Board.

1. All uses presented in Par. A, B, C, D and E in Sect. 302 above as a Category use.

2. Heavy public utility uses (Category 2), limited to sewage treatment and disposal facilities - Residential.

3. Hotels, motels - Village and town centers.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Bed and breakfasts

   B. Commercial off-street parking in Metro Station areas as a temporary use

5. Truck rental establishments – Village Center, limited by Sect. 6-305.

6-305 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. Uses in a PRC District shall be permitted only in those areas as designated on the approved development plan, or in those areas as may be approved under Sections 303 and 304 above.

3. When a use presented in Sect. 302 above as a Group or Category use is being considered for approval on a development plan, the standards set forth in Articles 8 and 9 shall be used as a guide.

When a use presented in Sect. 302 above as a Group or Category use is being considered for approval as a special permit or special exception use, pursuant to Sections 303 and 304 above, the use shall be subject to the provisions of Article 8 or Article 9, respectively. Provided that such use is in substantial conformance with the approved development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved development plan, no development plan amendment shall be required.

In either of the above, all Group 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.

4. All uses permitted pursuant to an approved development plan shall be in substantial conformance with the approved development plan as provided in Sect. 16-202.

5. All uses shall comply with the performance standards set forth in Article 14.

6. In areas approved for low density residential uses, no multiple family dwellings shall be allowed, except if such dwellings are provided pursuant to Part 8 of Article 2 and are specifically shown on the approved development plan.

7. Where commercial and residential uses are located in the same building, there shall be separate exterior entrances for the two uses.

8. In all commercial centers, all business, service, storage and display of goods shall be conducted within a completely enclosed building, except those particular uses, which by their nature must be conducted outside a building, and the storing of rental trucks approved for a truck rental establishment.

9. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

10. Signs shall be permitted in accordance with the provisions of Article 12, and where there is an interpretation needed on the appropriate provisions that are applicable in a neighborhood convenience center, village center, town center or convention/conference center, such shall be made by the Zoning Administrator.

11. Kennels and veterinary hospitals in village and town centers shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

12. Drive-through pharmacies are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

13. Vehicle transportation service establishments shall be permitted in accordance with the following:

A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

B. There shall be no maintenance or refueling of vehicles on site.

C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

14. Truck rental establishments approved in accordance with Sect. 304 above shall be subject to the provisions of Sect. 9-525.

15. Craft beverage production establishments are permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

E. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

16. A continuing care facility is permitted only in accordance with the following:

A. The development of a continuing care facility and any secondary uses at the specified location must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The design of the facility, including the location, size, and height of buildings, and the nature and extent of screening, buffering, and landscaping should be compatible with the surrounding neighborhood.

B. Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.

C. All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

17. Small-scale production establishments are permitted in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area, unless modified by the Board in

conjunction with the approval of a development plan. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

6-306 Lot Size Requirements

1. Minimum district size: 750 acres.

2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.

3. Minimum lot width: No requirement for each use or building.

6-307 Bulk Regulations

1. Maximum building height: No Regulation

2. Minimum yard requirements:

A. The location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

B. No single family detached dwelling shall be erected closer than sixteen (16) feet to any other single family dwelling unless a lesser distance is specifically identified on an approved development plan.

C. No single family detached or attached dwelling or accessory structure shall be erected closer than fifteen (15) feet to any public street right-of-way line unless shown on an approved PRC plan.

3. Maximum floor area ratio: No Regulation

4. Maximum percentage of lot coverage: No Regulation

6-308 Maximum Density

1. The overall density for a PRC District shall not exceed thirteen (13) persons per acre of gross residential and associated commercial areas.

2. In computing density, a factor of 3.0 persons shall be used per single family detached dwelling; 2.7 persons per single family attached dwelling; and 2.1 persons per multiple family dwelling.

3. Residential densities in a PRC District shall be designated low, medium and high on the approved development plan.

A. Low: The overall density within the entire area of a PRC District that is designated for low density shall not exceed 3.8 persons per acre of gross residential area. Further, the density in any one low density area shall not exceed five (5) dwelling units per acre.

B. Medium: The overall density within the entire area of a PRC District that is designated for medium density shall not exceed 14 persons per acre of gross residential area. Further, the density in any one medium density area shall not exceed twenty (20) dwelling units per acre.

C. High: The overall density within the entire area of a PRC District that is designated for high density shall not exceed 60 persons per acre of gross residential area. Further, the density in any one high density area shall not exceed fifty (50) dwelling units per acre.

For the purposes of this district, density area shall mean a development unit within an area designated on the approved development plan for low, medium or high density.

4. In computing average density on any development plan, subsequent PRC plan or final plat of a part of a PRC District, any excess in land area over that required to support an average density of thirteen (13) persons per acre in any final plat previously recorded may be included. As each plan and subsequent final plat is submitted, the overall density

of all areas shown on recorded final plats within the PRC District shall be recomputed so that the average density within the recorded plats of sections of the PRC District shall never at any time in the history of the development exceed a density of thirteen (13) persons.

5. The provisions of Paragraphs 1, 3 and 4 above shall not apply to affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2 or to proffered bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

6-309 Open Space

All common open space lands shall be controlled by the provisions of Part 7 of Article 2.

6-310 Additional Regulations

1. Refer to Article 16 for the standards for all planned developments and development plan and PRC plan requirements.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401.

PART 4 6-400 PRM PLANNED RESIDENTIAL MIXED USE DISTRICT

6-401 Purpose and Intent

The PRM District is established to provide for high density, multiple family residential development, generally with a minimum density of 40 dwelling units per acre; for mixed use development consisting primarily of multiple family residential development, generally with a density of at least twenty (20) dwelling units per acre, with secondary office and/or other commercial uses. PRM Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, Community Business Centers, Commercial Revitalization Areas and Urban and Suburban Centers as well as developments located in Commercial Revitalization Districts. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, to encourage the use of Transportation Demand Management techniques, and to otherwise implement the stated purpose and intent of this Ordinance and the recommendations of the comprehensive plan.

To these ends, rezoning to and development under this district will be permitted only in accordance with development plans prepared and approved in accordance with the provisions of Article 16.

6-402 Principal Uses Permitted

The following principal uses are permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 406 below.

1. Continuing care facility.

2. Dwellings, multiple family.

3. Independent living facility.

4. Public uses.

6-403 Secondary Uses Permitted

The following secondary uses are permitted only in a PRM District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 406 below.

1. Accessory uses and home occupations as permitted by Article 10.

2. Affordable dwelling unit developments.

3. Automated teller machines.

4. Business service and supply service establishments.

5. Commercial and industrial uses of special impact (Category 5), limited to:

   A. Carryout restaurants

   B. Commercial recreation restaurants, limited by the provisions of Sect. 9-506

   C. Quick-service food stores

   D. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

6. Commercial recreation uses (Group 5), limited to:

   A. Billiard and pool halls

   B. Commercial swimming pools, tennis courts and similar courts

   C. Health clubs

   D. Indoor archery ranges, fencing and other similar indoor recreational uses

   E. Skating facilities

   F. Any other similar commercial recreation use

7. Craft beverage production establishments, limited by the provisions of Sect. 406 below.

8. Dwellings, single family attached.

9. Financial institutions.

10. Garment cleaning establishments.

11. Hotels, motels.

12. Institutional uses (Group 3), limited to:

   A. Churches, chapels, temples, synagogues and other such places of worship

   B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education

   C. Home child care facilities

13. Kennels, limited by the provisions of Sect. 406 below.

14. Light public utility uses (Category 1).

15. Offices.

16. Parking, commercial off-street, as a principal use.

17. Personal service establishments.

18. Quasi-public uses (Category 3), limited to:

    A. Adult day care center

    B. Child care centers and nursery schools

    C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education

    D. Colleges, universities

    E. Congregate living facilities

    F. Cultural centers, museums and similar facilities

    G. Independent living facilities

    H. Medical care facilities

    I. Private clubs and public benefit associations

    J. Private schools of general education

    K. Private schools of special education

19. Repair service establishments.

20. Restaurants.

21. Retail sales establishments.

22. Small-scale production establishments, limited by the provisions of Sect. 406 below.

23. Theatres.

24. Transportation facilities (Category 4), limited to:

    A. Bus or railroad stations

    B. Electrically-powered regional rail transit facilities

    C. Regional non-rail transit facilities

25. Vehicle transportation service establishments.

26. Veterinary hospitals, limited by the provisions of Sect. 406 below.

6-404 Special Permit Use

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 8 - Temporary Uses.

6-405 Special Exception Uses

1. Subject to the use limitations presented in Sect. 406 below, any use presented in Sect. 403 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

2. Category 3 – Quasi-Public Uses, limited to:

   A. Sports arenas, stadiums

3. Category 4 – Transportation Facilities, limited to:

   A. Heliports

   B. Helistops

6-406 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. It is encouraged that the final development plan be submitted and approved concurrently with the conceptual development plan for all or a portion of the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will integrate with the adjacent communities and complement existing and planned development by incorporating high standards of urban design. The conceptual and final development plan shall also be in general accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan.

3. The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development.

4. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.

5. When a use presented in Sect. 403 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

   When a use presented in Sect. 403 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 405 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

   In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

6. Secondary uses may be permitted only in a PRM District where at least fifty (50) percent of the total gross floor area in the development is devoted to multiple family dwellings.

   The floor area for dwellings shall be determined in accordance with the gross floor area definition, except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.

7. Drive-through facilities shall not be permitted.

8. Vehicle transportation service establishments shall be permitted in accordance with the following:

   A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

   B. There shall be no maintenance or refueling of vehicles on site.

   C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.

9. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include any possible parking reductions or alternate locations as may be permitted in Sect. 11-102. Any such parking reduction may be approved by the Board as part of a rezoning and/or special exception when it is demonstrated by the applicant and determined by the Board that any such reduction(s) meets all the applicable requirements of Sect. 11-102 and is/are in furtherance of the recommendations of the adopted comprehensive plan. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.

10. Signs shall be permitted in accordance with the provisions of Article 12.

11. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

12. All uses shall comply with the performance standards set forth in Article 14.

13. Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

14. Craft beverage production establishments are permitted only in accordance with the following:

    A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

    B. The establishment shall include an on-site tasting room.

    C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

    D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

15. A continuing care facility is permitted only in accordance with the following:

    A. The development of a continuing care facility and any secondary uses at the specified location must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The design of the facility, including the location, size, and height of buildings, and the nature and extent of screening, buffering, and landscaping should be compatible with the surrounding neighborhood.

    B. Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.

    C. All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

16. Small-scale production establishments are permitted in accordance with the following:

    A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area, unless modified by the Board in

conjunction with the approval of a development plan. This maximum does not preclude the location of more than one establishment per lot.

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

6-407 Lot Size Requirements

1. Minimum district size: Two (2) acres, provided the proposed development is in accordance with the adopted comprehensive plan and the purpose and intent and all of the standards and requirements of the PRM District.

2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a rezoning application or by the Planning Commission in conjunction with the approval of a subsequent final development plan amendment.

3. Minimum lot width: No requirement for each use or building.

6-408 Bulk Regulations

1. Maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16.

2. Maximum floor area ratio: 3.0. However, except in the McLean Commercial Revitalization District and Community Business Center, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center Area and/or Transit Station Area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in furtherance of the purpose and intent of this district.

   The maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate units provided in accordance with Part 8 of Article 2 and the floor area for proffered bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

3. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio for any rezoning to the PRM District approved by the Board after June 21, 2016, except when such cellar space:

   A. has a structural headroom of less than six (6) feet, six (6) inches and is specifically identified for mechanical equipment; or

   B. is specifically identified for storage and/or other uses that are accessory to the principal uses in the building; or

   C. is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; or

   D. is specifically identified to house an unmanned datacenter or other similar telecommunication or electronic equipment

6-409 Open Space

1. Not less than 20% of the gross area shall be landscaped open space, unless modified by the Board in accordance with the provisions of Sect. 9-612. Not more than one-half (1/2) of the minimum required landscaped open space shall be permitted above the street level, unless otherwise modified by the Board upon specific request.

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities in conjunction with approval of a final development plan. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of $1,900 per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or

B. The Board may approve the provision of the facilities on land which is not part of the subject PRM District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

6-410 Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

PART 5 6-500 PTC PLANNED TYSONS CORNER URBAN DISTRICT

6-501 Purpose and Intent

The PTC District is established for the Tysons Corner Urban Center as defined in the adopted comprehensive plan to implement the mix of uses, densities and intensities under the redevelopment option set forth in the adopted comprehensive plan. The PTC District regulations are designed to provide the necessary flexibility to transform the designated Tysons Corner Urban Center area from a suburban office park and activity center into an urban, mixed-use, transit, bicycle and pedestrian oriented community to promote high standards in urban design, layout and construction and to otherwise implement the stated purpose and intent of this Ordinance. To create mixed-use downtowns near mass transit, higher development intensities are to occur within approximately one half (½) mile of the four Metrorail Station entrances, identified as Transit Oriented Development (TOD) Districts in the adopted comprehensive plan. The remaining areas, the Non-Transit Oriented Development (Non-TOD) Districts, are to be developed into lively urban neighborhoods that include an appropriate mix of uses, densities and intensities that are compatible to adjacent communities. In both TOD and Non-TOD Districts, development should be designed in an integrated manner that will enhance the urban character. Smaller, freestanding structures are generally discouraged and shall only be considered when such use is designed in an urban form that creates or enhances an appropriate street edge and implements the stated purpose and intent of the district.

To be granted this zoning district, the applicant shall demonstrate the development furthers the vision of the Tysons Corner Urban Center, as identified in the adopted comprehensive plan, by meeting, at a minimum, the following objectives.

1. Contribute to a tiered intensity of development having the highest intensities located closest to the transit stations and provide the mix of residential, office and commercial uses necessary to achieve a vibrant, urban environment.

2. Contribute to the network of open space and urban parks, to include stream valley parks, pocket parks, common greens, civic plazas and athletic fields for the workers and residents of Tysons.

3. Promote environmental stewardship by implementing green building design; efficient, renewable and sustainable energy practices; incorporating low impact development strategies, such as innovative stormwater management and green roofs; and achieving the tree canopy goals for Tysons.

4. Further the implementation of the urban grid of streets and the described street hierarchy for Tysons.

5. Reduce the amount of single occupant vehicle trips by limiting the amount of provided parking, encouraging shared parking arrangements among uses, permitting the inclusion of managed tandem parking spaces, and implementing various Transportation Demand Management strategies, such as transit subsidies, carpool and vanpool services, employee shuttles, car-sharing programs and bicycle accommodations.

6. Contribute to the necessary public facilities to support the projected job and population growth, including schools, fire and police services, a library, public utilities, and an arts center.

7. Contribute to the specified streetscape and apply the urban design guidelines specified for build-to lines, building articulation, fenestration, ground floor transparency and parking design to create an integrated urban, pedestrian-friendly environment.

8. Contribute to implementing the workforce and affordable housing policies for Tysons to provide housing to various income levels.

To these ends, a development proposal within the Tysons Corner Urban Center that utilizes the redevelopment option as set forth in the adopted comprehensive plan shall only be considered by the Board in conjunction with a rezoning application to this district. Such rezoning to and development under this district will be permitted only in accordance with development plans prepared and approved in accordance with this Part and the provisions of Article 16.

6-502 Permitted Uses

The following uses are permitted subject to the approval of a final development plan prepared in accordance and the provisions of Article 16, and subject to the use limitations set forth in Sect. 505 below.

1. Accessory uses and home occupations as permitted by Article 10.

2. Affordable dwelling unit developments.

3. Automated teller machines.

4. Business service and supply service establishments.

5. Commercial and industrial uses of special impact (Category 5), limited to:

   A. Amusement arcades

   B. Car washes

   C. Carryout restaurants

   D. Drive-in financial institutions

   E. Drive-through pharmacies

   F. Funeral chapels

   G. Industrial/flex

   H. Pawnshops

I. Mini-warehousing establishments

J. Quick-service food stores

K. Restaurants with drive-through

L. Retail sales establishments-large, when located in a multiple story structure designed to contain at least one or more other permitted uses

M. Service stations

N. Service station/mini-marts

O. Vehicle light service establishments

P. Vehicle sale, rental and ancillary service establishments

6. Commercial recreation uses (Group 5), limited to:

A. Billiard and pool halls

B. Bowling alleys

C. Commercial swimming pools, tennis courts and similar courts

D. Dance halls

E. Health clubs

F. Indoor archery ranges, fencing and other similar indoor recreational uses

G. Miniature golf course

H. Skating facilities

I. Any other similar commercial recreation use

7. Community uses (Group 4).

8. Continuing care facility.

9. Contractor's offices and shops.

10. Craft beverage production establishments.

11. Dwellings, including multiple family, single family attached and detached.

12. Establishments for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products and associated retail sales; however, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 shall not be permitted.

13. Establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.

14. Exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations.

15. Financial institutions.

16. Garment cleaning establishments.

17. Hotels, motels.

18. Institutional uses (Group 3).

19. Kennels (indoors).

20. Light public utility uses (Category 1).

21. New vehicle storage.

22. Offices.

23. Parking, commercial off-street, as a principal use.

24. Personal service establishments.

25. Public uses.

26. Quasi-public uses (Category 3), limited to:

    A. Adult day care center

    B. Alternate uses of public facilities

    C. Child care centers and nursery schools

    D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education

    E. Colleges, universities

    F. Conference centers and retreat houses, operated by a religious or nonprofit organization

G. Congregate living facilities

H. Cultural centers, museums and similar facilities

I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning

J. Independent living facilities

K. Medical care facilities

L. Private clubs and public benefit associations

M. Private schools of general education

N. Private schools of special education

O. Quasi-public parks, playgrounds, athletic fields and related facilities

27. Repair service establishments.

28. Restaurants.

29. Retail sales establishments.

30. Theatres.

31. Transportation facilities (Category 4), limited to:

A. Bus or railroad stations

B. Electrically-powered regional rail transit facilities

C. Regional non-rail transit facilities

32. Vehicle transportation service establishments.

33. Veterinary hospitals.

34. Legally established uses existing at the time of rezoning to the PTC District, limited by the provisions of Sect. 505 below.

6-503 Special Permit Uses

1. For specific Group uses, regulations and standards, refer to Article 8.

2. Group 8 – Temporary Uses

3. Group 9 – Uses Requiring Special Regulation, limited to:

   A. Home professional offices

   B. Accessory dwelling units

6-504 Special Exception Uses

1. Subject to the use limitations presented in Sect. 505 below, any use presented in Sect. 502 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.

2. The following uses shall only be permitted with the approval of a special exception:

   A. Category 3 – Quasi-Public Uses, limited to:

      (1) Sports arenas, stadiums

   B. Category 4 – Transportation Facilities, limited to:

      (1) Heliports

      (2) Helistops

   C. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval, limited to:

      (1) Increase in parking in the PTC District

      (2) Increase in FAR in the PTC District

6-505 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16 and the objectives set forth in Sect. 501 above.

2. It is encouraged that the final development plan be submitted and approved concurrently with the conceptual development plan for all or a portion of the proposed development. The proposed development shall provide integrated site and building designs primarily incorporating a mix of uses within multiple story structures that will complement existing and planned development by incorporating high standards of urban design; shall be in accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan. To ensure consistency with the urban design guidelines for the Tysons Corner Urban Center, detailed streetscape, landscaping and building design plans, to include the location and height of rooftop features and amenities and the designation of the build-to lines, a phasing plan, if applicable, and a parking plan shall all accompany an application for a rezoning to the PTC District pursuant to Part 5 of Article 16.

3. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.

4. When a use presented in Sect. 502 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

   When a use presented in Sect. 502 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 504 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable, and the use limitations set forth in this Section. In the event a special exception or special permit standard conflicts with a use limitation of this Section, the use limitation of this Section shall apply. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

   All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

   In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

5. Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of the gross floor area and shall be included in the calculation of the floor area ratio, except that space used for mechanical equipment with structural headroom of less than six (6) feet, six (6) inches; and that area that is specifically identified and used for storage and/or for accessory uses and/or is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; and that area specifically identified and used for primarily an unmanned datacenter or other similar mechanical, telecommunication or electronic equipment.

6. The floor area for dwellings shall be determined in accordance with the gross floor area definition, as modified above; however, the following features associated with dwellings shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways that may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.

7. All uses shall be conducted entirely within an enclosed building with no outside storage, except those uses that by their nature must be conducted outside a building. Outdoor display and outdoor seating associated with a permitted use may be permitted when such areas are designated on an approved final development plan.

8. It is intended that all uses and structures shall be designed in an integrated manner. Small-scale structures containing one or more uses shall only be permitted when the applicant has demonstrated that such development meets the urban design guidelines set forth in the adopted comprehensive plan. However, as part of a long-term phased development proposal and to assist in maintaining the economic viability of the Tysons Corner Urban Center, when proposed as an interim use, uses and/or structures that legally exist at the time of the rezoning to the PTC District may be continued, including any drive-through facility. New uses and/or structures as interim uses may also be permitted, even though such interim structures do not fully satisfy the urban design guidelines. All interim uses shall be specifically identified on an approved conceptual development plan, subject to the following:

   A. The interim use and/or structure, the intended duration of the interim use/structure, and how the interim use/structure fits into the phasing plan shall be identified in the phasing plan. The applicant shall demonstrate that the interim use and/or structure will not adversely impact the ability to achieve the objectives set forth in Sect. 501 above.

   B. For existing uses and structures, to the extent feasible, design elements set forth in the urban design guidelines of the adopted comprehensive plan, such as enhanced streetscape and improvements to pedestrian and vehicular access should be provided. New uses and/or structures, to the extent feasible, shall be designed in accordance with the urban design guidelines including streetscape, build-to lines and building articulation.

   C. All off-street parking, loading and stacking spaces for existing uses, shall be included as part of the parking plan pursuant to Sect. 509 below. Notwithstanding the provisions of Sect. 509, existing surface parking may be retained, provided such parking is redesigned, to the extent feasible, to minimize pedestrian conflicts by limiting the number of curb cuts; to provide clearly identified pedestrian access through the parking lot; and to provide appropriate interior and perimeter landscaping and screening to minimize the potential adverse impacts on adjacent property. Additionally, new interim surface parking may be provided when the above-noted standards are satisfied and when such surface parking is designed to orient parking, loading and drive aisles to the rear and side of the structure.

   D. In addition, the Board may impose such conditions and restrictions as it deems necessary to assure that the interim use and/or structure will be compatible with and will not adversely impact the ability to achieve the goals and objectives set forth in the adopted comprehensive plan.

9. Service stations, service station/mini-marts and vehicle light service establishments may be permitted when specifically identified on an approved final development plan and in accordance with the following:

   A. All vehicle repair and service shall occur within a completely enclosed structure; and

   B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale. In addition, no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours and there shall be no more than two (2) such vehicles on site at any one time.

10. Car washes, drive-in financial institutions, drive-through pharmacies or any other use with a drive-through facility may only be permitted when specifically identified on an approved final development plan and such use including any drive-through facility and stacking spaces is located within a multiple story building or parking structure.

11. Drive-through facilities other than those permitted under Paragraphs 8 and 10 above shall not be permitted.

12. Kennels and veterinary hospitals shall be located within a completely enclosed building that is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

13. Vehicle transportation service establishments may be permitted in accordance with the following:

    A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).

    B. There shall be no maintenance or refueling of vehicles on site.

    C. The use shall be subject to the transitional screening and barrier requirements as provided in Sect. 510 below.

14. Vehicle sale, rental and ancillary service establishments shall only be permitted when specifically identified on an approved final development plan and provided there shall be no outside display of vehicles. All vehicle storage shall occur within a parking garage or enclosed building, and any ancillary service establishment use shall occur within a completely enclosed structure.

15. New vehicle storage is permitted when located within a parking structure as a temporary use and only in accordance with the following:

    A. The owner shall demonstrate to the Zoning Administrator that existing parking spaces are available for new vehicle storage due to phasing of the development or tenant vacancies within the building. The Zoning Administrator shall review and determine if such use is in substantial conformance with the approved final development plan as provided for in Sect. 16-403 and the approved parking plan as provided in accordance with Sect. 509 below.

    B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

    C. No signs are allowed for the use or its associated vehicle, sale, rental and ancillary service establishment.

16. A mini-warehousing establishment shall only be permitted when specifically identified on an approved final development plan and in accordance with the following:

A. Loading and unloading areas shall be fully enclosed to minimize the potential for adverse impacts within the development or on adjacent property. All other activities associated with the use shall be conducted completely indoors in a multiple story structure.

B. The design of the storage structure shall be office-like in appearance and harmonious in color and design with that of the surrounding development so to minimize any adverse visual impact.

C. No individual storage bay doors, storage items, or lighted hallways located along the lengths of the building facades shall be visible from the outside of the storage structure.

D. The site shall be designed to facilitate safe and efficient on-site circulation and parking.

E. There shall be no incidental parking or storage of trucks, trailers, and/or moving vans except for purposes of loading and unloading. There shall be no truck, trailer, and/or van rentals conducted from the site.

F. All signage shall be in scale and harmony with the surrounding development so as not to detract from the urban character of the area.

17. Contractor's offices and shops and all associated operations and activities, including storage of materials and company vehicles shall only be permitted when contained within a building or parking structure.

18. Signs shall be permitted in accordance with the provisions of Article 12 and it is encouraged that the comprehensive sign plan option be utilized; however, in all instances, signs shall be harmonious in color and design throughout the development and shall not detract from the urban character.

19. All uses shall comply with the performance standards set forth in Article 14.

20. Craft beverage production establishments are permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking must be provided in accordance with the requirements of Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

21. A continuing care facility is permitted only in accordance with the following:

A. The development of a continuing care facility and any secondary uses at the specified location must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The design of the facility, including the location, size, and height of buildings, and the nature and extent of screening, buffering, and landscaping should be compatible with the surrounding neighborhood.

B. Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.

C. All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

6-506 Lot Size Requirements

1. Minimum District Size: Ten (10) acres, which may be waived by the Board if the development proposal is in conformance with the adopted comprehensive plan.

2. Minimum lot area: No requirement for each use or building.

3. Minimum lot width: No requirement for each use or building.

6-507 Bulk Regulations

1. Maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16.

2. Maximum floor area ratio (FAR):

A. Within the TOD District up to one-fourth (1/4) mile from a Metrorail Station entrance:

(1) For office uses: 2.5 FAR, exclusive of any bonus intensity obtained for proffered public facilities and/or public infrastructure, as set forth in the adopted comprehensive plan; however, an increase in FAR may be permitted by the Board in accordance with the provisions of Sect. 9-629.

(2) For residential and all other uses except office: No maximum FAR when the proposed development is implementing the site-specific development guidelines and recommendations of the comprehensive plan, including design, mix of uses and scale of the proposed development, and only when the appropriate measures are proposed and/or in place to adequately mitigate the anticipated transportation impacts of the proposed development.

B. Within the TOD District beyond one-fourth (1/4) mile from a Metrorail Station entrance and the Non-TOD District: 2.5 FAR, or as further qualified in the adopted comprehensive plan, exclusive of the floor area for affordable and bonus market rate units provided in accordance with Part 8 of Article 2; the floor area

for proffered bonus market rate units and/or bonus floor area, either of which is associated with the provision of workforce dwelling units as applicable; and, any bonus density or intensity obtained for proffered public facilities and/or public infrastructure, all as set forth in the adopted comprehensive plan. However; for those properties within the TOD District beyond the one-fourth (1/4) mile and proposed for residential mixed use development as defined in the adopted comprehensive plan, the FARs set forth in Par. A above may be applied provided that the applicant demonstrates to the Board's satisfaction that there is acceptable pedestrian access to the Metrorail Station; that the proposed FAR can not be achieved with the inclusion of bonuses for affordable housing or public facilities; and that the property is adjacent to or redeveloping in coordination with property that is located within one-fourth (1/4) mile from a Metrorail Station entrance.

6-508 Open Space

1. The amount of open space, provided on-site or off-site including publicly accessible parks, and other open space elements such as courtyards, plazas, trails, outdoor recreational facilities, landscaped rooftops, courtyards on structures, green roofs, or any rooftop recreational facilities, shall be determined by the Board in accordance with the adopted comprehensive plan recommendations for streetscape and urban park standards. Not more than one-half of the publicly accessible open space shall be accommodated above the street level, unless otherwise modified by the Board for the purposes of accommodating active recreation facilities.

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities in conjunction with approval of a final development plan. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of $1,900 per dwelling unit for such facilities and either:

   A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan; and/or

   B. The Board may approve the provision of the facilities on land which is not part of the subject PTC District.

   Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

6-509 Off-Street Parking and Loading

1. Notwithstanding the provisions of Article 11, the number of off-street parking and loading spaces provided for the development in the PTC District shall be established with the approval of a parking plan, which plan shall accompany an application for rezoning to the PTC District. At a minimum, the parking plan shall identify the appropriate parking rates as set forth below; and include the number and general location of all off-street parking, loading, and stacking spaces; the general location of all ingress/egress points to all parking facilities; a statement regarding how the proposed number of loading spaces is adequate to serve the proposed uses within the development; a justification of shared parking arrangements among uses when a reduction from the minimum parking requirements, if applicable, for such uses is proposed; a description of any planned valet

parking, tandem parking, and/or shuttle arrangements that will be implemented for the proposed use(s) and how such spaces or shuttles will be managed; and a statement regarding how the proposed number of parking spaces addresses the goals of the Tysons Corner Urban Center, particularly with regard to achievement of the TDM goals set forth in the adopted comprehensive plan. Where parking is to be provided in phases in accordance with a phased development proposal, the parking plan shall provide the information set forth above for each proposed phase. In addition, a parking plan shall be developed in accordance with the following provided, however, the Board may reduce the minimum off-street parking requirements when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Tysons Corner Urban Center:

A. The amount of off-street parking for single family attached, multiple family, hotel/motel and office uses shall be based on the minimum (min.) and maximum (max.) spaces per unit or spaces per thousand (1000) square feet (sq. ft.) of gross floor area (gfa) as follows:

Min. and Max. Off-Street Parking Spaces per Unit or Spaces per 1000 sq. ft. of GFA

	Per Unit or 1000 square feet of gfa	< 1/8 mile to Metro Station Entrance* (TOD District)		1/8 - 1/4 mile to Metro Station Entrance* (TOD District)		>1/4 - 1/2 mile to Metro Station Entrance* (TOD District)		Non-TOD Districts	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Single Family Attached	Space(s) per unit	1.75	2.2	1.75	2.2	2.0	2.5	2.0	2.7
Multiple Family:									
0-1 bedroom		1.0	1.3	1.0	1.3	1.1	1.4	1.1	1.4
2 bedroom		1.0	1.6	1.0	1.6	1.35	1.7	1.35	1.7
3+ bedroom		1.0	1.9	1.0	1.9	1.6	2.0	1.6	2.0
Hotel/Motel		none	1.0	none	1.0	none	1.05	.85	1.08
Office	Spaces per 1000 sq. ft. of gfa	none	1.6	none	2.0	none	2.2	2.0	2.4

* As set forth in the adopted comprehensive plan

B. For uses not specifically listed above, the minimum parking space requirement set forth in Sections 11-103, 11-104, 11-105 and 11-106 shall apply as follows:

(1) In the TOD Districts, no minimum number of parking spaces are required and the rates set forth in such Sections serve as the maximum number of parking spaces permitted. In a multiple story structure, the first 5,000 square feet of gross floor area located on the ground or street level for the following uses are not included in the calculation of required parking: retail, personal/business services, quick service food store, restaurant, carryout restaurant and/or restaurant with drive-through.

(2) In the Non-TOD Districts, the minimum number of parking spaces required shall be based on seventy-five percent (75%) of the specified rates set forth in such Sections and the maximum number of parking spaces permitted shall be based on one hundred ten percent (110%) of such specified parking rates.

C. The applicant shall demonstrate to the Board's satisfaction that the number of off-street parking spaces is not in excess of the transportation demand management (TDM) goals identified in the adopted comprehensive plan and shall satisfy such TDM goals in a manner acceptable to the Department of Transportation.

D. In a phased development proposal, the Board may approve the provision of parking for later phases of the development in an earlier phase when it is demonstrated that such additional parking in the early phase(s) is necessary due to construction requirements or in furtherance of the objectives of the adopted comprehensive plan. Additionally, when an existing use is proposed to be retained as an interim use, the parking accessory to such interim uses shall generally conform to the rates set forth above. In all cases set forth above, parking at the build-out phase of the development shall conform to the total number of spaces approved for the entire development.

2. It is intended that a substantial portion of the provided parking and loading spaces should be provided in above and/or below grade parking structures.

3. In determining the number of loading spaces provided, the provisions of Sect. 11-203, Off-Street Loading, shall be used as a guide.

4. Subsequent to an approved parking plan, no additional parking shall be required for a change in use, provided the mix of uses is in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

5. Parking approved by the Board pursuant to such parking plan may be provided on the lot that contains the use for which the parking is accessory or on a different lot from such use. When provided on a different lot that is not under the same ownership as the lot that contains the use for which the parking is accessory, the applicant shall submit evidence that the right to use or develop such parking has been granted by such owner(s) to ensure the permanent availability of such spaces. Additionally, tandem, valet and shuttle parking may be permitted as part of an approved parking plan, pursuant to this Section.

6-510 Additional Regulations

1. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit; however, no such plan shall be approved by the Director until the rezoning, special exception or special permit application has been approved by the Board. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

2. Refer to Article 16 for standards and development plan requirements for all planned developments.

3. Refer to Article 2, General Regulations, for provisions that may qualify or supplement the regulations presented above.

4. The landscaping and screening requirements of Article 13 shall apply as follows:

   A. Part 1, General Provisions, shall be applicable.

   B. Part 2, Parking Lot Landscaping, shall apply except where streetscape standards are set forth in the adopted comprehensive plan.

   C. Part 3, Transitional Screening and Barriers, shall only apply at the peripheral boundary of the Tysons Corner Urban Center, as identified in the adopted comprehensive plan.

PART 6 6-600 PCC PLANNED CONTINUING CARE FACILITY DISTRICT

6-601 Purpose and Intent of the District

The Planned Continuing Care Facility (PCC) District is intended to provide for the development of a continuing care facility in furtherance of the provisions of Section 15.2-2223(C) of the Code of Virginia regarding the designation of community service facilities as part of the comprehensive plan. A continuing care facility offers accommodation choices, medical care services, and assistance with activities of daily living in varying levels and combinations and includes full-time, on-site supervision and administration and may include other appropriate secondary uses. This district must provide for a mix of accommodation styles and services that facilitates the opportunity to age-in-place within the development and facilitates movement between levels of support as care needs change, including, at a minimum, the provision of meals, recreational opportunities, health care services, and personal services. The district may be established in an area that is planned for; institutional, residential, mixed use, or commercial development; or where the comprehensive plan guidance would otherwise permit the establishment of an independent living facility, assisted living facility, or other medical care facility.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with Article 16.

6-602 Principal Uses Permitted

The following principal uses are permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 606 below.

1. Continuing care facility.

2. Public uses.

6-603 Secondary Uses Permitted

The following secondary uses may be permitted by the Board in a PCC District when they are of a scale and in a location designed to serve persons within the continuing care facility or, where supported by the recommendations of the comprehensive plan, to serve people and uses in areas near the facility:

A. Accessory uses, accessory service uses, and home occupations as permitted by Article 10.

B. Affordable Dwelling Units or Workforce Dwelling Units, subject to the provisions of Sect 606, below.

C. Automated teller machines.

D. Business service and supply service establishments.

E. Columbarium or mausoleum for human or animal interment.

F. Commercial and industrial uses of special impact (Category 5), limited to:

1. Carryout restaurants
2. Drive-in financial institutions
3. Drive-through pharmacies
4. Funeral chapel
5. Hotels, motels
6. Kennels, limited by the provisions of Sect. 606 below
7. Offices
8. Quick-service food stores
9. Theaters
10. Retail sales establishments
11. Restaurants
12. Restaurants with drive-through
13. Veterinary hospital, limited by the provisions of Sect. 606 below

H. Commercial recreation uses (Group 5), limited to:

1. Bowling alleys
2. Commercial swimming pools, tennis courts and similar courts
3. Dance halls
4. Health clubs
5. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses

I. Community uses (Group 4).

J. Financial institutions.

K. Garment cleaning establishments.

L. Institutional uses (Group 3), limited to churches, chapels, temples, synagogues and other places of worship.

M. Personal service establishments.

N. Quasi-public uses (Category 3), limited to:

1. Adult day care centers

2. Congregate living facilities

3. Cultural centers, museums and similar facilities

4. Private clubs and public benefit associations

5. Private schools of special education

6. Quasi-public parks, playgrounds, athletic fields and related facilities

O. Repair service establishments.

P. Temporary Uses (Group 8).

Q. Transportation facilities (Category 4), limited to bus stations.

6-604 Special Permit Uses

Subject to the standards and limitations set forth in Article 8, any Group 8 - Temporary Uses may be permitted with the approval of a temporary special permit.

6-605 Special Exception Uses

Subject to the use limitations presented in Sect. 606 below, any use presented in Sect. 603 above as a Group or Category use may be permitted with the approval of a special exception when the use is not specifically designated on an approved final development plan.

6-606 Use Limitations

1. A continuing care facility must be located on a major thoroughfare or collector street and where adequate water and sewer service can be provided.

2. All developments must conform to the standards set forth in Part 1 of Article 16 and the objectives of Sect. 601, above.

3. No Non-Residential Use Permit for a secondary use will be granted until a Non-Residential Use Permit for the continuing care facility has been approved. All secondary uses, except accessory uses permitted by Article 10, must be shown on an approved final development plan prepared in accordance with the provisions of Article 16.

4. Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.

5. When a use presented in Sect. 603 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 will be used as a guide. For any use presented for special exception approval, if the use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment is required.

6. All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

7. Any kennel and veterinary hospital within a continuing care facility must be located within a completely enclosed building. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

8. A drive-through pharmacy is permitted in association with a continuing care facility when designed to facilitate safe and efficient on-site vehicular and pedestrian circulation. Adequate parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

9. Development of a continuing care facility and any secondary uses must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The design of the facility, including the location, size, and height of buildings, and the nature and extent of screening, buffering, and landscaping should be compatible with the surrounding neighborhood.

6-607 Lot Size Requirements

1. Minimum district size: 5 acres, except where modified by the Board. In modifying the minimum district size, the Board should consider the pattern of development of adjacent parcels, the ability to integrate the proposed development into the surrounding developments, comprehensive plan recommendations allowing higher maximum height limits, or other factors that demonstrate that the proposed level of development on a lot of less than five acres furthers the purpose and intent of these zoning provisions and of the recommendations in the adopted comprehensive plan.

2. Minimum lot area: No requirement.

3. Minimum lot width: No requirement.

6-608 Bulk Regulations

1. Maximum building height: Except where modified by the Board to ensure and facilitate neighborhood compatibility:

   A. 75 feet – for all developments that abut property zoned RA through R-8 or

properties that are planned for a residential density of not more than eight dwelling units per acre.

B. 100 feet – for all other developments.

2. Minimum yard requirements: controlled by the standards set forth in Part 1 of Article 16, except that at all peripheral boundaries, the minimum yards are:

A. 50 feet - where the development abuts or is across a street from an area planned for residential density of not more than eight dwelling units per acre.

B. 30 feet - where the development abuts or is across a street from an area planned for residential density greater than eight dwelling units per acre or any commercial, office or industrial use.

3. Maximum floor area ratio (FAR): Based on the land use recommendation in the comprehensive plan for a continuing care facility or on the land use recommendation for other uses, as modified in the table below, whichever is greater. In all cases, any gross floor area attributable to any Affordable Dwelling Units or Workforce Dwelling Units constructed on-site is excluded from the maximum FAR noted in the table below:

Comprehensive Plan Land Use Recommendation	**Comprehensive Plan Density/Intensity Recommendation (dwelling units/acre or FAR)**	**Maximum FAR for PCC District**
Residential Use when specified in terms of Dwelling Units Per Acre (du/ac)	≥ 1 du/ac to ≤ 2 du/ac	0.40 FAR
	> 2 du/ac to ≤ 5 du/ac	0.65 FAR
	> 5 du/ac to ≤ 12 du/ac	0.80 FAR
	> 16 du/ac to ≤ 30 du/ac	1.00 FAR
	> 30 du/ac	1.25 FAR
Institutional, Office, Retail, Mixed Use, Residential, or any other use, excluding Industrial, when specified in terms of Floor Area Ratio (FAR)	All intensity recommendations specified in FAR	Plan maximum plus 25%

4. All cellar space is counted as part of the gross floor area and must be included in the calculation of the floor area ratio for any rezoning to the PCC District, except when such cellar space:

A. Has a structural headroom of less than six feet, six inches and is specifically identified for mechanical equipment; or

B. Is specifically identified for storage, a commercial kitchen, laundry facilities, or other uses that are accessory to the principal uses in the building; or

C. Is specifically identified as a loading space, including any associated travel way providing access to the space, as well as the loading dock utilized for the temporary loading and unloading of goods; or

D. Is specifically identified to house an unmanned datacenter or other similar telecommunication or electronic equipment.

6-609 Open Space

A minimum of 20 percent of the gross land area must be open space, except as may be modified by the Board when the modification would:

1. Further the intent of the Ordinance, comprehensive plan or other design guidelines endorsed by the Board; and

2. Result in a development that is harmonious with adjacent development; and

3. Satisfy the provisions of Article 13.

6-610 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions that may qualify or supplement the regulations presented above.

2. Refer to Article 11, Off-Street Parking and Loading, Private Streets; Article 12, Signs; and Article 13, Landscaping and Screening, for additional regulations applicable to uses in this district.

3. Refer to Article 16 for standards and development plan requirements for all planned developments.

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ARTICLE 7

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

PART 1 7-100 OVERLAY AND COMMERCIAL REVITALIZATION DISTRICTS IN GENERAL

7-101 Purpose and Intent

The districts presented in this Article 7 are created for the purpose of providing for special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each district. These districts shall be in addition to, and shall overlap and overlay, all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay or commercial revitalization district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

7-102 Establishment

In general, districts as provided for in this Article and amendments thereto shall be established in the same manner and by the same procedures set forth in Article 18 for other zoning districts provided for by this Ordinance, unless such procedures are qualified by the provisions of a particular district as set forth in this Article.

PART 2 7-200 HISTORIC OVERLAY DISTRICTS

7-201 Purpose and Intent

Historic Overlay Districts are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas that have special historical, cultural, architectural, or archaeological significance as provided by Sect. 15.2-2306 of the Code of Virginia, as amended and which have been officially designated by the Board of Supervisors.

Regulations within such districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation and improvement in accordance with the following purposes:

1. To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.

2. To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.

3. To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.

4. To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.

5. To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.

6. To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.

7. To ensure that new development within the district is appropriate and that new structures are well designed.

7-202 District Boundaries

1. The boundaries of a Historic Overlay District approved after December 6, 1994 shall be based on an analysis that determines and describes the characteristics of the area that is to be preserved and enhanced and shall in general be drawn to include, as appropriate:

   A. One or more properties that form the district core and can be characterized as follows:

      (1) A property or properties within or about which historic events have occurred, or

(2) A property or properties that are themselves heritage resources or contain noted heritage resources, or

(3) A property or properties that have special cultural or associational value to the public, or

(4) A property or properties that have been identified as having particular archaeological significance.

B. One or more properties that are peripheral to the district core which may or may not possess significant historic merit individually and which are characterized as follows:

(1) A property or properties that are visually or historically related to the district core identified in Par. 1A above, or

(2) A property or properties that reflect the historic pattern of development of the district, or

(3) A property or properties that relate to the social or economic character or architectural or archaeological interest of the district.

C. Lands closely related to and bearing upon the visual character of the district core and that contribute to the historic context of the district.

7-203 Establishment of Districts

1. To establish a Historic Overlay District, the Board of Supervisors shall determine that such district possesses historic, architectural, archaeological, or cultural significance. Such significance may be present in districts, sites, structures, or objects that possess integrity of location, design, setting, materials, workmanship, and association. To be determined as having such significance the property or properties comprising a Historic Overlay District must meet one or more of the following criteria:

A. Have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation.

B. Be the site of a significant historical event.

C. Be identified with a person or group of persons who influenced society.

D. Exemplify the cultural, economic, social, political, or historic heritage of the County or its communities.

E. Embody the distinctive characteristics of a type, period, or method of design or construction.

F. Represent the work of a master craftsman, architect, designer, or builder.

G. Possess high artistic values.

H. Represent a significant and distinguishable entity whose components may lack individual distinction.

I. Represent an established and familiar visual feature of the neighborhood, community or County due to its singular man-made or natural characteristics or features.

J. Have yielded, or may be likely to yield, archaeological information important in history or prehistory.

2. A request to establish or revise a Historic Overlay District may be proposed in accordance with Sect. 18-201 or by the Architectural Review Board (ARB), as established by the provisions of Article 19, and/or the Fairfax County History Commission and shall be generally subject to the provisions of Part 2 of Article 18. A request by the ARB or the History Commission shall be forwarded to the Planning Commission or the Board of Supervisors and, upon receipt, the Planning Commission or Board of Supervisors may initiate an amendment to the Ordinance.

3. The Department of Planning and Development, in cooperation with the ARB and the Fairfax County History Commission, shall prepare and submit a report to the Planning Commission and Board of Supervisors evaluating the proposal to establish or amend a Historic Overlay District. Such report shall identify the Historic Overlay District boundaries as well as the historic, architectural, archaeological, or cultural significance of buildings, structures, or sites to be protected, and describe present trends, conditions and desirable public objectives for preservation. In addition, such report shall include the following specific information:

A. An analysis of current conditions including ownership, existing and planned land use, existing zoning, access and existing structures by period of construction, architectural style, condition and matters relating to site conditions, such as building location, location of yards and other open spaces, access to interior of lots, and off-street parking provided.

B. A description of individual structures and premises of substantial public interest, with maps, photographs and other data indicating the public importance of their preservation and the particular features to be preserved. These shall be identified as historic or contributing properties and noted as such in the report.

C. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs and other data indicating the reasons for such an effect.

D. An analysis of the extent and historic significance of identified archaeological sites including general location maps, photographs and other data indicating the public importance of a particular site.

E. The boundaries of the proposed Historic Overlay District and the location of the district core and all historic and contributing properties shall be shown on current

Fairfax County Zoning Map Section Sheets at a scale of one inch equals five hundred feet (1" = 500') and a listing of the related tax map reference numbers shall be provided.

F. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth in this Ordinance, which detailed regulations may include those pertaining to permitted and prohibited principal and accessory uses and structures, use limitations, bulk regulations, lot size requirements, performance standards, off-street parking and loading requirements, control of signs and exterior illumination, landscaping and screening, control of exterior character of buildings and sites when visible from a public way only, and control of, additions to, or removal of existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures or sites to be preserved.

The report for a request to revise an existing Historic Overlay District may contain all or part of the information set forth above as deemed appropriate by the Department of Planning and Development in conjunction with the ARB and the Fairfax County History Commission.

4. If the Board of Supervisors establishes a Historic Overlay District by adoption of an amendment to this Ordinance, its action shall include a declaration that the buildings, structures, or sites to be preserved are in fact of historical, architectural, archaeological, or cultural significance requiring protection against destruction and encroachment. Such action shall amend the Zoning Map by placing said historic district thereon, overlaying the existing zoning district(s). In taking such action, the Board shall identify, where applicable, historic and contributing properties. Such action shall also include adoption, in the manner provided by general law, of such regulations and development policies as may be deemed necessary by the Board of Supervisors. Upon adoption, such regulations for a given historic district, which shall supplement or modify the regulations for the underlying district(s), shall be presented as an appendix to the Zoning Ordinance. Such appendix shall be incorporated as part of this Ordinance by reference as if it were completely presented herein.

7-204 Administration of Historic Overlay District Regulations

Once established, Historic Overlay Districts are subject to administrative procedures for the enforcement of such regulations as provided in this section.

1. All applications for rezoning, special exception, special permit, variance, sign permits, building permits, as qualified below, and all site plans, sports illumination plans, subdivision plats, grading plans, and applications for any new utility distribution or transmission poles 50-feet or lower in height ("new utility or transmission poles") and their associated facilities, as qualified below, must be referred to the ARB for its review and recommendation or decision in accordance with the provisions of this Part.

2. The ARB review and recommendation on applications for a rezoning, special exception, special permit, variance and for site plans, sports illumination plans, subdivision plats and grading plans must include consideration of the potential impact of the proposal on

the historical, architectural, or archaeological significance of the district and, but not limited to, the following:

A. The impact of the proposed use, regarding the intensity, density, or scale of development on existing conditions in the district;

B. Any change to the visual character of the district including views to and from historic and contributing properties;

C. The location of buildings or structures, streets or parking areas, and planting or landscape features;

D. Any change to existing grades, drainage patterns, landscaping or similar features as a result of permanent or temporary site construction activities;

E. Any change to non-structural site elements, such as vehicular access, yard requirements or utility easements, that may affect the historic character of the district.

3. ARB approval shall be required prior to the issuance of Building Permits by the Director and approval of sign permits by the Zoning Administrator, and the ARB may review and provide a recommendation regarding applications for a new utility or transmission poles or their associated facilities, in accordance with the following:

A. Building Permits for the erection, construction, reconstruction, or exterior rehabilitation, remodeling, alteration or restoration of any building or structure in a Historic Overlay District, except as qualified in Par. 4 below;

B. Building Permits for the demolition, razing, relocation, or moving of any building or structure in a Historic Overlay District; and

C. Sign Permits for the erection, alteration, refacing or relocation of any sign in a Historic Overlay District.

D. Zoning Permits or Zoning Approvals for the installation of any new utility or transmission poles or their associated facilities located on, adjacent to, or visible from a major thoroughfare, historic byway, road listed or determined to be eligible for listing in the National Register, or a contributing or historic property in a Historic Overlay District. The ARB will recommend approval or denial of any permit application no later than 45 days after a complete application is filed with the Department of Planning and Development. If such recommendation is not rendered within that time, the Zoning Administrator may consider the recommendation of the ARB in making the final decision on the permit, provided that the recommendation is made within any applicable deadline under local, state, or federal law for action on such permit application.

4. ARB approval shall not be required prior to issuance of Building Permits by the Director for the following:

A. Building Permits for the interior alteration of any building or structure; or

B. Building Permits for additions to buildings and structures or for accessory structures when such proposed development is neither adjacent to nor visible from a major thoroughfare, historic byway, road listed or determined to be eligible for listing in the National Register, or a contributing or historic property; or

C. Building Permits for re-roofing and re-siding of non-contributing buildings or structures, when the replacement roofing or siding is similar in color, material and texture to that which is being replaced; or

D. Building Permits for signs which have been previously approved by the ARB during review of the sign permit application.

5. ARB procedures for the review of Building Permits, sign permits, applications for new utility or transmission poles or their associated facilities ("utility facility application"), as required by Par. 3 above, must be in accordance with the following:

A. The applicant must forward to the ARB copies of the Building Permit, sign permit utility facility application, including any accompanying materials filed with such application;

B. The ARB may request any or all of the information set forth in Par. 6 below to assist in its review of an application;

C. In reviewing applications, the ARB must not make any requirements except for the purpose of preventing developments architecturally incompatible with the historic aspects of the Historic Overlay District. The ARB will consider the following in determining the appropriateness of architectural features:

(1) The exterior architectural features, including all signs, which are visible from a public right-of-way or contributing or historic property;

(2) The general design, size, arrangement, texture, material, color and fenestration of the proposed building, structure, or utility facility and the relation of such factors to similar features of historic or contributing buildings or structures within the Historic Overlay District;

(3) The extent to which the building, structure, utility facility, or sign would be harmonious with or architecturally incompatible with historic or contributing buildings or structures within the district;

(4) The extent to which the building or structure will preserve or protect historic places and areas of historic significance in the County;

(5) The extent to which the building or structure will promote the general welfare of the County and all citizens by the preservation and protection of historic places and areas of historic interest in the County.

D. In reviewing an application for a Building Permit to raze or demolish a building or structure, the ARB shall review the circumstances and the condition of the

structure or part proposed for demolition and make its determination based on consideration of any or all of the following criteria:

(1) Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?

(2) Is the building of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?

(3) Would retention of the building help preserve and protect a historic place or area of historic interest in the County?

(4) Does the building or structure contribute to the significance of the district?

E. In reviewing an application for a Building Permit to move or relocate a building or structure, the ARB shall consider the following criteria:

(1) Would the proposed relocation have a detrimental effect on the structural soundness of the building or structure?

(2) Would the proposed relocation have a detrimental effect on the historical aspects of other historic or contributing properties in the Historic Overlay District?

(3) Would relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the structure or building?

(4) Would relocation of the building help preserve and protect a historic place or area of historic interest in the County?

(5) Does the building or structure contribute to the significance of the district?

F. The ARB, on the basis of the information received from the applicant and from its general background and knowledge, and upon application of the appropriate criteria
set forth in this Par. 5 and Par. 7 below shall approve, approve with modifications, or disapprove the application. If the ARB approves or approves with modification the application, it will authorize the Director to issue the Building Permit or the Zoning Administrator to approve the sign permit. If the ARB disapproves the application, it will so notify the applicant and the Director or the Zoning Administrator. With respect to utility facility permit applications, the ARB will make its recommendation of approval or disapproval to the Zoning Administrator, who will then decide whether to issue the permit based on the application as a whole and including the ARB's recommendation.

6. For all applications and plans subject to ARB review, the ARB may require the submission of any or all of the following information and any other materials as may be deemed necessary for its review.

A. Statement of proposed use, name of proposed user;

B. Statement of estimated time of construction;

C. Maps relating proposed use to surrounding property, zoning, and the historic district;

D. A plan showing building configuration, topography, grading and paving;

E. Architectural schematic drawings showing floor plans, all exterior elevations (principal one in color);

F. Color photographs of the property to be changed, adjacent properties, and similar properties within or near the district that clearly show the visual character of the surrounding area;

G. A plan and section drawings of the site showing the relationship between new construction and existing structures indicating building heights, ground elevations, and the general location of existing and proposed plant materials;

H. A landscaping plan showing the location and identification of existing and proposed plantings, landscape features such as fences, gates, retaining walls, and paving, a listing indicating the name and size of proposed plantings, and the limits of clearing;

I. A plan showing exterior signs, graphics, and lighting to establish location, size, color, and type of materials; and

J. Samples, descriptive literature, or photographs showing the type and color of fixtures to be installed and primary building materials including foundation, cladding, trim, and roofing.

K. With respect to permit applications for new utility or transmission poles or their associated facilities, the ARB may request submission of photographic simulations of the proposed facility as it would appear on the existing structure; schematic drawings showing the color, proposed material, and scale of the proposed facility relative to the existing structure; or other similar materials that will assist the ARB in timely reviewing such permit applications.

7. To facilitate the review of applications, the ARB will formulate and adopt guidelines for the new construction and the exterior alteration of existing buildings, structures, and sites located within Historic Overlay Districts based on the standards below. The ARB may also formulate and adopt recommendations for the installation of new utility or transmission poles or their associated facilities based solely on the standards below.

A. A property should be used for its historic purpose or be adapted for a new use that requires minimal change to the defining characteristics of the building, its site, and its environs.

B. The historic character of a property should be retained and preserved; the removal of historic materials or alteration of features and spaces that characterize a property should be avoided.

C. Changes that create a false sense of historical development should not be undertaken.

D. Most properties change over time and those changes that have acquired historic significance in their own right should be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.

F. Deteriorated historic features should be repaired rather than replaced unless the severity of deterioration requires replacement of a distinctive feature; the new feature should match the old in design, color, texture, and other visual qualities, and, where possible, materials; replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

G. Harsh chemical or abrasive treatments that cause damage to historic materials should not be used; the surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

H. Significant archaeological resources affected by a project should be protected and preserved; if such resources must be disturbed, mitigation measures should be undertaken.

I. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property; new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environs.

J. New additions or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environs would be unimpaired.

K. Site design, including the placement of structures, shaping of landforms, and use of plant materials should be undertaken in such a manner that the visual characteristics and physical integrity of a historic property and its environs is preserved and enhanced.

L. New construction associated with new development should be undertaken in a manner that is compatible and complimentary to the existing character of the historic district.

8. Approval authorizing issuance of a Building Permit or a sign permit by the ARB, or Board of Supervisors on appeal as provided for below, will be valid for 2 years or for such longer period as may be deemed appropriate by the approving body from the date of approval or from December 6, 1994, whichever occurs later, and shall continue for the

life of the Building Permit or sign permit. Approval of new utility or transmission poles or their associated facilities will remain valid unless it is subject to removal under Sect. 2-519 or is otherwise required to be removed by state or federal law.

However, if no Building Permit or sign permit has been issued within the initial approval period, the ARB may grant an extension of the approval for a period not to exceed one year provided the applicant requests an extension prior to the original expiration date and the ARB finds that the proposed project and conditions within the Historic Overlay District are essentially the same as when the approval was first granted.

9. Any person aggrieved by any decision of the ARB may appeal such decision to the Board of Supervisors, provided such appeal, which specifies the grounds for appeal, is filed in writing with the Clerk to the Board of Supervisors within thirty (30) days of the ARB's decision.

10. The Board shall review the action of the ARB and shall decide the appeal. The Board may affirm, reverse, or modify the decision of the ARB, and its determination shall be forwarded to the Director.

11. Any person or persons jointly or severally aggrieved by any decision of the Board of Supervisors, or any officer, department, board or agency of the County, may appeal such decision to the Circuit Court of Fairfax County for review by filing a petition at law setting forth the alleged illegality of the action of the Board of Supervisors, provided such petition is filed within thirty (30) days after the final decision is rendered by the Board. The filing of said petition shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish any building, or structure. The Court may reverse or modify the decision of the Board, 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 Board.

12. In addition to the right of appeal set forth in Par. 9, 10, and 11 above, the owner of a building or structure, the razing or demolition of which is subject to the provisions of Par. 2 of Sect. 206 below, shall, as a matter of right, be entitled to raze or demolish such building or structure, provided that:

    A. The owner has applied to the ARB and Board of Supervisors for such right;

    B. The owner has for the period of time set forth in the time schedule below and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to the County or to any department, officer, agency, board or government entity thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore such building or structure and the land pertaining thereto; and

    C. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule below. Any appeal which may be taken to the Court from the decision of the Board of Supervisors, whether instituted by the owner or by any other proper

party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one (1) year after a final decision by the Board of Supervisors, but thereafter the owner may renew the request to the Board to approve the razing or demolition of the building or structure. The time schedule for offers to sell shall be as follows:

(1) Three (3) months when the offering price is less than twenty-five thousand dollars ($25,000).

(2) Four (4) months when the offering price is twenty-five thousand dollars ($25,000) or more, but less than forty thousand dollars ($40,000).

(3) Five (5) months when the offering price is forty thousand dollars ($40,000) or more, but less than fifty-five thousand dollars ($55,000).

(4) Six (6) months when the offering price is fifty-five thousand dollars ($55,000) or more, but less than seventy-five thousand dollars ($75,000).

(5) Seven (7) months when the offering price is seventy-five thousand dollars ($75,000) or more, but less than ninety thousand dollars ($90,000).

(6) Twelve (12) months when the offering price is ninety thousand dollars ($90,000) or more.

7-205 Permitted Uses

Within an adopted Historic Overlay District, all uses shall be permitted pursuant to the district regulations of the zoning district(s) in which such Historic Overlay District is located; except as may be expressly modified by the regulations adopted for a particular Historic Overlay District. The ARB shall review and recommend on any application for a special permit or special exception use located in any Historic Overlay District. No use permitted by right, special permit or special exception shall be permitted where the operational characteristics of the use would tend to destroy, degrade or encroach upon the character of the Historic Overlay District as established.

7-206 Use Limitations

In addition to the use limitations presented for the zoning districts in which a Historic Overlay District is located, the following use limitations shall apply:

1. No building or structure, as provided for in Sect. 204 above and no signs shall be erected, constructed, reconstructed, moved, externally remodeled or altered within any Historic Overlay District unless the same is approved by the ARB as being architecturally compatible with the historical, architectural, or cultural aspects of the district.

2. No building or structure within any Historic Overlay District shall be razed, demolished, moved or relocated until such action is approved by the ARB and/or by the Board of Supervisors as provided in Sect. 204 above.

3. Signs shall be permitted in accordance with the provisions of Article 12, and in accordance with any additional provisions that may be adopted for a particular Historic Overlay District; provided, however, that no such sign otherwise conforming as to structural type, size, design and location under the applicable provisions of Article 12 shall be permitted if the ARB finds such sign to be architecturally incompatible with the historical, architectural, or cultural character of the Historic Overlay District.

4. Off-street parking and loading requirements shall be in accordance with the provisions of Article 11 and any additional regulations that may be adopted for a particular Historic Overlay District, except that no off-street parking space shall be located in any minimum required front yard without the specific approval of the ARB, or BZA, Planning Commission or Board of Supervisors for applications requiring final action by these bodies. Said approval shall be based on a finding that such location would be compatible with the purpose and intent of the district. To that end, additional landscaping for such parking spaces may be required.

   In addition, and notwithstanding the provisions of Article 11, off-street parking and loading areas shall be permitted and encouraged to locate on adjacent properties where it is determined that such facilities would otherwise have an adverse effect on the appearance of the property or the district in general. Off-street parking and loading areas shall be encouraged to group facilities in interior parking lots, courts, or at other appropriate locations which will be convenient for users, reduce interference with pedestrian and vehicular traffic and generally promote public safety.

5. Development of lands within a Historic Overlay District shall be in general conformance with the policies and recommendations set forth in the adopted comprehensive plan.

7-207 Lot Size Requirements

Lot size requirements shall be as specified by the district regulations of the zoning district in which such Historic Overlay District is located.

7-208 Bulk Regulations

Bulk regulations shall be as specified by the district regulations of the zoning district in which such Historic Overlay District is located, except as may be expressly modified by the regulations adopted for a particular Historic Overlay District.

7-209 Open Space

Open space shall be provided in accordance with the district regulations of the zoning district in which such Historic Overlay District is located, except as may be expressly modified by the regulations adopted for a particular Historic Overlay District.

7-210 Archaeological Survey Requirements

To further the purpose and intent of the Historic Overlay Districts and to aid in the identification and protection of historic and/or archaeological resources located within or in the vicinity of any Historic Overlay District, the following shall be required:

1. The Fairfax County Park Authority shall be consulted concerning the probability of a rezoning, development plan, special exception, special permit or variance application property to yield significant archaeological resources when such property involves 2500 square feet or more of land disturbing activity and is located wholly or partially within or contiguous to a Historic Overlay District.

2. At the time of consultation with the Fairfax County Park Authority, the following information shall be submitted on the Archaeological Survey Data Form provided by the County:

   A. Tax map, parcel number, street address and Magisterial District of the site.

   B. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.

   C. Description of the proposal to include type of application and proposed use, and a graphic drawn to scale showing the dimensions of all existing buildings and the distances of buildings from property lines.

3. The Fairfax County Park Authority shall respond to the applicant in writing within fifteen (15) business days from the date of receipt of the required information set forth in Par. 2 above as to the probability for the property to yield no, low, or medium to high archaeological resources and whether a Phase I Archaeological Survey shall be performed and a report of the survey results submitted to the County for review as part of the submission requirements for a rezoning, development plan, special exception, special permit or variance application. If required, the Phase I Archaeological Survey results shall include the information contained in Par. 6 below.

4. If the Fairfax County Park Authority determines that the application property has no potential to yield significant archaeological resources, then the applicant shall submit the Archaeological Survey Data Form with comments from the Fairfax County Park Authority in conjunction with the submission of the rezoning, development plan, special exception, special permit or variance application.

5. If the Fairfax County Park Authority determines that the application property has a low probability or a medium to high probability to yield significant archaeological resources, then the following shall be required:

   A. A Phase I Archaeological Survey shall be conducted by a qualified archaeological consultant meeting the Professional Qualification Standards established by the Secretary of the Interior and shall include the following:

      (1) For suspected military sites, a walkover survey with shovel testing and/or remote sensing and ground truthing.

(2) For suspected cemetery sites, remote sensing and ground truthing

(3) For all other sites, a walkover survey with shovel testing.

(4) When shovel testing is conducted on property with low probability to yield significant archaeological resources, the shovel testing shall be performed every fifty (50) feet. When shovel testing is conducted on property with medium to high probability to yield archaeological resources, the shovel testing shall be performed every twenty (20) feet.

The applicant shall notify the Fairfax County Park Authority at least five (5) working days prior to the time the field work is to be done.

B. A report of the survey results from Par. A above shall be provided to the Fairfax County Park Authority prior to any rezoning, development plan, special exception, special permit or variance application acceptance. The report of the survey results shall include the information contained in Par. 6 below along with the Archaeological Survey Data Form with comments from the Fairfax County Park Authority.

6. Two (2) copies of the survey results for the Phase I Archaeological Survey shall be provided to the Fairfax County Park Authority in a report which shall include:

A. Name and location of the project to include tax map number, street address and Magisterial District.

B. Name, address, phone number, organizational affiliation and professional qualifications of the person preparing the report.

C. One (1) copy of a topographic map at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use. The boundaries of the subject site shall be outlined in red thereon.

D. Project description to include the proposed use, the existing and proposed structures and parking, identification of the existing structures that are to remain, the limits of clearing and grading and vehicular access into the site.

E. A concise history of the area surrounding the property to provide a historic context and a more specific history of the property. This history shall include historic photographs, if available, and historic maps with the project area outlined.

F. Description of any previous archaeological studies that have been conducted in the vicinity of the project to include any such studies contained in the Fairfax County Park Authority files.

G. A listing of all books, maps, manuscripts, websites, personal communication and other resources cited in the study, including the title, author, date, place of publication and publisher.

H. A site map illustrating the project boundaries and the boundaries of where all

archaeological survey work was performed, location of all shovel tests where artifacts were found (positive shovel tests), location of all shovel tests where artifacts were not found (negative shovel tests) and the area where the archaeological survey work was conducted in either square feet or in acres.

I. Profile drawings of selected representative shovel test pits. One (1) profile shall be required for each change of stratigraphy.

J. A written description of the survey findings shall include:

(1) The date of site work;

(2) Staff involved in the site work, including professional certifications and college degrees;

(3) Methodology used in the archaeological survey work;

(4) The number of archaeological sites that were recorded according to the resource type (Native American, Civil War, etc.) with trinomial site numbers obtained from the Virginia Department of Historic Resources;

(5) List of artifacts recovered;

(6) If there were any areas of the application property that were not tested, an explanation as to why those areas were not tested; and

(7) Identification of areas with the potential to contain intact archaeological resources.

K. Recommendations for additional archaeological work or recommendations that no further work is required shall be made and such recommendations shall be supported by archaeological evidence.

L. An Executive Summary statement which includes information from Paragraphs 6J(1), 6J(2), 6J(4) and 6J(6) above, and the recommendations from Par. 6K above.

7. When determined by the Fairfax County Park Authority that the report meets the submission requirements, the Fairfax County Park Authority shall indicate such on the Archaeological Survey Data Form and such Form shall by submitted by the applicant in conjunction with the rezoning, development plan, special exception, special permit or variance application.

PART 3 7-300 NATURAL RESOURCE OVERLAY DISTRICT

7-301 Purpose and Intent

Natural Resource Overlay Districts are created in recognition of the natural resources which do exist in Fairfax County; and in recognition that the sand and gravel industries and the related processing of these materials into concrete, asphalt and other products have been a basic construction support industry for many years, providing a broad range of employment opportunities and contributing to the County's tax base; but recognizing that natural resource extraction operations constitute a significant potential impact on the pattern of development in areas nearby.

These districts shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in a Natural Resource Overlay District shall also lie in one or more of the other zoning districts provided for by this Ordinance.

It is further the intent of these regulations to require a special permit for the extraction of natural resources in a Natural Resource Overlay District.

7-302 District Boundaries

The Natural Resource Overlay District boundaries shall be as established on the Official Zoning Map.

7-303 Establishment of Districts

Natural Resource Overlay Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-304 Administration

The administration of the provisions of this Natural Resource Overlay District shall be as provided for in Part 1 of Article 8.

7-305 Permitted Uses

Within an adopted Natural Resource Overlay District, all uses shall be permitted pursuant to the district regulations of the zoning district in which such Natural Resource Overlay District is located; and in addition, those uses shall be permitted as specified in Part 1 of Article 8.

7-306 Use Limitations

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

7-307 Lot Size Requirements

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

7-308 Bulk Regulations

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

PART 4 7-400 AIRPORT NOISE IMPACT OVERLAY DISTRICT

7-401 Purpose and Intent

The Airport Noise Impact Overlay District is established for the general purpose of controlling conflicts between land uses and noise generated by aircraft and to protect the public health, safety and welfare from the adverse impacts associated with excessive noise.

This district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Airport Noise Impact Overlay District shall also lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

It is the intent of this overlay district to regulate land uses within designated existing or projected airport noise impact areas by requiring acoustical performance standards. Nothing herein shall be construed as altering building materials or construction methods from those which are specified in the Virginia Uniform Statewide Building Code.

7-402 District Boundaries

The Airport Noise Impact Overlay District boundaries shall be based on the potential post-year 2000 noise impact contours which shall be adopted by the Board and which are subject to periodic updating and amendment.

7-403 Establishment of Districts

1. The Airport Noise Impact Overlay District shall be established in like manner as any other zoning district permitted by this Ordinance. The boundaries of this district may be subject to periodic updating and may be amended in accordance with the provisions of Part 2 of Article 18.

2. For purposes of administering these regulations there shall be three (3) Airport Noise Impact Areas:

   A. Greater than DNL 75 dBA (A-weighted day-night average sound level)

   B. DNL 70-75 dBA

   C. DNL 65-70 dBA

3. The boundaries of such noise impact areas shall be established in accordance with the provisions of Par. 1 above. The purpose of the establishment of three (3) Airport Noise Impact Areas is to distinguish between the severity of the levels of noise impact so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise to protect the public health, safety and welfare.

7-404 Administration

1. The Director shall be responsible for reviewing site plans, subdivision plats and Building Permits to determine if the property to be developed is located in the Airport Noise Impact Overlay District.

2. If any site plan, subdivision plat or Building Permit is so located, then such plan, plat or permit shall be so noted. Thereafter, before any Building Permit shall be approved in the district, it shall be subject to the provisions of Sections 408 and 409 below.

7-405 Permitted Uses

All uses permitted by right in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-406 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-407 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-408 Use Limitations

In addition to the use limitations presented for the zoning district(s) in which an Airport Noise Impact Overlay District is located, the following use limitations shall apply:

1. Uses within this district shall be permitted only in accordance with the Noise Compatibility Table presented at the end of this Part.

2. In those instances where a proposed use is not listed in the table, the Director, using the table as a guide, shall determine which use is most similar and which provisions of the table are applicable.

3. Where a structure contains different occupants or tenants, the more stringent requirements of the table shall apply, except where it is architecturally possible to achieve the interior noise levels specified in Sect. 409 below for the area occupied by each occupant or tenant.

4. The table identifies the uses, the Airport Noise Impact Areas and, where applicable, the respective interior noise level standards and acoustical treatment measures for each use in a given Impact Area. If a use is permitted in a given Impact Area without any interior noise level standard, it is represented on the table with a P. If a given use is not permitted, it is represented with a NP.

   Many uses are permitted in a given Impact Area but only if acoustical treatment measures are provided to achieve a specified interior noise level standard for the entire structure. Such uses are represented on the table with a designation of P1, P2 or P3

which corresponds with the three (3) interior noise level standards presented in Sect. 409 below.

Many uses are represented on the table with a designation of P1, P2 or P3 and are qualified with an asterisk (*). Such uses are permitted but only if acoustical treatment measures are provided for those portions of the building which contain offices or other noise sensitive uses in accordance with one of three interior noise level standards presented in Sect. 409 below.

5. In the greater than DNL 75 dBA Impact Area, dwellings shall not be permitted, except that new dwelling units and additions to existing dwelling units may be permitted provided that: (a) the lot is located in an R district, (b) the lot had final plat approval prior to July 26, 1982 and (c) the new dwelling unit or addition complies with the Interior Noise Level Standard P1 set forth in Sect. 409 below.

7-409 Interior Noise Level Standards

1. The acoustical treatment requirements of this Section are to achieve the interior noise levels set forth below and shall apply to the construction of new structures and the alteration or repair of existing structures with enclosed interior space as established under the Virginia Uniform Statewide Building Code (VUSBC).

2. Nothing herein shall be construed as altering building materials, construction methods, plan submission requirements or inspection practices from those which are specified in VUSBC, and the acoustical treatments required shall comply with the provisions of VUSBC.

3. There shall be three (3) different interior noise level standards as identified on the table. These standards are described as follows:

   A. Interior Noise Level P1: In the greater than DNL 75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

      (1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 50, and doors and windows which have a laboratory STC of at least 42. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

      (2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard.

   B. Interior Noise Level Standard P2: In the greater than DNL 75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 50 dBA. In the DNL 70-75 dBA Impact Area, all structures shall provide acoustical

treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

(1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 45, and doors and windows which have a laboratory STC of at least 37. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

(2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard, or

(3) A determination by the Director that the interior noise level standard is met based on the exterior and/or interior wall and roof assemblies and the location of the use in the structure.

C. Interior Noise Level Standard P3: In the DNL 70-75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 50 dBA. In the DNL 65-70 dBA Impact Area, all structures shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

(1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 39 and doors and windows which have a laboratory STC of at least 28. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

(2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard, or

(3) A determination by the Director that the interior noise level standard is met based on the exterior and/or interior wall and roof assemblies and the location of the use in the structure.

7-410 Lot Size Requirements

As specified in the underlying zoning district(s)

7-411 Bulk Regulations

As specified in the underlying zoning district(s)

7-412 Open Space

As specified in the underlying zoning district(s)

7-413 Additional Regulations

As specified in the underlying zoning district(s)

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Agriculture			
Growing of crops	P	P	P
Livestock	NP	P3*	P
Residential use	NP	P2	P3
Amusement arcades	P	P	P
Auction establishments			
Indoor	P2	P3	P
Outdoor	NP	NP	NP
Auto-oriented uses	P	P	P
Automated teller machines	P	P	P
Barbershops, beauty parlors as home occupation	NP	P2	P3
Baseball hitting & archery ranges	P2*	P3*	P
Bed and breakfasts	P1	P2	P3
Billiard and pool halls	P2	P3	P
Bowling alleys	P2*	P3*	P
Business service & supply service establishments	P2	P3	P
Camp or recreation grounds	NP	NP	P
Car washes	P	P	P
Child care centers and nursery schools	NP	P2	P3
Conference centers & retreat houses	NP	P2	P3
Commercial nudity establishments	NP	P3	P
Commercial recreation parks for children	NP	NP	P
Commercial & community swim pools, tennis and archery	P	P	P
Community clubs and centers	NP	P2	P3
Congregate living facilities	NP	P2	P3
Contractor's offices and shops	P2*	P3*	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Cultural centers, museums	NP	P2	P3
Dance halls	NP	P3	P
Dwellings			
Additions to existing dwellings & new dwellings on certain existing lots	P1	P2	P3
All other new construction	NP	P2	P3
Dwellings, mobile home	NP	NP	P3
Establishments for production, processing, etc.	P2*	P3*	P
Establishments for scientific research & dev.	P2	P3	P
Extraction and excavation uses (Group 1)	P2*	P3*	P
Financial institutions & drive-in financial institutions	P2	P3	P
Funeral chapels and funeral homes	P2	P3	P
Garment cleaning establishments	P2	P3	P
Golf courses, country clubs, golf driving ranges & miniature golf	P2*	P3*	P
Health clubs	P2	P3	P
Heavy equip. & specialized vehicle sales and etc.	P2*	P3*	P
Heavy industrial uses (Category 5)	P2*	P3*	P
Heavy public utility uses (Category 2)	P2*	P3*	P
Home professional offices	NP	P2	P
Hotels, motels	P1	P2	P3
Independent living facilities	NP	P2	P3
Indoor firing ranges	P2*	P3*	P
Indoor archery, fencing and other similar uses	P2	P3	P
Interment uses (Group 2)	P2*	P3*	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Institutional uses (Group 3)	NP	P2	P3
Junk yards	P	P	P
Kennels, animal shelters	NP	P3*	P
Libraries	NP	P2	P3
Light public utility uses (Category 1)	P2*	P3*	P
Lumber & building material yards	P2*	P3*	P
Marinas, docks & boating facilities	P	P	P
Medical care facilities			
Educational & residential	NP	P2	P3
Offices and research	P2	P3	P
Mixed waste reclamation facilities	P	P	P
Motor freight terminals	P2*	P3*	P
Motor vehicle storage & impoundment yards	P	P	P
New vehicle storage	P2	P3	P
Offices	P2	P3	P
Open-air produce stands	NP	P	P
Parking, as a principal use	P	P	P
Parks, neighborhood	NP	NP	P
Parks, regional	P2*	P3*	P
Penal institutions	NP	P2	P3
Personal service establishments	P2	P3	P
Places of worship with or without child care centers, nursery schools and private schools	NP	P2	P3
Plant nursery	P2*	P3*	P
Private clubs, public benefit associations	See most similar use		
Public uses	See most similar use		
Recycling centers	P	P	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Repair service establishments	P2	P3	P
Restaurants, carryout restaurants, restaurants with drive-through, and commercial recreation restaurants	P2	P3	P
Retail sales establishments[1] & retail sales estabs.-large	P2	P3	P
Riding, boarding stables	NP	P3*	P
Rooming houses	NP	P2	P3
Sawmilling of timber	P	P	P
Schools, college, university	NP	P2	P3
Service stations, service station/mini-marts	P2*	P3*	P
Skating facilities	P2*	P3*	P
Skeet, trapshooting ranges	P2*	P3*	P
Sports arena, stadiums	NP	NP	NP
Storage yards	P2*	P3*	P
Temporary farmers' markets	P	P	P
Theatres[2]	NP	NP	NP
Transportation facilities (Category 4)	P2*	P3*	P
Truck rental establishments	P2*	P3*	P
Vehicle light & major service estab. & vehicle sales	P2*	P3*	P
Vehicle transportation service establishments	P2*	P3*	P
Veterinary hospitals	NP	P3*	P
Warehousing & mini-warehouse estabs.	P2*	P3*	P
Wholesale trade establishments	P2*	P3*	P
Zoological parks	NP	P3*	P

[1]Retail sales establishments to include adult bookstores, convenience centers, drug paraphernalia establishments, drive-through pharmacies and quick-service food stores.
[2]Theatres to include adult mini-motion, drive-in motion picture and summer theatres.

Note: See Sect. 408 for explanation of the use of this table.

PART 5 7-500 SIGN CONTROL OVERLAY DISTRICT

7-501 Purpose and Intent

Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

7-502 District Boundaries

The Sign Control Overlay District boundaries shall be as established on the Official Zoning Map.

7-503 Establishment of Districts

Sign Control Overlay Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-504 Administration

The administration of the provisions of this Sign Control Overlay District shall be as provided for in Article 12.

7-505 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-506 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-507 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s)

7-508 Use Limitations

As specified in the underlying zoning district(s), and as qualified for signs by the provisions of Par. 3 of Sect. 12-204.

7-509 Lot Size Requirements

As specified in the underlying zoning district(s)

7-510 Bulk Regulations

As specified in the underlying zoning district(s)

7-511 Open Space

As specified in the underlying zoning district(s)

7-512 Additional Regulations

As specified in the underlying zoning district(s)

PART 6 7-600 HIGHWAY CORRIDOR OVERLAY DISTRICT

7-601 Purpose and Intent

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.

2. Quick service food stores.

3. Restaurants with drive-through.

4. Service stations.

5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

7-602 District Boundaries

1. Highway Corridor Overlay District boundaries shall be as established on the Official Zoning Map.

2. In lieu of a metes and bounds description, the District boundaries may be described by fixing the points of beginning and end in the centerline of a street and the distance on one or both sides from the centerline to which this district shall extend.

7-603 Establishment of Districts

1. The Board of Supervisors may apply the Highway Corridor Overlay District to the land along any street or highway upon concluding that:

   A. A major purpose of the street or highway is to carry through traffic; and

   B. The construction and/or utilization of regulated uses would have an adverse impact on level of service, increase danger and/or congestion in the streets, impair the public health, safety, convenience and welfare and/or impede the maintenance or creation of a convenient, attractive and harmonious community.

2. The Highway Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in a Highway Corridor Overlay District shall also lie within one or more of the other zoning districts provided for by this Ordinance. The effect shall be the creation of new zoning districts consisting

of the regulations and requirements of both the underlying district(s) and the Highway Corridor Overlay District.

3. Such districts may be amended in accordance with the provisions of Part 2 of Article 18.

7-604 Administration

The administration of the provisions of the Highway Corridor Overlay District is provided for in Article 9 for drive-in financial institutions, restaurants with drive-through, quick-service food stores, service stations and service station/mini-marts and as provided for in Article 18 for all other uses.

7-605 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-606 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-607 Special Exception Uses

1. All uses permitted by special exception in the underlying zoning district(s) except as qualified by Sect. 601 above.

2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802 and 10-202, drive-in financial institutions, restaurants with drive-through, quick-service food stores, service stations and service station/mini-marts subject to the provisions of Part 6 of Article 9 and Sect. 608 below.

7-608 Use Limitations

All uses are subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, restaurants with drive-through, quick-service food stores, service stations and service station/mini-marts are subject to the following use limitations:

1. In any Highway Corridor Overlay District:

   A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

   B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:

      (1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or

(2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or

(3) Access to the site is provided by a functional service drive, which provides controlled access to the site.

C. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:

A. Service stations shall not include any uses such as vehicle or tool rental.

B. Service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

4. Where the underlying district is C-7, C-8, I-3 or I-4, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

5. Where the underlying district is I-5 or I-6, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs.

7-609 Lot Size Requirements

As specified in the underlying zoning district(s)

7-610 Bulk Regulations

As specified in the underlying zoning district(s)

7-611 Open Space

As specified in the underlying zoning district(s)

7-612 Additional Regulations

As specified in the underlying zoning district(s)

PART 7 (DELETED BY AMENDMENT #85-115, ADOPTED JANUARY 28, 1985, EFFECTIVE JANUARY 29, 1985)

PART 8 7-800 WATER SUPPLY PROTECTION OVERLAY DISTRICT

7-801 Purpose and Intent

Water Supply Protection Overlay Districts are created for the purpose of promoting the public health, safety, and welfare through the protection of public water supplies from the danger of water pollution. Regulations within such districts are established to prevent water quality degradation due to pollutant loadings within the watersheds of public water supply reservoirs.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

Regulations within such an overlay district are intended to provide a means for specific review and approval of residential, commercial, industrial and other development proposals that may have adverse water quality impacts; to encourage land uses and activities which will be compatible with water quality protection; and to assure that structures and uses within such overlay districts will be developed in a manner that will serve the health, safety and welfare objectives of preserving the environmental integrity of public water supply reservoirs.

7-802 District Boundaries

Water Supply Protection Overlay District boundaries shall be established on the Official Zoning Map, and shall be drawn so as to include lands draining into a water supply reservoir.

7-803 Establishment of Districts

Water Supply Protection Overlay Districts shall be established in the same manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-804 Administration

1. The Director shall be responsible for reviewing all proposed uses to determine if the property to be developed and/or used is located in the overlay district.

2. If any proposed use is so located, then such use shall be subject, as applicable, to the provisions of Sect. 808 below.

7-805 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-806 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-807 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s)

7-808 Use Limitations

In addition to the use limitations presented in the underlying zoning district(s), the following use limitations shall apply:

1. Any subdivision which is subject to the provisions of Chapter 101 of The Code or any use requiring the approval of a site plan in accordance with the provisions of Article 17 shall provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived and/or approved by the Director in accordance with the Public Facilities Manual. In no instance shall the requirement for BMPs be modified or waived except where existing site characteristics make the provision impractical or unreasonable on-site and an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the adopted comprehensive plan.

2. Any establishment for warehousing, production, processing, assembly, manufacture, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products which generates, utilizes, stores, treats, and/or disposes of a hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., shall submit the following information with any application for a proposed development or use unless deemed unnecessary by the Director:

   A. A listing of all toxic and hazardous materials and wastes that will be generated, utilized, stored, treated, and/or disposed of on site;

   B. A soils report describing the nature and characteristics of the soils covering the site;

   C. A description of surface and groundwater characteristics of the site and the surrounding area within 300 feet of site boundaries;

   D. A description of all spill prevention, containment, and leakage control measures proposed by the applicant, for all toxic and hazardous materials and wastes generated, utilized, stored, treated, and/or disposed of on the site.

3. Such information shall be referred to Land Development Services for review in accordance with the provisions of Chapter 67.1 of The Code and other applicable laws and ordinances. When deemed appropriate, the Director of Land Development Services may furnish a copy of the application and information to the Virginia Department of Environmental Quality and other appropriate agencies.

7-809 Lot Size Requirements

As specified in the underlying zoning district(s)

7-810 Bulk Regulations

As specified in the underlying zoning district(s)

7-811 Open Space

As specified in the underlying zoning district(s)

7-812 Additional Regulations

As specified in the underlying zoning district(s)

PART 9 (DELETED BY AMENDMENT #84-114, ADOPTED DECEMBER 3, 1984)

PART 10 7-1000 COMMERCIAL REVITALIZATION DISTRICTS

7-1001 Purpose and Intent

The Commercial Revitalization Districts are established to encourage economic development activities in the older commercial areas of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-200, 2283 and 2284 of the Code of Virginia, as amended. The districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the districts are intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

These districts shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in a Commercial Revitalization District shall also lie in one or more of the other zoning districts provided for by this Ordinance.

7-1002 District Boundaries

The Commercial Revitalization District boundaries shall be as established on the Official Zoning Map.

7-1003 Establishments of Districts

The Commercial Revitalization Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18. The regulations for individual commercial revitalization districts are presented in Appendix 7 of this Zoning Ordinance and such appendix shall be incorporated as part of this Ordinance by reference as if it were completely presented herein.

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ARTICLE 8

SPECIAL PERMITS

PART 0 8-000 GENERAL PROVISIONS

8-001 Purpose and Intent

There are certain uses, like those regulated by special exception, which, by their nature, can have an undue impact upon or be incompatible with other uses of land. These uses as described may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special permit.

The BZA may approve a special permit under the provisions of this Article, when it is concluded that the proposed use complies with all specified standards and that such use will be compatible with existing or planned development in the general area. In addition, in approving a special permit, the BZA may stipulate such conditions and restrictions, including, but not limited to, those specifically contained herein, to ensure that the use will be compatible with the neighborhood in which it is proposed to be located. Where such cannot be accomplished, or it is determined that the use is not in accordance with all applicable standards of this Ordinance, the BZA shall deny the special permit.

8-002 Authorization

In consideration of an application filed with the Zoning Administrator, the BZA may authorize the establishment of those uses that are expressly listed as special permit uses in a particular zoning district; provided, however, that no such permit shall be required for a use allowed as a permitted use in such district, notwithstanding that such use may also be included in a use group available by special permit.

No special permit use shall be authorized unless said use complies with all of the applicable standards of this Article 8 and all other applicable requirements of this Ordinance.

Notwithstanding the foregoing, any special permit use permitted by this Article, when located within a floodplain shall also be approved by the Board as a special exception in accordance with the provisions of Sect. 9-606.

8-003 Limits on Authority

The BZA shall have no authority to vary, modify or waive any of the regulations or standards prescribed for any use for which a special permit is required; and any purported such modification, variance, or waiver shall ipso facto nullify the action of the BZA in approving any special permit hereunder. The BZA's discretion shall be limited to determinations with respect to the standards applying to the use covered by the application.

This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which application is made for a variance.

The jurisdiction of the BZA with respect to any use or purpose for which the BZA is authorized to approve special permits shall be confined to the consideration of the question of conformity to the provisions of this Ordinance. On an affirmative finding with respect to conformity, the BZA may approve the special permit applied for subject to whatever conditions and restrictions are deemed necessary under the provisions of Sect. 007 below.

8-004 Status of Special Permit Uses

1. A special permit use may only be established in accordance with the special permit approval. Any site plan, subdivision plat, Building Permit, Residential or Non-Residential Use Permit submitted for the development or use of the property in accordance with the special permit must be in substantial conformance with the approved special permit, and no development or use may be approved by any County official in the absence of such conformance.

2. Once established, the use must be conducted in substantial conformance with the special permit, any conditions or restrictions imposed by the BZA and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use may be enlarged, expanded, increased in intensity or relocated and no condition of the special permit may be amended unless an application is made and approved for an amendment to the special permit in accordance with Sect. 014 below or a new special permit is approved.

3. Any modification to an approved and currently valid special permit to provide an accessibility improvement may be permitted and does not require approval of an amendment to the special permit or a new special permit.

4. Minor modifications to special permits are allowed when the Zoning Administrator determines that they substantially conform to the approved special permit and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

   Minor modifications may not:

   A. Remove any land from or add any land to the area subject to the special permit;

   B. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

   C. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under Paragraphs 4D and 4K below;

   D. Permit a more intensive use than that approved in the special permit, except that places of worship or places of worship with a child care center, nursery school, private school of general or special education, may increase the number of seats, parking spaces, and/or students up to ten (10) percent of the approved amount, if not expressly prohibited by the special permit;

   E. Permit uses other than those approved pursuant to the special permit, except that accessory uses may be permitted;

   F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;

G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:

(1) Modifications that reduce yards up to 10% may be considered, provided that they do not adversely impact adjacent property; and

(2) Increases in building height up to 10 feet and increases in percentages of rooftop coverage may be permitted to exempt solar collectors and other innovative energy and environmental technologies.

H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;

I. Expand hours of operation;

J. Expand the area or type of signage approved, although changes to color and typeface may be considered;

K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:

(1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.

(2) One (1) percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet.

(3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area approved is 10,000 square feet or less.

(4) The maximum allowable density or FAR in the zoning district; however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR.

Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof, to the last known address, as shown in the real estate assessment files of the Department of Tax Administration.

The notice must be delivered by hand or sent by certified mail, return receipt requested and include the letter of request submitted to the Zoning Administrator with all attachments, a statement that the request has been submitted, and where to call for additional information.

An affidavit from the requester must be sent to the Zoning Administrator affirming: that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and, the Tax Map references for all parcels notified. The Zoning Administrator will not consider any request for an addition that omits this affidavit.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special permit, the modification requires the approval of an amendment to the special permit in accordance with Sect. 8-014 below or a new special permit.

8-005 Establishment of Groups

For purposes of applying specific conditions upon certain types of special permit uses, and for allowing special permit uses to be established only in those zoning districts which are appropriate areas for such uses, all special permit uses are divided into groups of associated or related uses, hereinafter set forth in this Article 8.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the BZA, in approving a special permit, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the permit in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

8-008 Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the BZA may require, as a condition to the approval of any special permit, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the BZA. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

Unless otherwise stipulated by the BZA, a specified period of time shall commence on the date of approval of a special permit.

8-009 Application for a Special Permit

1. An application for a special permit may be made by any property owner, lessee, contract purchaser, official, department, board or bureau of any government or their agent, or condominium in accordance with the provisions of Sect. 2-518.

2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete, and shall be accompanied by those submission requirements set forth in Sect. 011 below, such specific information as may be required for a given group or use, and such additional material as may be required by the BZA. The application shall be accompanied by a fee as provided for in Sect. 18-106. No application shall be deemed to be on file with the County until all required submissions have been presented. All applications shall be subject to the provisions of Part 1 of Article 18.

3. The Zoning Administrator shall forward the application to the BZA and such other review body as may be specified for a particular use. Upon receipt, the Clerk of the BZA shall refer a copy of the application to the Planning Commission in accordance with the provisions of Sect. 19-206.

4. Each application shall be scheduled for public hearing, and, in general, shall be heard in the order in which accepted unless otherwise specified by the BZA. All public hearings shall be conducted in accordance with the provisions of Sect. 18-109.

5. The concurring vote of four (4) members of the BZA shall be required to approve a special permit and the BZA shall render a decision on all applications within ninety (90) days from the date of acceptance of the application, unless an extended period is mutually agreed to by the applicant and the BZA, or unless an applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

8-010 Application for a Temporary Special Permit

The application for a temporary use as permitted under Group 8 shall be on forms provided by the County, and shall be filed with the Zoning Administrator. The Zoning Administrator shall be the approving authority on all temporary special permits, and such approval shall be in strict accordance with the regulations and time limits set forth in Part 8.

8-011 Submission Requirements

All applications for special permit uses, except for temporary special permits, shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Extraction and Excavation Uses, in Part 3 for Home Child Care Facilities, in Part 4 for certain Community Uses, in Parts 5 and 6 for certain Commercial Recreation and Outdoor Recreation Uses and in Part 9 for Approval of Modifications to Minimum Yard Requirements for Certain R-C Lots, Approval of Reduction in Minimum Yard Requirements Based on Error in Building Location, Reduction of Certain Yard Requirements, Increase in Fence and/or Wall Height in Any Front Yard, Certain Additions to an Existing Single Family Detached Dwelling When the Existing Dwelling Extends into a Minimum Required Yard by More Than Fifty (50) Percent and/or is Closer Than Five (5) Feet to a Lot Line and Modification to the Limitations on the Keeping of Animals. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below or the archaeological submission requirement of Par. 8 below, if it is determined that the requirement is clearly not necessary for the review of the application.

1. One (1) original application on forms provided by the County, completed and signed by the applicant.

2. Twenty-three copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than 1" = 50', certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plat must contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

D. Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the location, dimensions and lighting of all signs, and the construction date(s) of all existing structures and an indication whether they will be retained or demolished.

E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional yards, and the distances from all existing and proposed structures to lot lines.

F. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

G. Proposed means of ingress and egress to the property from a public street(s).

H. Location of parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.

J. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(1) A graphic depicting:

(a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

K. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.

L. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

M. A plan showing limits of clearing, existing vegetation, and proposed landscaping and screening in accordance with the provisions of Article 13, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

N. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

O. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.

P. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

Q. Location of all trails required by the adopted comprehensive plan.

R. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

S. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

T. Seal and signature of professional person certifying the plat.

3. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.

4. Photographs of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred in which case a disk containing those digital photographs shall also be provided.

5. An affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the BZA or Planning Commission or any member of his or her immediate household owns or

has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.

6. A written statement from the applicant describing the proposed use, giving all pertinent data, including specifically:

   A. Type of operation(s).

   B. Hours of operation.

   C. Estimated number of patrons/clients/patients/pupils/etc.

   D. Proposed number of employees/attendants/teachers/etc.

   E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

   F. Vicinity or general area to be served by the use.

   G. Description of building facade and architecture of proposed new building or additions.

   H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

   I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

7. A notarized statement which confirms the ownership of the subject property, and the nature of the applicant’s interest in the same. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. For a condominium, the provisions of Sect. 2-518 shall be applicable.

8. Where applicable, any information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

9. An application fee as provided for in Sect. 18-106.

8-012 Extension of a Special Permit

1. A request for an extension of a special permit shall be filed in writing with the Zoning Administrator a minimum of thirty (30) days before the expiration date of the permit unless a lesser time is approved by the Zoning Administrator for good cause shown. The permit shall remain valid until the request for extension is acted upon by the Zoning Administrator.

   Failure to request the extension in a timely manner as specified herein shall cause the special permit to expire without notice on the expiration date.

2. The Zoning Administrator shall inspect the special permit use; review the applicant's record of compliance with those conditions and restrictions previously imposed by the BZA; and make a determination on whether the special permit use still satisfies the provisions of this Ordinance.

3. Upon a favorable finding, the Zoning Administrator shall approve an extension of the special permit for the period of time that may be specified for a particular group or use or that may have been specified by the BZA.

4. If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the BZA, the Zoning Administrator shall, depending on the nature of the noncompliance, either deny the request for extension or require the remedy of any violation within a specified time. If the request for extension is denied or the applicant fails to correct the violation within the time specified, the special permit shall expire. The approval of a new special permit shall be required prior to any subsequent reinstatement of the use.

5. If it is determined that the use is no longer allowed as a special permit use in the zoning district in which located, the Zoning Administrator shall deny the request and the special permit shall expire.

   If the use is not in compliance with any other applicable provisions of this Ordinance, the Zoning Administrator shall deny the request and notify the applicant by certified mail, return receipt requested. Within thirty (30) days of receipt, in order to continue the use, the applicant shall file an amendment application for renewal in accordance with the provisions of Sect. 014 below. Failure to file an application in a timely manner shall cause the special permit to expire.

8-013 (Deleted by Amendment #95-277, Adopted July 31, 1995, Effective August 1, 1995 at 12:01 AM)

8-014 Amendment of a Special Permit

1. Except as provided for in Paragraphs 3 and 4 of Sect. 004 above, an amendment is a request for any enlargement, expansion, increase in intensity, relocation, reduction in land area, modification of any condition of a previously approved and currently valid special permit use or renewal of a currently valid special permit for a new period of time. An amendment application may be filed on a portion of the property subject to a currently valid special permit, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the special permit but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the special permit conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. Previously approved special permit conditions which are not subject to the amendment request shall remain in full force and effect. Except as qualified below, the procedure for an amendment of a special permit shall be the same as specified in this Part for the approval of the original permit, to include the imposition of conditions and restrictions, except the Zoning Administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.

   An application to renew a special permit use to allow a new period of time for the operation of the use shall be filed prior to the expiration date of the permit and the permit shall remain valid until the application is acted upon by the BZA. However, the BZA shall not approve a renewal application for a use which is no longer allowed as a special permit use in the zoning district in which located. Failure to apply for renewal in a timely manner shall cause the special permit to expire without notice on the expiration date.

   In reviewing a renewal application, the BZA shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this Ordinance. Upon a favorable finding, the BZA may approve the application. If it is determined that the use is not in accordance with all applicable provisions of this Ordinance, the BZA may, depending on the nature of the noncompliance, deny the application or for an application solely requesting a new period of time, may impose such conditions and restrictions to ensure that the use will be harmonious with and will not adversely affect the use or development of neighboring properties. No alteration of a structure shall be required if such structure was in conformance with the provisions of this Ordinance, the Building Code and other applicable regulations at the time the special permit was first approved, unless the BZA deems such alteration necessary to protect the public health, safety or welfare.

2. For an existing and currently valid special permit use which use is no longer allowed by special permit or special exception in the zoning district in which located, the BZA, upon receipt of an application, may review and approve an amendment to said permit, provided such amendment does not permit the use to be enlarged, expanded, increased in intensity, relocated or continued beyond any time limitation specified in the existing permit.

8-015 Expiration of a Special Permit

1. Whenever a special permit is approved by the BZA, the use authorized thereby shall be established or any construction authorized shall be commenced and diligently prosecuted

within such time as the BZA may have specified, or, if no such time has been specified, then within thirty (30) months from the approval date of such permit, unless additional time is approved by the BZA in accordance with Par. 2 below.

2. The BZA may approve a request for additional time, but only in accordance with all of the following:

   A. A request is filed in writing with the Zoning Administrator prior to the expiration date. Such request shall specify the basis for and amount of additional time requested and shall include an explanation of why the use has not been established or construction commenced and diligently prosecuted in accordance with the time specified in the approval of the special permit. Such explanation may include the occurrence of conditions unforeseen at the time of special permit approval.

   B. It is determined by the BZA that the use is in accordance with all applicable provisions of the Zoning Ordinance, unless the Board of Supervisors has specifically provided that an amendment adopted subsequent to the approval of the special permit is not applicable to the request for additional time, and that approval of additional time is consistent with the public interest.

3. If a request is timely filed, the permit shall remain valid until the request for additional time is acted upon by the BZA; however, during this period, the use shall not be established nor shall construction commence.

4. If the use or construction has not commenced in accordance with the above provisions, then the special permit shall automatically expire without notice.

8-016 Termination or Revocation of a Special Permit

1. Unless a time limit is specified for a special permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two (2) years or more, the special permit shall automatically terminate without notice. The approval of a new special permit shall be required prior to any subsequent reinstatement of the use.

2. A special permit shall be revocable by the BZA at any time because of the failure of the owner or operator of the use covered by the special permit to comply with the terms or conditions of the special permit.

   Before revoking any special permit, the BZA shall conduct a public hearing and provide notice in accordance with the provisions of Sect. 18-110. The BZA or its agent shall give the permittee at least twenty (20) days advance written notice of the hearing date either by certified mail, return receipt requested, or by hand delivery, and the notice shall contain:

   A. The grounds for the proposed revocation of the special permit; and

   B. The date, time and place of the public hearing.

   The above provisions shall remain applicable to a use covered by a special permit, which use has, subsequent to the approval of the special permit, been reclassified to a

special exception use, until a special exception is approved for the use due to an enlargement, expansion, increase in intensity, relocation or modification of a special permit condition and then the revocation provisions of Sect. 9-016 shall apply.

3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

PART 1 8-100 GROUP 1 EXTRACTION AND EXCAVATION USES

8-101 Group 1 Special Permit Uses

1. Removal of sand or gravel by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2-601; but not including the treating, crushing or processing of the same. No permit for such sand or gravel removal shall be approved by the BZA for any parcel or area not designated in the adopted comprehensive plan for consideration of such a use.

2. Removal of soil by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2-601; but not including the treating, crushing or processing of the same.

3. Stone quarrying.

4. Extraction of materials other than those specifically enumerated in this Part.

5. Crushing, treating, washing and/or processing of materials resulting from a use permitted under the four immediately preceding Paragraphs when conducted on the same property.

8-102 Districts in Which Group 1 Uses May be Located

Group 1 special permit uses may be allowed only in those areas designated as Natural Resource Overlay Districts as established in Part 3 of Article 7.

8-103 Application

In addition to the submission requirements set forth in Sect. 011 above, all applications for Group 1 uses shall be accompanied by the following items:

1. Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of one inch equals one hundred feet (1" = 100'). Such plat shall show:

   A. The boundary of the entire tract with bearings and distances.

   B. Limits and current field topography, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 250 feet of such proposed limits or such greater distance as may be specified by the Director.

   C. Average thickness of overburden within the limits of the proposed use.

   D. Means of vehicular access to the proposed use indicating the proposed type of surface treatment.

2. One (1) vertical aerial photograph, enlarged to a scale of one inch equals five hundred feet (1" = 500'), from the original photography flown at a negative scale no smaller than one inch equals one thousand feet (1" = 1000'), and certified as flown not earlier than six

(6) months prior to the date on which the application is submitted. The area covered by such photo shall include:

A. All land included in the application for a special permit.

B. All contiguous land which is or has been used by the applicant for such use or a related use.

C. All public roads which provide access to the proposed use.

D. All residentially zoned land within 500 feet of the area proposed for such use.

3. One (or more if necessary to cover the area) Fairfax County Zoning Section Sheet indicating the same area covered by the aerial photograph in Par. 2 above. Such section sheet shall clearly indicate the area proposed for such use by a red line drawn following the boundary thereof. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map.

4. Five (5) copies of a report which describes the proposed use and includes the following:

A. A detailed list of the type and quantity of equipment to be used in connection with the use, including bulldozers, cranes, washers, crushing equipment, trucks, and all other mechanical equipment.

B. An estimate of the number of trucks proposed to enter and leave the property per day.

C. The proposed hours of operation each day, and the proposed days of operation during the week.

D. The proposed period of time necessary to complete the use proposed, and the time schedule for a restoration program. This item shall include a time certain by which the applicant believes that all uses under the application should be completed and all restoration complete.

5. The plan for operation of the natural resource excavation or extraction, prepared by an engineer or surveyor licensed by the State, shall be submitted as a transparent overlay at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated and the location, limits and title of each of the items shall be indicated on the transparent overlay, and the area in square feet of each shall be provided on a one-page supplemental report:

A. Area of any previous, currently active, and proposed excavation.

B. Area of active settling ponds and washing facilities.

C. Areas of existing and proposed crushing or treatment facilities.

D. Areas of existing and proposed storage of extracted material.

E. Areas of existing and proposed production facilities or resource related uses.

F. Location and type of any existing and proposed erosion control facilities.

6. The plan for the restoration of the site, prepared by an engineer or surveyor licensed by the State, shall be submitted as a transparent overlay at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated and the location, limits and title of each of the items shall be indicated on the transparent overlay, and the area in square feet of each shall be provided on a one-page supplemental report:

   A. The area proposed to be restored.

   B. The area of any current restoration now in progress.

   C. The area of any previous restoration.

   D. The area currently used for topsoil and overburden storage.

7. Three (3) copies of a final grading plan for the site, prepared by an engineer or surveyor licensed by the State, shall be submitted at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated:

   A. Final proposed topography of the site after completion of all proposed restoration.

   B. Proposed depth of topsoil and location of any planting restoration, including type of plant material.

   C. The direction of all drainage, shown by arrows, after restoration.

   D. Any roadways and driveways which are not proposed to be removed during restoration, and their surfacing material.

8. Receipts for certified letters mailed to all contiguous property owners notifying said owners that an application for the proposed use is being filed with the appropriate County officials. Such notice shall precede the hearing by the BZA by not less than sixty (60) days.

9. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Director, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued.

10. A soils analysis of the property, including test borings as required by the Director, and a written report setting forth the effects, if any, of the proposed operation upon the stability of soils, the water table, wells and septic fields within the area, and other soil factors which may have an effect upon nearby properties.

11. As a condition of approval, the applicant shall post with the County a bond in an amount to be set by the BZA. Such bond shall be with surety satisfactory to the bonding committee appointed by the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 180 days following the expiration of the special permit. The bond shall be accompanied by an instrument in writing, effectively granting to the County or its officers, agents and employees, a right to enter the property which is the subject of the permit for the purpose of inspection and of restoration if required.

8-104 Administration

The administration of a Group 1 special permit shall be in accordance with the provisions of Part 0 and those additional provisions set forth below:

1. The completed application, including all items required by the provisions of Sect. 103 above, shall be submitted to the Zoning Administrator who shall review it for completeness, and shall refer it to the Director and other County staff for review of erosion, siltation, drainage and access considerations.

2. Following such staff review, the application shall be set on the agenda of the BZA, where such application shall be heard in the manner and according to the same procedures as any other special permit application.

3. The application shall be approved or denied within not less than 60 or more than 180 days after a complete application is filed by the applicant except under abnormal circumstances. The running of this period shall be suspended during any time when the application is returned to the applicant for the furnishing of further information.

4. The BZA may grant a special permit for a stone quarry for a period not to exceed five (5) years. Such special permit may be extended in accordance with the provisions of Sect. 012 above for a period not to exceed five (5) years. Only one (1) such extension may be granted, and at the end of a ten (10) year period, a permit may be renewed in accordance with the provisions of Sect. 014 above.

5. The BZA may grant a special permit for all other Group 1 uses except a stone quarry for a period not to exceed two (2) years. Such permit may be extended in accordance with the provisions of Sect. 012 above for not more than one additional two (2) year period.

6. All natural resource related operations and uses approved under any previous ordinance for which an expiration date has been established, either by that previous ordinance or by a condition placed thereon by the BZA, shall expire on such date and may only be renewed or extended in accordance with the provisions of this Ordinance.

7. The Zoning Administrator shall make an annual inspection of each Group 1 use and shall make a report of the findings to the BZA. Such report shall include the following:

   A. A statement of whether or not the operation is in compliance with all of the requirements of the special permit.

B. A statement of changes which have occurred in the vicinity since the granting of the application, such as new development in the area.

C. A statement on the condition of the roads in the area which might indicate the spillage of material from trucks.

8. As a result of the annual inspection, the Zoning Administrator may find it necessary, for the health, safety and welfare of the general public, to recommend additional restrictions and limitations on such use. In such event, the Zoning Administrator shall transmit the findings to the BZA which shall hold a public hearing following notice in accordance with the provisions of Sect. 18-110.

8-105 Standards for all Group 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 1 special permit uses shall satisfy the following standards:

1. No permit for a Group 1 use shall be issued for any tract of land containing less than twenty (20) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing Group 1 use onto contiguous land containing less than twenty (20) acres.

2. With the exception of stone quarrying and related grading activity, no grading, mining, excavating, removal of trees or other disturbance of natural vegetation shall be permitted within 200 feet of contiguous property subdivided into residential lots of one (1) acre or smaller not under the ownership or control of the applicant, nor within 250 feet of an occupied dwelling.

   Exceptions to the setbacks established above for all uses except stone quarrying may be granted by the BZA subject to compliance with the following:

   A. The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment, and

   B. The ultimate grades of the proposed encroachment will be suitable for future development of the property in accordance with the adopted comprehensive plan for that area.

3. All natural resource extraction, quarrying and related operations shall be in conformance with the provisions of Sect. 2-603 relating to erosion and sedimentation.

4. No building or structure used in connection with such an operation, except buildings for office and administrative purposes only, shall be located within 200 feet of (a) the right-of-way of any public street or (b) any adjoining property. Buildings devoted solely to office and/or administrative uses may be constructed not less than 100 feet from such street or property line when specifically approved as part of the special permit.

5. In conjunction with all Group 1 uses except stone quarrying, no washing, crushing, processing or similar operation shall be conducted within 200 feet of (a) the right-of-way line of any public street or (b) any adjoining residential property.

6. In conjunction with a stone quarry, no washing, crushing, processing or similar operation shall be conducted within 200 feet of the right-of-way of any public street or a safe distance to be established by the BZA from any adjoining occupied dwelling. No stone quarrying or related grading activity, except restoration work, shall be permitted within 150 feet of contiguous property subdivided into residential lots of one (1) acre or smaller, not owned or controlled by the applicant, or the right-of-way of any public street.

   Exceptions to the setbacks established above may be granted by the BZA subject to compliance with the following:

   > The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment.

7. The setback requirements of Par. 4 and 6 above shall not apply to quarries or quarry related uses existing prior to the effective date of this Ordinance nor to extensions granted therefor.

8. The top of all open excavations having a depth of ten (10) feet or more, which will create a slope of forty-five (45) degrees or more from the horizontal and which shall remain for a period of more than twenty-four (24) hours, shall be enclosed by a substantial fence erected at least fifty (50) feet outside the excavation. Such fence shall be not less than six (6) feet in height, and shall effectively control access to such excavation.

9. All operations shall be limited to the hours of 7 AM to 6 PM provided however the BZA may modify the hours to permit loading and delivery after 6 PM, upon a determination that such modification will not adversely impact the surrounding area.

10. All settlement ponds used in connection with an operation, except those entirely within a fenced area required by Par. 8 above, shall be fenced with at least a six (6) foot chain link fence having an 18" to 24" arm above the chain link fence with at least three (3) strands of barbed wire - four barb, equipped with a locked gate at all access points.

11. All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

12. Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the roadside setback.

    The type, time of planting, design and spacing of planting screen shall be approved by the Director. Approval of maintenance of roadside landscape area by the Director shall be required for permit extension and permit renewal.

    The function of the roadside landscape area is threefold: (a) to dignify the purpose of the natural resource area and protect it from becoming an eyesore; (b) to dampen noise from operation of equipment; and (c) to absorb dust that might result from the operations.

    Where it is determined by the Director that roadside landscaping is not practical because of soil and/or operation conditions, screening shall be provided in the form of a fence, wall or berm.

13. Notwithstanding the provisions of the underlying zoning district in which a Group 1 use may be located, all Group 1 special permit operations shall be subject to only the following performance standards:

    A. No blasting shall be permitted except in conjunction with a permit for stone quarrying.

    B. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the BZA may further limit such blasting vibration where, in its opinion, the density of population in the area warrants additional protection.

    C. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.

    D. The peak over-pressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130 decibels) at any occupied structure not on the subject property.

    E. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property, 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.

PART 2 8-200 GROUP 2 INTERMENT USES

8-201 Group 2 Special Permit Uses

1. Cemetery for human or animal interment.

2. Columbarium and mausoleum when used in conjunction with a cemetery.

3. Crematory, human or animal.

4. Funeral home, if located in an already existing cemetery of more than seventy-five (75) acres.

8-202 Districts in Which Group 2 Uses May be Located

1. Group 2 uses may be permitted by right in the following districts:

   PDH, PRC Districts: All uses when represented on an approved development plan

   PCC District: Limited to a columbarium or mausoleum for human or animal interment when represented on an approved development plan

   I-4, I-5, I-6 Districts: Limited to use 3

2. Group 2 uses may be allowed by special permit in the R-E through R-4 Districts.

8-203 Standards for all Group 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 2 special permit uses shall satisfy the following standards:

1. All uses shall comply with the provisions set forth in Chapter 3 of Title 57 of the Code of Virginia.

2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment in any facility for the disposal of the dead be made within fifty (50) feet of a street line.

3. All uses shall comply with the performance standards specified for the zoning district in which located.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

8-204 Additional Standards for Columbariums, Mausoleums and Crematories

1. No columbarium or mausoleum shall be located closer than 50 feet to any lot line.

2. No crematory shall be located closer than 250 feet to any lot line.

3. Crematories shall meet all applicable federal, state and local emission control standards for incinerators.

PART 3 8-300 GROUP 3 INSTITUTIONAL USES

8-301 Group 3 Special Permit Uses

1. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

2. Churches, chapels, temples, synagogues and other such places of worship.

3. Convents, monasteries, seminaries and nunneries.

4. (Deleted by Amendment #83-72, Adopted January 31, 1983)

5. Home child care facilities.

6. Group housekeeping units.

7. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

9. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

10. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education.

8-302 Districts in Which Group 3 Uses May be Located

1. Group 3 uses may be permitted by right in the following districts:

   R-12, R-16, R-20, R-30, R-MHP Districts: Limited to use 2

   PDH, PDC, PRC, PTC Districts: All uses when represented on an approved development plan
   PRM District: Limited to uses 2, 5 and 10 when represented on an approved development plan
   PCC District: Limited to use 2 when represented on an approved development plan

   C-1, C-2, C-3, C-4 Districts: Limited to uses 2 and 10
   C-5, C-6, C-7, C-8 Districts: Limited to use 2

   All I Districts: Limited to use 2

2. Group 3 uses may be allowed by special permit in the following districts:

   R-A District: Limited to use 5
   R-P, R-C Districts: Limited to uses 2, 5 and 10
   R-E, R-1, R-2, R-3, R-4, R-5, R-8 Districts: All uses
   R-12, R-16, R-20, R-30, R-MHP Districts: Limited to uses 3, 5, 6 and 10

C-5, C-6, C-7, C-8 Districts: Limited to uses 3 and 10

I-I District: Limited to use 10
I-1, I-2, I-3 Districts: Limited to uses 3 and 10
I-4, I-5, I-6 Districts: Limited to use 10

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-304 (Deleted by Amendment #83-72, Adopted January 31, 1983)

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use and/or allow an expansion of the permitted hours of attendance of any such nonresident person beyond the hours permitted under Par. 6D of Sect. 10-103. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.

2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA 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 and such parking shall be in addition to the requirement for the dwelling unit.

3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum

size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

A. The dimensions, boundary lines and area of the lot or parcel.

B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.

C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

E. Seal and signature of the licensed professional certifying the plat.

5. All applications shall be accompanied by a dimensioned floor plan identifying all rooms and/or facilities to be used in conjunction with the home child care facility, including gross floor area, and points of ingress and egress from the dwelling. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs of those rooms and/or facilities used in conjunctions with the home child care facility. The photographs shall be clearly dated and labeled as to their subject matter.

6. (Deleted by Amendment #18-476, Adopted December 4, 2018, Effective December 5, 2018)

8-306 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-307 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

PART 4 8-400 GROUP 4 COMMUNITY USES

8-401 Group 4 Special Permit Uses

1. Community clubs, centers, meeting halls, swimming pools, archery ranges.

2. Swimming clubs and tennis clubs/courts.

3. Marinas, docks and boating facilities of a private, nonprofit nature.

4. Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas.

8-402 Districts in Which Group 4 Uses May be Located

1. Group 4 uses may be permitted by right in the following districts:

   PCC, PDH, PDC, PRC, PTC Districts: All uses when represented on an approved development plan

   C-5, C-6, C-7, C-8 Districts: Limited to community clubs, centers and meeting halls

2. Group 4 uses may be allowed by special permit in the following districts:

   All R Districts except R-A: All uses

   C-1, C-2, C-3, C-4 Districts: Limited to use 2
   C-5, C-6 Districts: Limited to swimming pools and archery ranges, uses 2, 3 and 4
   C-7, C-8 Districts: Limited to uses 2 and 3

   I-1, I-2, I-3, I-4 Districts: All uses
   I-5, I-6 Districts: Limited to use 2

8-403 Standards for all Group 4 Uses

1. Except for Use 2 set forth in Sect. 401 above, all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility. Further, no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization where membership thereto is limited to residents of nearby residential areas.

2. All uses shall comply with the bulk regulations of the zoning district in which located.

3. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

PART 5 8-500 GROUP 5 COMMERCIAL RECREATION USES

8-501 Group 5 Special Permit Uses

1. Billiard and pool halls.

2. Bowling alleys.

3. Commercial recreation parks, including mechanical or motorized amusement rides/devices.

4. Commercial swimming pools, tennis courts and similar courts.

5. Dance halls.

6. Health clubs.

7. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses.

8. Miniature golf courses.

9. Skating facilities.

10. Any other similar commercial recreation use.

8-502 Districts in Which Group 5 Uses May be Located

1. Group 5 uses may be permitted by right in the following districts:

   PDH District: Limited to uses 1, 2, 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8 and 9 when represented on an approved development plan
   PDC District: Limited to uses 1, 2, 4, 6, 7, 8, 9 and 10 when represented on an approved development plan
   PRC District: All uses when represented on an approved development plan
   PRM District: Limited to uses 1, 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 9 and 10 when represented on an approved development plan
   PTC District: Limited to uses 1, 2, 4, 5, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9 and 10 when represented on an approved development plan
   PCC District: Limited to uses 2, 4, 5, 6, and 7 when represented on an approved development plan

   C-3, C-4, C-5 Districts: Limited to uses 4 (indoor) and 6
   C-6 District: Limited to uses 4 (indoor), 6 and 8 (indoor)
   C-7, C-8 Districts: Limited to uses 2, 4 (indoor), 6, archery ranges, fencing and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)

2. Group 5 uses may be allowed by special permit in the following districts:

   All R Districts except R-A, R-P and R-C: Limited to use 4

C-2 District: Limited to use 4
C-3, C-4 Districts: Limited to uses 2, 4, (outdoor), archery ranges, fencing, and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)
C-5 District: Limited to uses 1, 4, (outdoor), archery ranges, fencing, and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)
C-6 District: Limited to uses 1, 2, 4 (outdoor), 5, 7, 8 (outdoor) and 9 (indoor and outdoor)
C-7, C-8 Districts: Limited to uses 1, 3, 4 (outdoor), 5, indoor firing ranges, 8 (outdoor), 9 (outdoor) and 10

I-1, I-2 Districts: Limited to use 4
I-3, I-4 Districts: Limited to uses 4, 6, 7 and 8
I-5, I-6 Districts: Limited to uses 2, 3, 4, 6, 7, 8 and 9

8-503 Standards for all Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

8-504 Additional Standards for Commercial Recreation Parks

1. The minimum lot size shall be five (5) acres.

2. The park shall have frontage on a public street of sufficient capacity to provide safe access and to convey the anticipated traffic associated with the proposed use, as shown by a traffic impact statement provided by the applicant.

3. No mechanical or motorized rides shall be located within 200 feet of any adjoining property which is in an R district, unless the applicant demonstrates to the BZA's satisfaction that the existing topography of the site or the provision of noise attenuation measures will adequately mitigate any sound and visual impacts of the use.

3. In reviewing an application for a permit, the BZA shall take into consideration factors such as safety, noise, dust, glare and traffic and shall impose such conditions as may be necessary to ensure that the use will be compatible and will not adversely impact the adjacent properties.

PART 6 8-600 GROUP 6 OUTDOOR RECREATION USES

8-601 Group 6 Special Permit Uses

1. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

2. Camp or recreation grounds.

3. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

4. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

5. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

6. Riding/boarding stables, except those permitted in accordance with Part 3 of Article 10.

7. Skeet and trapshooting ranges.

8. Veterinary hospitals, but only ancillary to riding or boarding stables.

9. Zoological parks.

10. (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-602 Districts in Which Group 6 Uses May be Located

1. Group 6 uses may be permitted by right in the following districts:

   PDH District: Limited to uses 6, 8 and 9 when represented on an approved development plan
   PRC District: Limited to uses 2, 6 and 8 when represented on an approved development plan

2. Group 6 uses may be allowed by special permit in the following districts:

   R-A District: Limited to use 6
   R-P, R-C Districts: Limited to uses 2, 6, 7 and 8
   R-E, R-1 Districts: All uses

8-603 Standards for all Group 6 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 6 special permit uses shall satisfy the following standards:

1. All uses shall comply with the bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

3. Except as may be provided for in Sect. 609 below, no off-street parking and loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

8-604 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-605 Additional Standards for Camp or Recreation Ground

1. The minimum lot size requirement shall be twenty (20) acres.

2. Except for light poles, no structure or camp site shall be located closer than 100 feet to any lot line.

3. No permit shall be issued for a camp or recreation ground until the applicant has furnished evidence that the proposed development meets all requirements of the Health Department.

8-606 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-607 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-608 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

8-609 Additional Standards for Riding and Boarding Stables

1. The minimum lot size requirement shall be two (2) acres.

2. Except for light poles and fences, no structure or riding ring associated with a riding or boarding stable shall be located closer than 100 feet to any lot line. However, for stable structures, riding rings and/or associated parking and loading spaces established on the lot on or after September 29, 2010, the BZA may reduce the 100 foot setback required for stable structures and riding rings to no less than 40 feet, and may reduce the 50 foot setback required for associated parking and loading spaces, as required by Sect. 609 above, to no less than 20 feet. For stable structures, riding rings and/or associated parking and loading spaces existing on the lot prior to September 29, 2010, the BZA may modify or waive the 100 foot setback required for stable structures and riding rings and/or the 50 foot setback required for associated parking and loading spaces. Such modification or waiver shall only be granted when the applicant has demonstrated to the satisfaction of the BZA that such setback(s) is not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:

A. Specific operational characteristics of the riding and boarding stable such as the limits on the number of horses, students and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; odor mitigation and amount and type of outdoor activity.

B. Conditions which adequately buffer adjacent properties from the riding and boarding stable, which may include but are not limited to: topography, vegetation, location and/or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, and/or existence of roads and/or major utilities.

8-610 Additional Standards for Skeet and Trapshooting Ranges

1. The minimum lot size requirement shall be seventy-five (75) acres.

2. Except for light poles, no structure associated with a skeet or trapshooting range shall be located closer than 100 feet to any lot line.

3. No permit shall be issued for a skeet or trapshooting range until the applicant has furnished evidence that the proposed development meets all regulations specified by State law and all County ordinances.

4. In the consideration of an application for a permit, the BZA shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

8-611 Additional Standards for Veterinary Hospitals

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

2. The construction and operation of all such facilities shall be approved by the Health Department prior to issuance of any Building Permit or Non-Residential Use Permit.

8-612 Additional Standards for Zoological Parks

1. The minimum lot size requirement shall be ten (10) acres.

2. Except for light poles, no structure associated with the use shall be located closer than fifty (50) feet to any lot line.

3. All such uses shall be subject to and operated in compliance with all applicable Federal, State and County regulations.

4. The Animal Services Division of the Police Department shall review the operation of the zoological park on a quarterly basis and shall have the right to conduct unannounced inspections of the facility during daylight hours.

5. The keeping of all animals including wild or exotic animals as defined in Chapter 41.1 of the Code may be permitted with the approval of the Animal Services Division of the Police Department, upon a determination that the animal does not pose a risk to public

health, safety and welfare and that there will be adequate feed and water, adequate shelter, adequate space in the primary enclosure for the particular type of animal depending upon its age, size and weight and adequate veterinary care.

8-613 (Deleted by Amendment #01-337, Adopted June 25, 2001, Effective October 24, 2001)

PART 7 8-700 GROUP 7 OLDER STRUCTURES

8-701 Group 7 Special Permit Uses

1. Antique shops.

2. Art and craft galleries.

3. Restaurants.

4. Rooming houses.

5. Summer theatres.

8-702 Districts in Which Group 7 Uses May be Located

Group 7 uses may be allowed by special permit in the following districts:

R-P, R-C Districts: Limited to uses 3 and 5
R-E, R-1 Districts: All uses
R-2, R-3, R-4 Districts: Limited to uses 1, 2, 4 and 5

C-1, C-2 Districts: Limited to uses 3 and 4
C-3, C-4 Districts: Limited to use 4

8-703 Standards for all Group 7 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 7 special permit uses shall satisfy the following standards:

1. No permit issued for a Group 7 use shall exceed five (5) years. Such permit may be extended in conformance with the provisions of Sect. 012 above for not to exceed three (3) successive periods of one (1) year each. At the expiration of eight (8) years from the date the original permit was issued, the permit may be renewed in accordance with the provisions set forth in Sect. 014 above.

2. Group 7 uses shall be permitted only in those locations where the desirability and acceptability for continued residential use is judged to be less than in surrounding residential areas.

3. All uses shall be permitted only in residential structures, including normal residential accessory structures, existing prior to January 1, 1949. Alterations undertaken on structures shall be limited to those which will not alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.

4. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

5. All uses shall comply with the performance standards specified for the zoning district in which located.

6. No off-street parking or loading space shall be located in any required side or rear yard that abuts an R district. No more than three (3) parking spaces shall be located in any required front yard unless specifically permitted by the BZA on a finding that such parking provisions will not adversely affect the character of the surrounding residential area.

7. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

8-704 Additional Standards for Antique Shops and Art and Craft Galleries

1. Antique shops and art and craft galleries shall be located on lots within a Community Business Center (CBC) as delineated on the adopted comprehensive plan.

2. No goods or items offered for sale shall be displayed outdoors.

8-705 Additional Standards for Restaurants

1. The minimum lot size requirements shall be five (5) acres.

2. No restaurant shall be established in any dwelling or associated farm building that has a gross floor area of less than 3000 square feet.

3. A restaurant must be located in the bona fide residence of the proprietor of such use or in its related farm building.

4. No goods or items offered for sale shall be displayed outdoors.

8-706 Additional Standards for Rooming Houses

1. Rooming houses shall be located on lots which have direct access to a major thoroughfare or a service drive parallel to same, or shall be located on lots within a Community Business Center (CBC) as delineated on the adopted comprehensive plan.

8-707 Additional Standards for Summer Theatres

1. A summer theatre shall not be deemed to include a drive-in motion picture theatre.

2. The minimum lot size requirements shall be five (5) acres.

3. No summer theatre shall be established in any dwelling or associated farm building that has a gross floor area of less than 3000 square feet.

4. No goods shall be sold in connection with any summer theatre except refreshments and such incidentals as are customarily sold during the theatrical performances, and no such goods shall be offered for sale except during the time the theatre is open for performances.

PART 8 8-800 GROUP 8 TEMPORARY USES

8-801 Group 8 Special Permit Uses

1. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.

2. Construction material yards accessory to a construction project.

3. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project.

4. Promotional activities of retail merchants.

5. Subdivision and apartment sales and rental offices.

6. Temporary dwellings or mobile homes.

7. Farmers markets.

8. (Deleted by Amendment #18-476, Adopted December 4, 2018, Effective December 5, 2018)

9. Temporary portable storage containers.

10. Community gardens.

8-802 Districts in Which Group 8 Uses May be Located

Group 8 uses may be allowed by special permit in the following districts:
R-A District: Limited to uses 1, 7, 9 and 10
R-P District: Limited to uses 1, 2, 3, 5, 6, 7, 9 and 10
All other R Districts: Limited to uses 1, 2, 3, 5, 6, 7, 9 and 10

All P Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 9 (when located in a residential portion of a P district), and 10

All C Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, and 10

All I Districts except I-I: Limited to uses 1, 2, 3, 4, 5, 6, 7, and 10

8-803 Administration

1. Upon application as provided for in Sect. 010 above, the Zoning Administrator may issue a temporary special permit for any of the uses set forth in Sect. 801 above.

2. The application for a temporary special permit for all uses shall be filed at least three (3) weeks prior to the date on which the permit is to take effect, provided that the Zoning Administrator may approve a lesser time period. The application forms shall provide

such information as the Zoning Administrator shall find to be reasonably necessary for the proper administration of this Part.

3. A temporary special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time or any renewal or extension of a permit may be approved by the BZA, subject to the same procedure as specified in Sect. 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.

4. Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Sect. 006 above, the Zoning Administrator shall issue a temporary special permit, setting forth the duration of the permit and specifying such conditions as to hours, location, parking, traffic access, and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.

5. The Zoning Administrator may revoke a temporary special permit at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the Zoning Administrator in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked, the date and time upon which the revocation is effective, and informing the owner or operator of the appeals procedure. Upon receipt of such notice, the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

6. An appeal by any person aggrieved by an action of the Zoning Administrator in granting or denying a temporary special permit may be made in accordance with the provisions of Part 3 of Article 18.

7. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours of the date upon which the appeal is received. Within twenty-four (24) hours of the date of the meeting, the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.

8-804 Standards and Time Limits for Carnivals and Other Uses Set Forth in Par. 1 of Sect. 801 Above

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days.

2. All permitted activities shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, place of worship or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.

3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival. The Zoning Administrator shall determine, from previous performance and other information, that the owner or owners are of good repute.

4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.

5. The Zoning Administrator shall not issue a temporary special permit for a carnival or circus where such activity, as proposed, will:

   A. Occur within two (2) miles of any other carnival or circus for which a temporary special permit has been previously obtained under this Section, and

   B. Commence within a time period of three (3) weeks from the ending date of any other carnival or circus within a two (2) mile radius for which a temporary special permit has been previously obtained under this Section.

6. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.

7. The Zoning Administrator shall notify the Animal Services Division of the Police Department upon receipt of an application for a temporary special permit involving the display or exhibition of animals. In addition to the requirements of this Ordinance, the owners and/or operators of any carnival, circus, side show, dog and pony show, trained animal show, traveling animal exhibition, menagerie or any other show, exhibition or performance similar thereto, shall procure a County license in accordance with the provisions of Chapter 25 of The Code, and a permit in accordance with the provisions of Chapter 41.1 of The Code.

8. (Deleted by Amendment #18-476, Adopted December 4, 2018, Effective December 5, 2018)

8-805 Standards and Time Limits for Construction Material Yards

1. A temporary special permit may be issued for a period not to exceed eighteen (18) months.

2. Such a yard shall be located within the recorded subdivision which it serves or on the same lot where the construction project is located.

3. No portion of such a yard shall be located closer than fifty (50) feet to any right-of-way line of any public street existing prior to the recording of the subdivision served by such yard or existing prior to the commencement of the construction project.

4. No portion of such a yard shall be located closer than 150 feet to any pre-existing dwelling not owned or leased by the owner of the subdivision or construction project served by such a yard.

5. If such a yard is to be used in connection with the construction of 100 or more single family detached dwellings, then the distances specified in Par. 3 and 4 above shall be doubled.

6. All areas of such a yard and access roads thereto shall be treated or maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. Such yards shall be maintained in a clean and orderly manner, and building material and construction residue and debris shall not be permitted to accumulate.

7. All buildings, materials, supplies and debris shall be completely removed from such yard within sixty (60) days from the date of completion of the last building to be constructed or within sixty (60) days from the date active construction is discontinued, whichever occurs first, but in no event shall the time exceed the limit set forth in Par. 1 above.

8. Where deemed necessary and desirable by the Zoning Administrator, when such yards are to be located in or adjacent to an R district, appropriate screening or fencing measures shall by provided.

8-806 Standards and Time Limits for Contractors' Offices and Equipment Sheds

1. A temporary special permit may be issued for a period beginning no earlier than thirty (30) days prior to the commencement of actual construction and terminating no later than twenty (20) days after completion of the last building to be constructed in the project.

2. Such uses shall be located within the recorded subdivision or on the same lot where the construction project is located.

3. The area in the vicinity of such uses and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way.

8-807 Standards and Time Limits for Promotional Activities of Retail Merchants

1. A temporary special permit may be issued for a period not to exceed fourteen (14) days in any three (3) month period.

2. Such promotional activities involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.

3. No required off-street parking space, service drive or loading area shall be utilized for such display.

4. The outdoor display of automobiles, mobile homes, trailers, camping equipment, boats, antiques, and similar large items shall not include the sale of such items in conjunction with and on the site of such display.

5. The outdoor display of used appliances, used furniture, used housewares, used plumbing, used building materials, and other similar used merchandise shall not be authorized under this Section.

8-808 Standards and Time Limits for Subdivision and Apartment Sales and Rental Offices

1. A temporary special permit may be issued for a period not to exceed two (2) years.

2. Such an office shall be incidental to and located within the recorded subdivision which it serves or on the same lot where the sales project is located.

3. Such an office shall contain no sleeping accommodations unless it is located in a model dwelling unit.

4. If located in a permanent structure, such structures shall comply with all of the requirements of this Ordinance, to include the applicable zoning district regulations.

5. Such an office shall continue only until the sale or lease of all dwelling units in the development, but in no event shall the time exceed the limit set forth in Par. 1 above.

8-809 Standards and Time Limits for Temporary Dwellings or Mobile Homes

1. A temporary special permit may be issued for a period not to exceed nine (9) months.

2. Such a use shall be allowed only on a lot where a single family detached dwelling is permitted by the provisions of this Ordinance.

3. Such a use shall be allowed only in a case where a single family dwelling has been destroyed or damaged by fire or other disaster to an extent which makes such dwelling uninhabitable and only where such dwelling is to be rebuilt or repaired.

4. Occupancy of such a temporary dwelling shall be allowed only if appropriate sanitary facilities are provided as approved by the Health Department, and such occupancy shall terminate immediately upon completion of the dwelling on the same lot, but in no event shall the time exceed the limit set forth in Par. 1 above.

6. Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon his review of a particular application for a temporary dwelling or mobile home, in which event he shall refer the request to the BZA for its action, and such temporary permit shall be subject to all such conditions and requirements.

8-810 Standards and Time Limits for Farmers Markets

A farmers market may be permitted subject to the following conditions:

1. Adequate parking and safe ingress and egress to the adjacent street must be provided.

2. No storage of vehicles, canopies, display items or produce is permitted when the market is not in operation. Additionally, no permanent structures are allowed; however, canopy tents, fabric canopies primarily attached to vehicles, temporary portable shelving, portable tables, bins, hanging racks and similar display items are not deemed structures.

3. Sales are limited to agricultural products and items made from farm products, including vendor-produced food, beverage, and other value-added items.

4. The hours of operation are limited to daylight hours.

5. To establish a farmers market, an application must be filed with the Zoning Administrator on forms furnished by the County, accompanied by the required fees in accordance with Sect. 18-106. Permits are valid for a period of two years and may be renewed on a biennial basis with approval of the Zoning Administrator. Any subsequent expansion or change of permit holder or renewal of a farmers market permit may require submission of a new application as determined by the Zoning Administrator.

6. Farmers markets may also be permitted on County owned and controlled property, including the Park Authority or Fairfax County Public Schools, provided that such farmers markets have the property owner's permission and comply with all other applicable regulations.

8-811 (Deleted by Amendment #18-476, Adopted December 4, 2018, Effective December 5, 2018)

8-812 Standards and Time Limits for Temporary Portable Storage Containers

A temporary special permit may be issued for a temporary portable storage container in any yard on a lot developed with a dwelling unit for a period longer than set forth in Sect. 10-102, but only in accordance with all of the following:

1. A temporary special permit may be issued for a period not to exceed six (6) months or for the period of an active Building Permit, whichever is shorter in duration.

2. Temporary portable storage containers shall only be allowed in instances where a dwelling has been destroyed or damaged by casualty and only when such dwelling is to be rebuilt or repaired.

3. Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.

4. Temporary portable storage containers shall not exceed eight and one-half (8 ½) feet in height.

5. Temporary portable storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation**,** and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.

8-813 Standards and Time Limits for Community Gardens

Community gardens may be permitted as either a principal use or an accessory use subject to any associated proffers or development conditions and to the following:

1. A community garden may be permitted as a principal use in any district, subject to the following:

   A. The land area for the community garden cannot exceed two acres in size, except that a community garden of more than two acres and less than five acres may be approved by the BZA, in accordance with Sect. 8-009. An application for approval by the BZA must be filed a minimum of ninety (90) days prior to the date on which the permit is to take effect.

   B. The cumulative area of all structures associated with the community garden is limited to 250 square feet, except as may be approved by the BZA in accordance with Par. 1. All accessory structures must comply with the location regulations, as specified in Sect. 10-104.

   C. A community garden may not be located closer than 15 feet to the front lot line and 25 feet from all other lot lines.

   D. Designated composting areas may not be located in the minimum required front yard, must be screened from adjoining residential property with either a fence or other adequate screening material, and must be maintained in a manner that protects adjacent properties from nuisance odors, runoff and pests.

   E. Adequate parking and safe ingress and egress to the adjacent street must be provided.

   F. Only practices and equipment commonly used in residential gardening may be used. No lighting is permitted and all activities are subject to compliance with the noise standards set forth in Chapter 108.1 of The Code.

   G. The hours of operation are limited from 7:00 A.M. to dusk.

   H. Community gardens and the area surrounding community gardens must be maintained in good condition. In the event that the operation of the community garden ceases, the land or area must be restored, and all structures associated with the community garden must be removed from the property.

I. The operation of a community garden cannot create an erosive condition, as identified in Chapter 104 of The Code. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District is recommended for gardens of not more than 5,000 square feet in area and is required for gardens greater than 5,000 square feet in area. All activity in and around the garden must adhere to the recommendations of the Plan to preclude the development of erosive conditions.

J. To establish a community garden, an application must be filed with the Zoning Administrator on forms furnished by the County, accompanied by the required fees in accordance with Sect. 18-106. Permits are valid for a period of two years and may be renewed on a biennial basis with approval of the Zoning Administrator. Any subsequent expansion or change of permit holder may require submission of a new application as determined by the Zoning Administrator.

2. Community gardens may be permitted as an accessory use, for the exclusive use and enjoyment of members of a homeowner association, condominium association, or non-residential development, without approval of a temporary special permit, provided the operation conforms to provisions A through I of Par. 1 above.

3. Community gardens may also be permitted on County owned and controlled property, including the Park Authority or Fairfax County Public Schools, provided that such community gardens have the property owner's permission and comply with all other applicable regulations.

PART 9 8-900 GROUP 9 USES REQUIRING SPECIAL REGULATION

8-901 Group 9 Special Permit Uses

1. Adult book stores and adult mini motion pictures theatres.
2. Auction establishments.
3. Automated teller machines.
4. Barbershops or beauty parlors as a home occupation.
5. Commercial nudity establishments.
6. Home professional offices.
7. (Deleted by Amendment #00-324, Adopted February 7, 2000, Effective March 8, 2000 at 12:01 AM)
8. Sawmilling of timber.
9. Veterinary hospitals.
10. Provisions for approving additional sign height or sign area in shopping centers.
11. Approval of modification to minimum yard requirements for certain R-C lots.
12. Approval of reduction to minimum yard requirements based on error in building location.
13. (Deleted by Amendment #93-253, Adopted November 22, 1993)
14. (Deleted by Amendment #06-382, Adopted July 10, 2006, Effective July 11, 2006)
15. Modification to the limitations on the keeping of animals.
16. Accessory dwelling units.
17. Noise barriers.
18. Containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses.
19. Modification of minimum yard requirements for certain existing structures and uses.
20. Reduction of certain yard requirements.
21. Increase in fence and/or wall height in any front yard.

22. Certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line.

23. Modification of grade for single family detached dwellings.

24. Increase in the percentage of minimum required rear yard coverage for single family detached dwellings.

8-902 Districts in Which Group 9 Uses May be Located

1. Group 9 uses may be allowed by right in the following districts:

   PDH, PDC, PTC Districts: Limited to uses 3 and 10
   PRC District: Limited to uses 3 and 10
   PRM, PCC Districts: Limited to use 3

   C-2, C-3, C-4 Districts: Limited to use 3
   C-5 District: Limited to uses 3 and 10
   C-6, C-7, C-8 Districts: Limited to uses 3 and 10

   I-2 District: Limited to use 3
   I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and 10

2. Group 9 uses may be allowed by special permit in the following districts:

   R-A District: Limited to uses 9, 10 and 17
   R-P District: Limited to uses 6, 10 and 17
   R-C District: Limited to uses 6, 10, 12 and 17
   R-E, R-1 Districts: Limited to uses 4, 6, 9, 10 and 17
   R-2 District: Limited to uses 4, 6, and 17
   R-3, R-4, R-5, R-8 Districts: Limited to uses 6 and 17
   R-12 through R-MHP Districts: Limited to uses 3

   PDH, PRC Districts: Limited to uses 6 and 17
   PDC District: Limited to use 17
   PTC District: Limited to uses 6 and 17

   C-7 District: Limited to uses 1 and 5
   C-8 District: Limited to use 2

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-904 Additional Standards for Adult Book Stores and Adult Mini Motion Picture Theatres

1. Such a use shall be located only within a regional shopping center.

2. Such a use shall not abut a residentially used or zoned property.

3. Such a use shall not be located closer than 1000 feet to any place of worship or school.

4. No two such adult book stores or adult mini motion picture theatres may be located closer than 1000 feet from each other.

8-905 Additional Standards for Barbershops or Beauty Parlors as a Home Occupation

1. Such a use shall be conducted within the dwelling which is the bona fide residence of the principal practitioner.

2. There shall be no exterior evidence that the property is used in any way other than for a dwelling.

3. No employees, whether paid or not for their services, except persons who use the dwelling as their bona fide residence, shall be involved in the use.

4. Facilities shall be limited to those necessary to accommodate no more than one patron at a time.

5. Notwithstanding the provisions of Sect. 014 above, barbershops or beauty parlors approved prior to August 14, 1978, and currently valid as of June 1, 1983, may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally approved, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

8-906 Additional Standards for Commercial Nudity Establishments

1. Such a use shall be located only within a regional shopping center.

2. Such a use shall not abut a residentially used or zoned property.

3. Such a use shall not be located closer than 1000 feet to any place of worship or school.

4. No two such commercial nudity establishments may be located closer than 1000 feet from each other.

8-907 Additional Standards for Home Professional Offices

1. The premises shall have the exterior appearance of a single family detached dwelling.

2. The structure shall be the domicile of the principal practitioner and his family.

3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).

4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.

5. All applications shall be accompanied by a dimensioned floor plan depicting the internal layout of the residence, including identification and corresponding gross floor area of all rooms and/or facilities to be used in conjunction with the home professional office, and ingress and egress from the dwelling. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs of those rooms and/or facilities used in conjunctions with the home professional office. The photographs shall be clearly dated and labeled as to their subject matter.

8-908 (Deleted by Amendment #00-324, Adopted February 7, 2000, Effective March 8, 2000 at 12:01 AM)

8-909 (Deleted by Amendment #19-481 Adopted June 25, 2019, Effective June 26, 2019 at 12:01 AM)

8-910 Additional Standards for Sawmilling of Timber

1. No permit issued for a sawmilling operation shall exceed two (2) years. Such permit may be extended in conformance with the provisions of Sect. 012 above for not to exceed two (2) successive periods of two (2) years each, but in no event shall such an operation exist for more than a total of six (6) years.

2. Sawmilling operations shall be limited to timber grown on the same property.

3. No structure and no storage of lumber, logs or timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a saw shall be located closer than 400 feet to any lot line which abuts an R district.

4. The mill shall operate not more than one (1) saw at any one time, and no blade shall exceed forty-eight (48) inches in diameter.

5. There shall be no more than five (5) employees per shift, and no more than one (1) shift in any twenty-four (24) hour period.

6. Such sawmilling operation shall not maintain an on-site stockpile of more than 100 unsawn logs nor sawn lumber exceeding 8500 board feet at any one time.

7. The hours and days of operation shall be established by the BZA, except that such operation shall not extend during the period between 8 PM and 8 AM.

8. The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirement which will effect a minimum impact on the surrounding area.

8-911 Additional Standards for Veterinary Hospitals

1. All such buildings shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

2. The construction and operation of all such facilities shall be approved by the Health Department prior to issuance of any Building Permit or Non-Residential Use Permit.

4. In the R-A, R-P, R-C, R-E and R-1 Districts, there shall be a minimum lot size requirement of one (1) acre and veterinary hospitals shall be subject to the standards presented in Par. 1, 2, 3, and 4 of Sect. 907 above.

8-912 Provisions for Approving Additional Sign Height or Sign Area in Shopping Centers

The BZA may approve a special permit for the following, but only in accordance with the provisions of Sect. 12-304:

1. To allow an increase in the height of a freestanding sign in a neighborhood or community shopping center.

2. To allow additional sign area, additional sign height or different arrangement of sign area distribution for a regional or super-regional shopping center.

3. To allow building-mounted signs for uses so located within a shopping center as not to have frontage visible from a street.

8-913 Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

The BZA shall approve a special permit to allow a modification to the minimum yard requirements of the R-C District, but only in accordance with the following provisions:

1. The proposed dwelling or addition thereto is on a lot which was comprehensively rezoned to the R-C District on July 26, 1982 or August 2, 1982 and such lot was: (a) the subject of final plat approval prior to July 26, 1982, or (b) recorded in accordance with a

final consent decree entered in Chancery No. 78451 by the Fairfax County Circuit Court on September 17, 1985, or (c) recorded in accordance with a final consent decree entered in Chancery Nos. 78425, 78452, 78454, 78461, 78462 and 78465 by the Fairfax County Circuit Court on September 17, 1985, as amended by a final consent decree entered on November 25, 1991 by the Fairfax County Circuit Court in Chancery No. 123887.

2. Such modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982.

3. Such a modification shall be approved if it is established that the resultant development will be harmonious with existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat. Such plat shall be prepared by a certified land surveyor or registered engineer except plats submitted for additions to existing single family dwellings or accessory structures related to existing single family dwellings may be prepared by the applicant. Such plat shall contain the following information:

   A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.

   B. The location, dimensions and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level and for accessory structures, the height of the highest point of the structure from finished ground level.

   C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest one-tenth of a foot.

   D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.

   E. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.

   F. The delineation of any Resource Protection Area and Resource Management Area.

   G. The signature and certification number, if applicable, of the person preparing the plat.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure was erected, but only in accordance with the

following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by ten (10) copies of a plat and such plat must be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat must contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

   C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

   D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.

   E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.

   F. Means of ingress and egress to the property from a public street(s).

   G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

   H. If applicable, the location of well and/or septic field.

   I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

   J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

   K. Seal and signature of professional person certifying the plat.

   L. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

   In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:

   A. The error exceeds ten (10) percent of the measurement involved, or

   B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and

   C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

   D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

   E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

   F. It will not create an unsafe condition with respect to both other property and public streets, and

   G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

   H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction or modification for a particular building or structure in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-915 (Deleted by Amendment #93-253, Adopted November 22, 1993, Effective November 23, 1993 at 12:01 AM)

8-916 (Deleted by Amendment #06-382, Adopted July 10, 2006, Effective July 11, 2006)

8-917 Provisions for Modifications to the Limitations on the Keeping of Animals

The BZA may approve a special permit to allow the keeping of animals that are not commonly accepted pets, to allow the keeping of animals in numbers greater and/or on lots smaller than permitted by Sect. 2-512, or to allow modifications to the location regulations of Par. 9 of Sect. 10-104, but only in accordance with the following:

1. In reviewing an application, the BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals will be kept on the lot. The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor detrimental to other property in the area.

2. Such modification may be approved if it is established that the resultant use will be harmonious and compatible with the adjacent area.

3. Notwithstanding the requirements set forth in Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat, which may be prepared by the applicant and shall contain the following information:

   A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.

   B. The dimensions, height and distance to all lot lines of any existing or proposed building, structure or addition where such animals are to be kept.

   C. The delineation of any Resource Protection Area and Resource Management Area.

   D. The signature and certification number, if applicable, of the person preparing the plat.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.

2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any external entrances for the accessory dwelling unit shall be located on the side or rear of the structure, unless an alternative location is approved by the BZA.

   On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

   A. One of the dwelling units shall be owner occupied.

   B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

      (1) Any person fifty-five (55) years of age or over and/or

      (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

      For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

   C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

      (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

      (2) A group of not more than four (4) persons not necessarily related by blood or marriage.

6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

   A. Uninterrupted access to one (1) entrance; and

   B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and, in addition to the 15 copies, one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

B. Total area of the property and of each zoning district in square feet or acres.

C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls and, if known, the construction date(s) of all existing structures.

E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and/or proposed structures to lot lines.

F. Means of ingress and egress to the property from a public street(s).

G. The location of a well and/or septic field, or indication that the property is served by public water and/or sewer.

H. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

I. Seal and signature of the licensed professional person certifying the plat.

14. All applications shall be accompanied by a dimensioned floor plan depicting the internal layout and gross floor area of both the principal and accessory dwelling unit, with the use of each room and points of ingress and egress to the dwellings clearly labeled. The gross floor area calculation shall include the limitation set forth in Par. 3 above. In addition, and notwithstanding Par. 4 of Sect. 011 above, the dimensioned floor plan shall also be accompanied by corresponding digital photographs, which shall be clearly dated and labeled as to their subject matter.

8-919 Noise Barriers

The BZA may approve an increase in height and/or modification to the corresponding location regulations as set forth in Sect. 10-104 for a noise barrier which reduces adverse impacts of highway noise on properties located adjacent to major thoroughfares, or which reduces adverse noise impacts of commercial and industrial uses on adjacent properties, in accordance with the following:

1. A noise impact study shall be submitted with the application. The study shall demonstrate the need for such a barrier and the level of mitigation to be achieved, and shall include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming and landscaping.

2. The BZA shall determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.

3. Before establishment, the noise barrier shall be subject to the provisions of Article 17, Site Plans or other appropriate submission as determined by the Director.

8-920 Additional Standards for Containment Structures Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts and Golf Courses

The BZA may approve, in conjunction with the approval of a special permit for an outdoor sports facility or as a separate special permit use associated with a sports facility that is permitted by right, an increase in height and/or modification to the corresponding location regulations as set forth in Sect. 10-104 for containment structures associated with outdoor recreation/sports facility playing fields/courts or golf courses when such structure is designed to preclude the flight of any ball or other sports equipment onto adjacent property or right-of-way, but only in accordance with the following:

1. Detailed information relating to the anticipated trajectory of balls or other sports equipment and the need for a containment structure to keep such equipment on the property shall be submitted with the application. In the event the containment structure is associated with a new playing field/court or golf course, the playing field/court or golf course shall be oriented and designed in such a manner as to minimize the height needed for such containment structure.

2. The height, location, color and materials of the proposed containment structure, including the size of mesh for any netting, shall be identified in the application.

3. The material for the containment structure shall be limited to support structures, netting that is at least seventy-five (75) percent open in an evenly distributed pattern, and/or guy wires.

4. Wherever practical, the containment structure shall be designed in such a manner that, in the event of collapse, the structure will not fall onto adjacent property or right-of-way.

5. Signs shall not be permitted on any containment structures.

6. Wherever practical, the containment netting shall be removed when the outdoor sports facility is not in use due to seasonal changes or other factors.

7. A containment structure may be located on an adjacent lot to an outdoor recreation/sports facility playing field/court or golf course, whether or not such lot contains a principal structure or use.

8. Such containment structure shall not be allowed in association with a privately used playing field/court on a lot containing a single family dwelling.

8-921 Provisions for Modification of Minimum Yard Requirements for Certain Existing Structures and Uses

The BZA may approve, only in conjunction with the approval of a special permit for another use, a modification of any yard requirement for an existing structure or use, including but not limited to principal and accessory structures and off-street parking spaces, but only in accordance with the following:

1. It shall be demonstrated that the existing structure or use complied with the minimum required yards in effect when the use was established and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.

2. The BZA may impose such conditions as it deems necessary, to include landscaping and screening, to minimize the impact of the existing structure or use on adjacent properties.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:

   A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.

   B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.

   C. Accessory structure location requirements set forth in Sect. 10-104.

   D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

   Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

   Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.

4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by fifteen (15) copies of a plat and such plat must be presented on a sheet having a maximum size of 24" x 36," and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat must contain the following information:

    A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

    B. Total area of the property and of each zoning district in square feet or acres.

    C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

    D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

    E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.

    F. Means of ingress and egress to the property from a public street(s).

    G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

    H. If applicable, the location of a well and/or septic field.

    I. Existing and proposed gross floor area and floor area ratio.

    J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

    K. The location, type and height of any existing and proposed landscaping and screening.

    L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

    M. Seal and signature of professional person certifying the plat.

N. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.

2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.

3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.

E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.

F. Means of ingress and egress to the property from a public street(s).

G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

H. If applicable, the location of a well and/or septic field.

I. If applicable, existing gross floor area and floor area ratio.

J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

K. The location, type and height of any existing and proposed landscaping and screening.

L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

M. Seal and signature of professional person certifying the plat.

8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

8-924 Certain Additions to an Existing Single Family Detached Dwelling When the Existing Dwelling Extends into a Minimum Required Yard by More Than Fifty (50) Percent and/or is Closer Than Five (5) Feet to a Lot Line

The BZA may approve certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line, but only in accordance with the following:

1. Only the following yard requirements shall be subject to such special permit:

A. Minimum required yards, as specified in the residential districts in Article 3, provided such yards are not subject to proffered conditions or development

conditions related to yards and/or such yards are not depicted on an approved special exception plat, special permit plat or variance plat or on a proffered generalized development plan.

B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.

C. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

2. The applicant shall demonstrate that the existing single family detached dwelling complied with the minimum required yards in effect when the dwelling was constructed and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.

3. When the existing single family detached dwelling and the proposed addition extend into a minimum required yard by a distance greater than fifty (50) percent of the minimum required yard and/or is closer than five (5) feet to a lot line, no portion of the proposed addition shall extend closer to the lot line associated with such yard than any portion of the existing dwelling. In addition, any eaves or other extensions associated with such building addition shall not extend beyond the point of the existing single family detached dwelling that is closest to the affected lot line.

4. The resulting gross floor area of an addition to an existing single family detached dwelling may be up to 150 percent of the total gross floor area of the dwelling that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of the single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The BZA shall determine that the proposed addition will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

6. The BZA shall determine that the proposed addition is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

7. No special permit shall be granted if the property is in violation of any provision of this Ordinance, including but not limited to the limit on the number of dwelling units per lot and/or the limits on the occupancy of any dwelling unit.

8. The BZA shall determine that the proposed addition shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and stormwater runoff.

9. The BZA may impose such conditions as it deems necessary, to include landscaping and screening, to minimize the impact of the addition on adjacent properties.

10. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

    A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

    B. Total area of the property and of each zoning district in square feet or acres.

    C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

    D. The location, dimension and height of any existing building or structure and of the proposed addition. In addition, for decks, the height of the finished floor above finished ground level.

    E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and the proposed addition to lot lines.

    F. Means of ingress and egress to the property from a public street(s).

    G. If applicable, the location of a well and/or septic field.

    H. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

    I. The location, type and height of any existing and proposed landscaping and screening.

    J. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

    K. Seal and signature of professional person certifying the plat.

11. Architectural depictions of the proposed addition as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

8-925 Provisions for Modification of Grade for Single Family Detached Dwellings

The BZA may approve a special permit for the modification of grade as it applies to the height measurement of a single family dwelling that is located within or in proximity to a floodplain and when such structure must be elevated to meet all applicable floodplain regulations. In such cases the BZA may approve a special permit to allow a grade elevation to be established that permits a dwelling to be constructed in compliance with all applicable floodplain regulations. Any applicant seeking grade modification approval shall demonstrate that the requested increase in grade is the minimum amount required to meet the floodplain regulations.

8-926 Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

1. This approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use.

2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.

3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.

4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.

5. The BZA determines that the proposed increase in the minimum rear yard coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum required rear yard; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well and/or septic field; the location of easements; and the preservation of historic resources.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.

7. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by fifteen (15) copies of a plat, and such plat must be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat must contain the following information:

   A. Boundaries of the entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

   C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

   D. The location, dimension and height of the principal dwelling, including any extension; and the location, dimension and height of any existing or proposed accessory structure or use. For decks, the height of the finished floor above finished ground level, and for eaves, the height of the eave from finished ground level.

   E. All required minimum yards to include front, side and rear; a graphic depiction of the angle of bulk plane, if applicable; and the distance from each existing or proposed structure to lot lines.

   F. A calculation showing the percentage of the minimum required rear yard that is covered with existing and/or proposed accessory uses and structures, in accordance with Par. 3 of Sect. 10-103.

   G. Means of ingress and egress to the property from a public street(s).

   H. If applicable, the location of a well and/or septic field.

   I. Location of any existing utility easement having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

   J. The location, type and height of any existing and proposed landscaping and screening.

   K. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County; the delineation of any Resource Protection Area or Resource Management Area; the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan; and, if applicable, the distance of any existing or proposed structure from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

   L. Seal and signature of professional person certifying the plat.

ARTICLE 9

SPECIAL EXCEPTIONS

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PART 7 **(Deleted by Amendment #87-147, adopted July 27, 1987)**

ARTICLE 9

SPECIAL EXCEPTIONS

PART 0 9-000 GENERAL PROVISIONS

9-001 Purpose and Intent

There are certain uses, like those regulated by special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given district should be allowed to be modified, within limitations, in the interest of sound development. These uses or modifications as described may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special exception.

The Board of Supervisors may approve a special exception under the provisions of this Article when it is concluded that the proposed use complies with all specified standards and that such use will be compatible with existing or planned development in the general area. In addition, in approving a special exception, the Board may stipulate such conditions and restrictions, including but not limited to those specifically contained herein, to ensure that the use will be compatible with the neighborhood in which it is proposed to be located. Where such cannot be accomplished or it is determined that the use is not in accordance with all applicable standards of this Ordinance, the Board shall deny the special exception.

9-002 Authorization

In consideration of an application filed with the Zoning Administrator, the Board may authorize the establishment of those special exception uses that are expressly listed in a particular zoning district; provided, however, that no special exception shall be required for a use specifically permitted in a given district, notwithstanding that such use may also be included in a use category available by special exception.

9-003 Limits on Authority

The Board shall have no authority to waive any of the regulations or standards prescribed for any use or purpose for which a special exception is required, however, the Board may modify the additional standards for a special exception use where deemed necessary as long as the resultant development will not adversely affect the use or development of adjacent properties.

9-004 Status of Special Exception Uses

1. A special exception use may only be established in accordance with the special exception approval. Any site plan, subdivision plat, Building Permit, Residential or Non-Residential Use Permit submitted for the development or use of the property in accordance with the special exception must be in substantial conformance with the approved special exception, and no development or use may be approved by any County official in the absence of such conformance.

2. Once established, the use must be conducted in substantial conformance with the special

exception, any conditions or restrictions imposed by the Board, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use may be enlarged, expanded, increased in intensity or relocated and no condition of the special exception may be amended unless an application is made and approved for an amendment to the special exception in accordance with Sect. 014 below or a new special exception is approved.

3. Any modification to an approved and currently valid special exception to provide an accessibility improvement may be permitted and does not require approval of an amendment to the special exception or a new special exception.

4. Minor modifications to special exceptions are allowed when the Zoning Administrator determines that they substantially conform to the approved special exception and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

   Minor modifications may not:

   A. Remove any land from or add any land to the area subject to the special exception;

   B. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

   C. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under Paragraphs 4D and 4K below;

   D. Permit a more intensive use than that approved in the exception, except that places of worship or places of worship with a child care center, nursery school, private school of general or special education, may increase the number of seats, parking spaces, and/or students up to ten (10) percent of the approved amount, if not expressly prohibited by the special exception conditions;

   E. Permit uses other than those approved pursuant to the special exception, except that accessory uses may be permitted;

   F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;

   G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:

      (1) Modifications that reduce yards up to 10% may be considered, provided that they do not adversely impact adjacent property; and

      (2) Increases in building height up to 10 feet and increases in percentages of rooftop coverage may be permitted to exempt solar collectors and other energy and environmental innovative technologies.

H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;

I. Expand hours of operation;

J. Expand the area or type of signage approved, although changes to color and typeface may be considered;

K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:

(1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.

(2) One (1) percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet.

(3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area approved is 10,000 square feet or less.

(4) The maximum allowable density or FAR in the zoning district, however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR.

Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof, to the last known address, as shown in the real estate assessment files of the Department of Tax Administration.

The notice must be delivered by hand or sent by certified mail, return receipt requested and include the letter of request submitted to the Zoning Administrator with all attachments, a statement that the request has been submitted, and where to call for additional information.

An affidavit from the requester must be sent to the Zoning Administrator affirming: that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and, the Tax Map references for all parcels notified. The Zoning Administrator will not consider any request for an addition that omits this affidavit.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, the modification requires

the approval of an amendment to the special exception in accordance with Sect. 9-014 below or a new special exception.

9-005 Establishment of Categories

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008 Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

Unless otherwise stipulated by the Board, a specified period of time shall commence on the date of approval of a special exception.

9-009 Application for a Special Exception

1. An application for a special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, official, department, board or bureau of any government or their agent, or condominium in accordance with the provisions of Sect. 2-518.

2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete, and shall be accompanied by those submission requirements set forth in Sect. 011 below, such specified information as may be required for a given category or use, and such additional information as may be required by the Board. The application shall be accompanied by a fee as provided for in Sect. 18-106. No application shall be deemed to be on file with the County until all required submissions have been presented. All applications shall be subject to the provisions of Part 1 of Article 18.

3. The Zoning Administrator shall transmit a copy of every special exception to the Planning Commission. The Planning Commission shall hold a public hearing on each application and shall make recommendations on each application setting forth any conditions or restrictions for consideration by the Board.

4. In addition, the Zoning Administrator shall forward a copy of the application to any other review body as may be specified for a particular use.

5. Every application shall be scheduled for public hearing in a timely manner, and shall be heard in the order in which accepted unless otherwise specified by the Board. All public hearings shall be conducted in accordance with the provisions of Sect. 18-109.

9-010 (Deleted by Amendment #93-248, Adopted July 26, 1993)

9-011 Submission Requirements

All applications for special exception uses shall be accompanied by the following items, except that additional or modified submission requirements are set forth in Part 1 for all Light Public Utility Uses, in Part 2 for all Heavy Public Utility Uses, in Part 3 for all Quasi-Public Uses, in Part 4 for all Transportation Facilities, in Part 5 for certain Commercial and Industrial Uses of Special Impact, in Part 6 for a Cluster Subdivision and Modifications/Waivers/Increases and Uses in a Commercial Revitalization District, and Part 9 of Article 2 for Uses in a Floodplain. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below or the archaeological submission requirement of Par. 9 below, if it is determined that the requirement is clearly not necessary for the review of the application.

1. Four (4) copies of an application on forms provided by the County, completed and signed by the applicant.

2. Twenty-three copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than 1" = 50', certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale not less than 1" = 100' may be used. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plat must contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

   C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

   D. Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the location, dimensions and lighting of all signs, and the construction date(s) of all existing structures and an indication whether they will be retained or demolished.

   E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional yards, and the distances from all existing and proposed structures to lot lines.

   F. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

   G. Proposed means of ingress and egress to the property from a public street(s).

H. Location of parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.

J. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(1) A graphic depicting:

(a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

K. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.

L. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

M. A plan showing limits of clearing, existing vegetation, and proposed landscaping and screening in accordance with the provisions of Article 13, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

N. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

O. Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.

P. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

Q. Location of all trails required by the adopted comprehensive plan.

R. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

S. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

T. Seal and signature of professional person certifying the plat.

3. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.

4. Photographs of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred in which case a disk containing those digital photographs shall also be provided.

5. For all applications proposing residential development, five (5) copies of a map identifying classification of soil types at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map.

6. An affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the Board or Planning Commission or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.

Additionally, for developments which are subject to the provisions of Part 8 of Article 2, the owner and or/applicant shall submit an affidavit which shall include:

A. The names of the owners of each parcel of the sites or portions thereof, as such terms are defined in Par. 1 of Sect. 2-802; and

B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

7. A written statement from the applicant describing the proposed use, giving all pertinent data, including specifically:

A. Type of operation(s).

B. Hours of operation.

C. Estimated number of patrons/clients/patients/pupils/etc.

D. Proposed number of employees/attendants/teachers/etc.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

F. Vicinity or general area to be served by the use.

G. Description of building facade and architecture of proposed new building or additions.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

8. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. For a condominium, the provisions of Sect. 2-518 shall be applicable.

9. Where applicable, any information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

10. An application fee as provided for in Sect. 18-106.

9-012 Extension of a Special Exception

1. A request for an extension of a special exception shall be filed in writing with the Zoning Administrator a minimum of thirty (30) days before the expiration date of the exception unless a lesser time is approved by the Zoning Administrator for good cause shown. The exception shall remain valid until the request for extension is acted upon by the Zoning Administrator.

   Failure to request the extension in a timely manner shall cause the special exception to expire without notice on the expiration date.

2. The Zoning Administrator shall inspect the special exception use; review the applicant's record of compliance with those conditions and restrictions previously imposed by the Board; and make a determination on whether the special exception use still satisfies the provisions of this Ordinance.

3. Upon a favorable finding, the Zoning Administrator shall approve an extension of the special exception for the period of time that may be specified for a particular category or use or that may have been specified by the Board.

4. If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board, the Zoning Administrator shall, depending on the nature of the noncompliance, either deny the request for extension or require the remedy of any violation within a specified time. If the request for extension is denied or the applicant fails to correct the violation within the time specified, the special exception shall expire. The approval of a new special exception shall be required prior to any subsequent reinstatement of the use.

5. If it is determined that the use is no longer allowed as a special exception use in the zoning district in which located, the Zoning Administrator shall deny the request and the special exception shall expire.

   If the use is not in compliance with any other applicable provisions of this Ordinance, the Zoning Administrator shall deny the request and notify the applicant by certified mail, return receipt requested. Within thirty (30) days of receipt, in order to continue the use, the applicant shall file an amendment application for renewal in accordance with the provisions of Sect. 014 below. Failure to file an application in a timely manner shall cause the special exception to expire.

9-013 (Deleted by Amendment #95-277, Adopted July 31, 1995, Effective August 1, 1995 at 12:01 AM)

9-014 Amendment of a Special Exception

1. Except as provided for in Paragraphs 3 and 4 of Sect. 004 above, an amendment is a request for any enlargement, expansion, increase in intensity, relocation, reduction in land area, modification of any condition of a previously approved and currently valid special exception use or renewal of a currently valid special exception for a new period of time. An amendment application may be filed on a portion of the property subject to a currently valid special exception, upon a determination by the Zoning Administrator that

the amendment (a) would not adversely affect the use of the property subject to the special exception but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the special exception conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. Previously approved special exception conditions which are not subject to the amendment request shall remain in full force and effect. Except as qualified below, the procedure for an amendment of a special exception shall be the same as specified in this Part for the approval of the original exception, to include the imposition of conditions and restrictions, except the Zoning Administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.

An application to renew a special exception use to allow a new period of time for the operation of the use shall be filed prior to the expiration date of the exception and the exception shall remain valid until the application is acted upon by the Board. However, the Board shall not approve a renewal application for a use which is no longer allowed as a special exception use in the zoning district in which located. Failure to apply for renewal in a timely manner shall cause the special exception to expire without notice on the expiration date.

In reviewing a renewal application, the Board shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this Ordinance. Upon a favorable finding, the Board may approve the application. If it is determined that the use is not in accordance with all applicable provisions of this Ordinance, the Board may, depending on the nature of the noncompliance, deny the application or for an application solely requesting a new period of time, may impose such conditions and restrictions to ensure that the use will be harmonious with and will not adversely affect the use or development of neighboring properties. No alteration of a structure shall be required if such structure was in conformance with the provisions of this Ordinance, the Building Code and other applicable regulations at the time the special exception was first approved, unless the Board deems such alteration necessary to protect the public health, safety or welfare.

2. For an existing and currently valid special exception use which use is no longer allowed by special exception or special permit in the zoning district in which located, the Board, upon receipt of an application, may review and approve an amendment to said exception, provided such amendment does not permit the use to be enlarged, expanded, increased in intensity, relocated or continued beyond any time limitation specified in the existing exception.

9-015 Expiration of a Special Exception

1. Except for Category 6 waivers, whenever a special exception is approved by the Board, the use authorized thereby shall be established or any construction authorized shall be commenced and diligently prosecuted within such time as the Board may have specified, or, if no such time has been specified, then within thirty (30) months from the approval date of such exception, unless additional time is approved by the Board in accordance with Par. 2 below.

2. The Board may approve a request for additional time, but only in accordance with all of the following:

A. A request is filed in writing with the Zoning Administrator prior to the expiration date. Such request shall specify the basis for and the amount of additional time requested and shall include an explanation of why the use has not been established or construction commenced and diligently prosecuted in accordance with the time specified in the approval of the special exception. Such explanation may include the occurrence of conditions unforeseen at the time of special exception approval.

B. It is determined by the Board that the use is in accordance with all applicable provisions of the Zoning Ordinance, unless the Board has specifically provided that an amendment adopted subsequent to the approval of the special exception is not applicable to the request for additional time, and that approval of additional time is consistent with the public interest.

3. If a request is timely filed, the special exception shall remain valid until the request for additional time is acted upon by the Board; however, during this period, the use shall not be established nor shall construction commence.

4. If the use or construction has not commenced in accordance with the above provisions, the special exception shall automatically expire without notice.

9-016 Termination or Revocation of a Special Exception

1. Unless a time limit is specified for a special exception, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two (2) years or more, the special exception shall automatically terminate without notice. The approval of a new special exception shall be required prior to any subsequent reinstatement of the use.

2. A special exception shall be revocable by the Board at any time because of the failure of the owner or operator of the use covered by the special exception to comply with the terms or conditions of the special exception.

Before revoking any special exception, the Board shall conduct a public hearing and provide notice in accordance with the provisions of Sect. 18-110. The Board or its agent shall give the holder of the special exception at least twenty (20) days advance written notice of the hearing date either by certified mail, return receipt requested, or by hand delivery, and the notice shall contain:

A. The grounds for the proposed revocation of the special exception; and

B. The date, time and place of the public hearing.

The above provisions shall remain applicable to a use covered by a special exception which use has, subsequent to the approval of the special exception, been reclassified to a special permit use, until a special permit is approved for the use due to an enlargement, expansion, increase in intensity, relocation or modification of a special exception condition and then the revocation provisions of Sect. 8-016 shall apply.

3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

PART 1 9-100 CATEGORY 1 LIGHT PUBLIC UTILITY USES

9-101 Category 1 Special Exception Uses

1. Electric substations and distribution centers including transformer stations.

2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space incidental thereto and necessary for the operation of such station, but not including any storage facilities.

3. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations.

4. Sewerage pumping facilities.

5. Telecommunication facilities, including central offices and repeat stations, but not including telephone or telegraph transmission poles and lines that comply with Sect. 2-522.

6. Utility transmission facilities, including but not limited to vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water, but not including poles, wires, cables, and conduits that comply with Sect. 2-522

   For the purpose of this Part, utility transmission facilities do not include: Transmission lines approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

7. Water storage, control, and pumping facilities

8. (Deleted by Amendment #ZO-19-480, Adopted April 9, 2019, Effective April 10, 2019)

9. Wireless facilities and associated support structures.

9-102 Districts in Which Category 1 Uses May be Located

1. Category 1 uses may be permitted by right in the following districts:

   R-12, R-16, R-20, R-30 Districts: Limited to use 9

   All P Districts: All uses when represented on an approved development plan or as permitted Sect. 2-514

   All C Districts: Limited to uses 5 and 9

   I-1, I-2 Districts: Limited to uses 5 and 9
   I-3, I-4, I-5, I-6 Districts: Limited to uses 1, 2, 4, 5, 6, 7 and 9

2. Category 1 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 5, 6, 7 and 9
All other R Districts: All uses

All C Districts: All uses
I-I District: Limited to use 4
I-1, I-2 Districts: All uses
I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and 9

9-103 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 1 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

9-104 Standards for all Category 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.

2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-105 Additional Standards for Wireless Facilities

Wireless facilities and their associated support structures that do not meet the provisions of Sections 2-514, 2-519, 2-520, or 2-522 are Standard Process Projects under Sect. 15.2-2316.3 of the *Code of Virginia* and are subject to the following standards:

1. Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be designed to match or blend with the structure on which it is mounted or provide other means of visual mitigation.

2. Except for a flag mounted on a flagpole as permitted under the provisions of Article 12, commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.

3. If any additions, changes or modifications are to be made to monopoles or towers, the Director has the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.

4. Signals, lights or illumination are not permitted unless required by federal, state, or local law.

5. All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

6. Any antennas, equipment, and associated support structures that are clearly depicted on the special exception plat may be approved as part of the wireless facility and would not be subject to separate permit approval that would otherwise be required for such installations.

PART 2 9-200 CATEGORY 2 HEAVY PUBLIC UTILITY USES

9-201 Category 2 Special Exception Uses

1. Electrical generating plants and facilities.

2. Sewage treatment and disposal facilities.

3. Solid waste disposal and treatment facilities including incinerators and landfills.

4. Storage facilities for natural gas, oil and other petroleum products.

5. Supply yards for any public utility.

6. Water purification facilities.

7. Local office space and maintenance facilities incidental to any use set forth above.

9-202 Districts in Which Category 2 Uses May be Located

1. Category 2 uses may be permitted by right in the following districts:

   I-6 District: Limited to uses 1, 2, 3, 5, 6 and 7

2. Category 2 uses may be allowed by special exception in the following districts:

   R-C District: Limited to regional sewage treatment and disposal facilities
   R-E, R-1, R-2 Districts: Limited to uses 1, landfills, and 6

   PRC District: Limited to use 2

   I-I, I-1 Districts: Limited to use 2
   I-2, I-3, I-4 Districts: Limited to uses 1, 2, 3, 6 and 7
   I-5 District: Limited to uses 1, 2, 3, 5, 6 and 7
   I-6 District: Limited to use 4

9-203 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 2 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

3. In addition, an application for a landfill shall be accompanied by those submission requirements set forth in Sect. 8-103, as deemed applicable by the Zoning Administrator, and a list of the types of debris and materials proposed to be deposited on the site.

9-204 Standards for all Category 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 2 special exception uses shall satisfy the following standards:

1. All uses shall comply with the lot size requirements of the zoning district in which located.

2. All buildings and structures, except below-ground facilities, shall comply with the bulk regulations of the zoning district in which located.

3. No land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.

4. It shall be conclusively established that the proposed location of the special exception use shall be necessary for the rendering of efficient utility service to consumers within the immediate area of the location.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-205 Additional Standards for Landfills

The following standards shall apply to all landfills that are not owned and/or operated by a public agency.

1. No special exception for a landfill shall be valid unless the Virginia Department of Environmental Quality approves the site for landfill use.

2. Every special exception for a landfill shall be deemed to incorporate as specific conditions all other provisions of law related to such use.

3. No special exception shall be granted unless the applicant demonstrates conclusively through comprehensive soil and groundwater investigations and subsequent design methods that no unacceptable pollutants will be introduced into surface or groundwater or otherwise cause a potential health hazard.

4. Every landfill shall be subject to such additional regulations as may be adopted by the Board of Supervisors. The Board may limit the type of debris and materials to be deposited and may require a degree of soil compaction adequate to support ultimate use of the property in accordance with the adopted comprehensive plan.

5. The Board shall establish the amount, per acre and total, of surety and bond adequate to guarantee the planned restoration.

6. The Director shall make an annual inspection of each landfill and shall make a report of the findings to the Board. Such report shall include the following:

   A. A statement of whether or not the operation is in compliance with all of the requirements of the special exception.

   B. A statement of changes which have occurred in the vicinity since the granting of the application, such as new development in the area.

   C. A statement on the condition of roads in the area which might indicate the spillage of materials from trucks.

7. As a result of the annual inspection, the Director may find it necessary, for the health, safety and welfare of the general public, to recommend additional restrictions and limitations on such use. In such event, the Director shall transmit the findings to the Board which shall hold a public hearing, following notice in accordance with the provisions of Sect. 18-110.

8. Upon completion of operations, the land shall be left in a safe condition and in such a state that it can be used for development of the property in accordance with the adopted comprehensive plan. Further, sufficient drainage improvements shall be provided so as to prevent water pockets or erosion, and such improvements shall be designed in accordance with plans and specifications approved by the Director in conformance with the provisions of the Public Facilities Manual. Where restoration has not been accomplished, or where the restoration done was not in conformance with the approved restoration plan, the Director shall take appropriate action, including demand for performance or payment by the surety on the bond.

9. No improvements shall be constructed in or upon any landfill for a period of twenty (20) years after the termination of the landfill operation without the approval of the Board of Supervisors. No such approval shall be granted unless the applicant demonstrates that:

   A. Any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvement.

   B. The nature and extent of corrosion-producing properties, the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.

9-206 Additional Standards for Sewage Facilities and Water Treatment Facilities

No sewage facility or water treatment facility shall be established except on approval by the Health Department, the Virginia Department of Environmental Quality, and other appropriate agencies of the County and the State having jurisdiction over the location, design, operation and

maintenance of such a facility. The determinations by such agencies as to the technical aspects of the proposed facility shall be conclusive with respect to this Ordinance.

PART 3 9-300 CATEGORY 3 QUASI-PUBLIC USES

9-301 Category 3 Special Exception Uses

1. Colleges, universities.
2. Conference centers and retreat houses, operated by a religious or nonprofit organization.
3. Cultural centers, museums and similar facilities.
4. Independent living facilities.
5. Congregate living facilities.
6. Medical care facilities.
7. Private clubs and public benefit associations.
8. Quasi-public parks, playgrounds, athletic fields and related facilities.
9. Sports arenas, stadiums as a principal use.
10. Child care centers and nursery schools.
11. Private schools of general education.
12. Private schools of special education.
13. Alternate uses of public facilities.
14. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning.
15. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education.
16. Adult day care center.

9-302 Districts in Which Category 3 Uses May be Located

1. Category 3 uses may be permitted by right in the following districts:

   PDH, PDC, PTC Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 when represented on an approved development plan
   PRC District: All uses when represented on an approved development plan
   PRM District: Limited to uses 1, 3, 4, 5, 6, 7, 10, 11, 12 and 15 when represented on an approved development plan
   PCC District: Limited to uses 3, 5, 6, 7, 12 and 16 when represented on an approved development plan

C-1, C-2 Districts: Limited to quasi-public athletic fields, uses 10, 11, 12 and 15
C-3 District: Limited to uses 3, quasi-public athletic fields, 10, 11, 12 and 15
C-4 District: Limited to uses 1, 3, quasi-public athletic fields, 10, 11, 12 and 15
C-5, C-6, C-7, C-8 Districts: Limited to uses 1, 3, 7, quasi-public athletic fields, 11 and 12

I-I District: Limited to uses 10 and 11
I-1, I-2, I-3, I-4, I-5 Districts: Limited to quasi-public athletic fields, uses 10, 11 and 12
I-6 District: Limited to quasi-public athletic fields, uses 10 and 11

2. Category 3 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 8, nursery schools, 11 and 13
R-P District: Limited to uses 8, nursery schools, 11, 13 and 15
R-C District: Limited to uses 3, 5, private clubs, 8, nursery schools, 11, 13, 14 and 15
R-E, R-1 Districts: Limited to uses 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16
R-2, R-3, R-4, R-5, R-8 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16
R-12, R-16, R-20, R-30, R-MHP Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16

PRM, PTC Districts: Limited to use 9

C-1, C-2 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 13, 14 and 16
C-3 District: Limited to uses 1, 2, 4, 5, 6, 7, 8, 13, 14 and 16
C-4 District: Limited to uses 2, 4, 5, 6, 7, 8, 13, 14 and 16
C-5, C-6 Districts: Limited to uses 2, 6, 8, 10, 13, 14, 15 and 16
C-7, C-8 Districts: Limited to uses 2, 6, 8, 9, 10, 13, 14, 15 and 16

I-I District: Limited to uses 10, 11, 15 and 16
I-1 District: Limited to uses 1, 2, 3, 6, 7, 8, 10, 11, 13, 14, 15 and 16
I-2, I-3 Districts: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16
I-4 District: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 15 and 16
I-5, I-6 Districts: Limited to uses 6, 7, 8, 9, 10, 11, 13, 15 and 16

9-303 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 3 uses shall be accompanied by the following items:

1. For public uses, a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location, shall be provided.

2. For public uses, a statement by an official or officer of the governmental body shall be presented giving the exact reasons for selecting the particular site as the location for the proposed facility.

3. All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need. The application for

the special exception shall be referred to the Health Care Advisory Board for a recommendation and report, which shall be developed in accordance with the provisions of Par. 1 and Par. 2 of Sect. 308 below and furnished to the Planning Commission and Board of Supervisors.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-305 Additional Standards for Conference Centers and Retreat Houses

1. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

9-306 Additional Standards for Independent Living Facilities

1. Housing and general care may be provided only for persons who qualify for the age-related exemptions of the Federal Fair Housing Amendments Act of 1988 (FFHA) or for adults with a disability, to include a "handicap" as defined in the FFHA. In addition, any dwelling unit within the facility may include a live-in aide. For the purposes of this Section, a live-in aide is any person who meets the definition set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Title 24, of the Code of Federal Regulations, Section 5.403 and 982.316, and is further subject to any applicable notices issued by HUD.

   An independent living facility may also provide for a resident care provider(s), subject to the provisions of this Section. A resident care provider is any person who lives in a separate dwelling unit within the independent living facility, who provides services that are determined to be essential to the care and well-being of one or more elderly or disabled persons living within the same facility and is further subject to the provisions of this Section.

   The owner/manager of the facility is responsible for ensuring compliance with this occupancy criterion and is responsible for reporting such information as required by the

FFHA. Upon specific request by the Zoning Administrator, the owner or manager of the facility must provide a copy of the document(s) used to verify occupancy qualifications of residents, live-in aides, or resident care providers.

2. Independent living facilities must provide on-site staff and services that adequately and satisfactorily take into account the needs of elderly persons or persons with a disability. This could include services related to transportation, shopping, health, recreational and other supportive services. The development must also provide specific facility maintenance and operating programs to ensure that the facility meets the needs of the residents and is compatible with the neighborhood. The Board may impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure the adequacy and ongoing provision and maintenance of such facilities and services.

3. Such development must be compatible with and not adversely impact the adjacent properties and not hinder or be contrary to the adopted comprehensive plan for the area. To that end, the Board may place additional limitations or impose conditions deemed necessary to ensure such compatibility.

4. To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units must be shown on the plat submitted with the application.

5. The use must be located on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.

6. The density of such use is based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the table provided below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range is determined in accordance with Sect. 2-804.

Comprehensive Plan Residential Density	**Maximum Number of Units Per Acre***	**Required Open Space**
0.2 unit per acre	**Not to exceed 5 times units per acre**	**75%**
0.5 unit per acre	**Not to exceed 4 times units per acre**	**70%**
1 unit per acre	**Not to exceed 4 times units per acre**	**65%**
2 units per acre	**Not to exceed 4 times units per acre**	**60%**
3 units per acre	**Not to exceed 4 times units per acre**	**55%**
4 units per acre	**Not to exceed 4 times units per acre**	**50%**
5 units per acre	**Not to exceed 4 times units per acre**	**35%**
8 units per acre	**Not to exceed 4 times units per acre**	**25%**
12+ units per acre	**Not to exceed 4 times units per acre**	**35%**
PRC District	**In accordance with an approved Development Plan**	

*Excluding nursing facilities and assisted living facilities

For developments providing 100 percent of the dwelling units as ADUs, the density determined by the table above may be increased by an additional 20 percent.

If 100 percent of the dwelling units are provided for residents whose annual household income is 50 percent of the median income for the Washington Metropolitan Statistical Area (WMSA) for not less than 70 percent of the units and 30 percent of the WMSA for not more than 30 percent of the units, the density will be determined by the table above and may be increased by an additional 25 percent, as calculated using the high end of the residential density range set forth in the adopted comprehensive plan.

Any such development may be administered under the provisions of Part 8 of Article 2 or under the provisions of any other affordable housing program deemed equivalent by the Zoning Administrator pursuant to Sect. 2-816.

7. All independent living facilities, whether approved through a rezoning or as a special exception and regardless of building construction type, must provide affordable dwelling units when the multiplier set forth above is used or when the parking rate specified in Article 11 for independent living facilities is used. A minimum of 15 percent of the total number of dwelling units must be Affordable Dwelling Units (ADUs), administered in accordance with the provisions of Part 8 of Article 2.

8. Independent living facilities may include, as an accessory component, assisted living facilities and skilled nursing facilities designed primarily for the residents of the independent living facility. As an accessory use, the number of units or beds attributable to an assisted living or nursing facility component is limited to not more than 15 percent of the number of units in the independent living facility. Any such accessory component is not subject to review by the Health Care Advisory Board.

9. All facilities of the development are to be solely for the use of the residents, employees and invited guests, but not for the general public.

10. In residential districts, the maximum building height is 50 feet, except that the maximum building height is 35 feet when the structure is designed to look like a single family detached dwelling and utilizes the applicable residential district minimum yard requirements, as set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts the maximum building height is as set forth in the district in which they are located.

11. For independent living units that are located in a structure designed to look like a single family detached dwelling unit and is located in the R-E through R-8 Districts, the Board may permit compliance with the applicable single family detached minimum yard requirements of the zoning district in which located. For independent living facilities located in any other structure or district, the minimum front, side and rear yard requirements shall be as follows:

    A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.

    B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.

    In any event, the Board may modify such yard requirements to ensure compatibility with the surrounding neighborhood.

12. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.

13. With specific regard to independent living facilities, the provisions of Par. 6 above do not apply to proffered rezoning and approved special exception applications or amendments thereto approved prior to May 20, 2003 or for special exception applications approved prior to May 20, 2003 for which a request for additional time to commence construction is subsequently requested in accordance with Sect. 9-015. Additionally, Par. 6 above does not apply, unless requested by the applicant, to rezoning and special exception amendment applications filed on or after May 20, 2003, which propose no increase in density over the previously approved density. Additionally, the provisions of Par. 8 above do not apply to proffered rezonings and approved special exception applications or amendments thereto approved before December 5, 2018, nursing units previously approved as an accessory component of the independent living facility.

14. Live-in aides, as defined in Par. 1 above, shall not be subject to the income limitations and/or the age/disability occupancy requirements set forth in this Section. For the purposes of this Section, the "annual household income" shall not include the income of any live-in aide when determining the eligibility of the qualified resident.

15. Resident care providers, as defined in Par. 1 above, may be provided in independent living facilities located in single family attached units or multiple family dwelling unit buildings, limited to not more than 25 percent of the total number of dwelling units within the facility. Such resident care providers need not meet the income limitations or age/disability occupancy requirements set forth in this Section; however, rental occupancy is limited to a maximum six-month term, subject to renewal for additional six-month maximum terms upon confirmation that the care provider continues to provide services to the primary resident(s) of the development. At such time that it is determined that an individual is no longer providing care services to a resident, such individual must vacate the rental unit at the end of the lease term.

16. For independent living facilities for low income tenants in which not less than 70 percent of the dwelling units are to be provided for those residents whose annual household income is not more than 50 percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than 30 percent of the dwelling units are provided for residents whose annual income is not more than 70 percent of the median income for the WMSA, the following additional standards also apply:

    A. All occupancy is to be on a rental basis only. Maximum rental prices will be established in accordance with the following formula, based on the appropriate median income for the WMSA. The base figure is adjusted by the following factors for different dwelling unit sizes based on bedroom count:

Number of Bedrooms	Adjustment Factor
0 bedrooms (efficiency/studio)	70%
1 bedroom	85%
2 or more bedrooms	100%

The result of this calculation for each size dwelling unit is divided by 12, then multiplied by 25 percent and rounded to the nearest whole number to establish the maximum rent for the unit, which may or may not include utilities, at the developer's option. Resident care provider units are not subject to this calculation.

B. The owner or manager is responsible for monitoring the income level of tenants at the time of initiation and renewal of any lease term and is responsible for any reporting of such information in accordance with the requirements of the FFHA, and must establish that any live-in aide or resident care provider continues to meet the applicable requirements of this Section. The owner or manager is also responsible for completing all verification of occupancy requirements set forth in 42 U.S.C. § 3607(b) and 24 C.F.R. § 100.307 annually. The results of all such monitoring and occupancy verification must be provided to the Zoning Administrator, or designee, on an annual basis to assure on-going compliance with the tenancy and income limits. Such report must include the dwelling unit number/address, date of lease renewal, term of lease renewal, and tenant's income. Should a tenant become over-qualified with regard to income at any time during a lease term, such tenant must vacate the unit at the end of the lease term in effect at the time of such over-qualification or within nine months of such over-qualification, whichever time period is longer.

C. Prior to the issuance of the first Residential Use Permit for any unit in the independent living facility, the owner must record a covenant, on a form provided and approved by the Fairfax County Department of Housing and Community Development, to address at a minimum the income limitations; rental price restrictions; the perpetuity of such controls; and any other relevant limits that are imposed by the Board.

D. Such independent living facilities for low income residents are not subject to Part 8 of Article 2 of the Zoning Ordinance, the ADU Program, nor are they subject to the Board's policy for Workforce Dwelling Units.

9-307 Additional Standards for Congregate Living Facilities

1. Congregate living facilities located in a building, which but for its institutional use would be a single detached dwelling, shall comply with the applicable single family detached minimum yard requirements of the zoning district in which located. Such facilities located in any other structure shall be located no closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-1 through R-4 District.

9-308 Additional Standards for Medical Care Facilities

1. In its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment. The Health Care

Advisory Board may hold such hearing or hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:

   A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.

   B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.

   C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.

3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.

5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.

7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to better serve the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs are subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests must show the location, size, height and number of all existing and proposed signs.

9-309 Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

A. That area not covered by buildings or required off-street parking spaces.

B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.

C. Only that area which is developable for active outdoor recreation purposes.

D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.

2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

Number of Persons	**Street Type**
1-75	Local
76-660	Collector
660 or more	Arterial

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

4. (Deleted by Amendment #18-476, Adopted December 4, 2018, Effective December 5, 2018.)

9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:

A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and

B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

A. That area not covered by buildings or required off-street parking spaces.

B. That area outside the limits of the required front yard.

C. Only that area which is developable for active outdoor recreation purposes.

D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.

2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.

3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

9-311 Additional Standards for Alternate Use of Public Facilities

The Board may approve a special exception to allow alternate uses of County public facilities which have space temporarily in excess of current needs, but only in accordance with the following conditions:

1. Proposed uses shall be limited to those uses allowed by special permit or special exception in the zoning district in which the public facility is located except as may be precluded by the additional standards for a particular use.

2. Uses located within existing structures shall not have to comply with the minimum lot size requirements or bulk regulations set forth for the zoning district in which located.

3. All uses shall comply with the off-street parking requirements of Article 11.

4. Signs as may be permitted in accordance with the provisions of Sect. 12-202 are limited to one building-mounted and one freestanding sign for all alternate uses in a given public facility.

5. The Board shall determine that the proposed uses, if located in a residential district, shall not adversely impact the adjoining residential community in terms of traffic, vehicular access, parking, lighting, signs, and outside storage, length and intensity of outside activity, or general visual or noise impact. To this end, the additional standards set forth for particular proposed uses shall be used as a guide in considering all proposed uses.

9-312 Additional Standards for Dormitories, Fraternity/Sorority Houses, Rooming/ Boarding Houses or Other Residence Halls

1. In addition to the submission requirements set forth in Sect. 011 above, the applicant shall provide a written statement addressing the plans and policies regulating the following uses and activities on the site:

   A. Parking and loading

   B. Trash removal and clean-up

   C. Exterior lighting and sound

   D. Meetings and social functions

   E. Number of occupants

   F. Number of students and non-student employees to serve as counselors and/or advisors

   G. Any other use or activity that may impact surrounding properties and the neighborhood

2. The Board shall determine that the proposed use together with all other similar uses within the area does not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.

3. When such use is located in an R-C through R-4 District, the external appearance of the structure shall be in the form and character of a single family detached dwelling.

4. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and shall not adversely impact the adjacent area. Such conditions and restrictions may include time limitations as provided for in Sect. 008 above.

5. Any such use shall meet all applicable regulations for buildings, safety, health and sanitation.

9-313 Additional Standards for Cultural Centers, Museums and Similar Facilities

1. The Board shall determine that the proposed use, if located in or adjacent to a residential district, will not adversely impact the adjoining residential area, especially in terms of traffic, vehicular access, parking, lighting, signs or any proposed outside activity. The Board shall impose such conditions and restrictions as deemed necessary to assure that the use will be compatible with the adjacent residential area.

2. Any proposed use located in the Water Supply Protection Overlay District shall provide water quality control measures in accordance with the provisions of Part 8 of Article 7.

9-314 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special exception use in accordance with the provisions of this Part or as a special permit use in accordance with the provisions of Part 3 of Article 8. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 309 and 310 above.

9-315 Additional Standards for Adult Day Care Center

1. The use must have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate traffic to and from the use as determined by the Director. The special exception application must include an estimate of the maximum expected trip generation, the distribution of these trips_by mode and time of day, and the expected service area of the center. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to any modification and conditions the Board deems to be necessary or advisable:

Number of Persons*	Street Type
1-60	Local
61-660	Collector
More than 660	Arterial

*Includes employees and persons receiving services at any one time.

2. The use must be located to readily and safely facilitate the drop-off and pick-up of all persons attending the adult day care center, to include step-free access.

3. The special exception application must identify a safe, appropriately sized, and conveniently located outdoor area for use by persons receiving adult day care services.

4. All applications for an adult day care center will be referred to the Health Care Advisory Board for its review in accordance with the standards in Sect. 9-308 for medical care facilities. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.

5. All services and facilities provided must be designed, located, and of a scale to support those persons receiving adult day care services.

6. No such facility may operate until such time as a license has been granted by the appropriate agency of the State of Virginia.

7. Adult day care centers located in the I-4 through I-6 Districts must be located in an office park and all vehicular access must be provided by way of the internal circulation system of the park. Such uses must be located within an office structure on the property and not as a freestanding building.

PART 4 9-400 CATEGORY 4 TRANSPORTATION FACILITIES

9-401 Category 4 Special Exception Uses

1. Airports.

2. Bus or railroad stations.

3. Heliports.

4. Helistops.

5. (Deleted by Amendment #05-374, Adopted July 25, 2005, Effective July 26, 2005)

6. Electrically-powered regional rail transit facilities.

7. Regional non-rail transit facilities.

When located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway, electrically-powered regional rail transit facilities shall be subject to the provisions of Sect. 2-517.

9-402 Districts in Which Category 4 Uses May be Located

1. Category 4 uses may be permitted by right in the following districts when represented on an approved development plan:

PDH, PDC Districts: Limited to uses 2, 3, 4, 6 and 7
PRC District: All uses
PRM, PTC Districts: Limited to uses 2, 6 and 7
PCC District: Limited to use 2

4. Category 4 uses may be allowed by special exception in the following districts:

R-E, R-1 Districts: All uses
R-2 through R-MHP Districts: Limited to uses 6 and 7

PRM, PTC Districts: Limited to uses 3 and 4

C-1, C-2 Districts: Limited to uses 6 and 7
C-3, C-4 Districts: Limited to uses 4, 6 and 7
C-5 District: Limited to uses 6 and 7
C-6 District: Limited to uses 2, 4, 6 and 7
C-7 District: Limited to uses 2, 3, 4, 6 and 7
C-8 District: Limited to uses 2, 4, 6 and 7

I-I District: Limited to use 3
I-1 District: Limited to uses 3, 4, 6 and 7
I-2 through I-6 Districts: All uses

9-403 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 4 uses shall be accompanied by the following items:

1. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.

2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, State or local statutes, ordinances, rules or regulations applicable thereto.

3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.

4. In the case of airports, a map shall be presented showing the landing and take-off corridors as projected, such map to cover an area within at least a 5000 foot radius of the boundaries of the proposed facility.

9-404 Standards for all Category 4 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 4 special exception uses shall satisfy the following standards:

1. Except for electrically-powered regional rail transit facilities, as further qualified in Sect. 405 below, all buildings and structures shall comply with the bulk regulations of the zoning district in which located.

2. Any rooftop surface or touchdown pad which will be utilized as an elevated helistop shall be designed and erected in a manner sufficient to withstand the anticipated additional stress.

3. Except in the I-6 District, all maintenance, repair and mechanical work, except that of an emergency nature, shall be performed in enclosed buildings.

4. All facilities shall be so located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

5. Except for elevated helistops, no area used by aircraft under its own power shall be located within a distance of 200 feet from any lot line. Elevated helistops shall be located in accordance with the bulk regulations of the zoning district in which located.

6. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.

7. Except for elevated helistops, all areas used by aircraft under its own power shall be surrounded by a chain link fence, not less than six (6) feet in height, with suitable gates to effectively control access to such areas. Access to the landing area of an elevated helistop shall be through limited access points.

8. Before establishment, all uses, including modifications or alterations to existing uses, except regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA, shall be subject to the provisions of Article 17, Site Plans. Regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County.

9-405 Additional Standards for Electrically-Powered Regional Rail Transit Facilities

1. Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located.

2. Notwithstanding Par. 1 of Sect. 404 above, parking structures associated with electrically-powered regional rail transit facilities shall comply with the bulk regulations of the zoning district in which located.

PART 5 9-500 CATEGORY 5 COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT

9-501 Category 5 Special Exception Uses

1. Amusement arcades.

2. Automobile-oriented uses.

3. Car washes.

4. Commercial recreation restaurants.

5. Convenience centers.

6. Drive-in financial institutions.

7. Drive-in motion picture theatres.

8. Drug paraphernalia establishments.

9. (Deleted by Amendment #ZO-18-469, Adopted January 23, 2018, Effective January 24, 2018.)

10. Establishments for scientific research and development.

11. (Deleted by Amendment #ZO-18-469, Adopted January 23, 2018, Effective January 24, 2018.)

12. Funeral chapels.

13. Heavy industrial uses, to include:

    A. Abattoir.

    B. Ammonia, bleaching powder or chlorine manufacture.

    C. Asphalt mixing plant.

    D. Bag cleaning establishment.

    E. Blast furnace.

    F. Boiler works.

    G. Concrete mixing or batching plant.

    H. Distillation of coal, wood or bones.

I. Distillation of turpentine or varnish.

J. Emery cloth manufacture.

K. Fertilizer manufacture.

L. Fireworks or explosives manufacture or storage.

M. Fish canning, curing, grinding or smoking.

N. Garbage incineration other than in municipal plants or incidental to the operation of hotels and dwellings.

O. Glue, size or gelatin manufacture.

P. Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, or animal refuse, or rancid fats or refuse of dead animals.

Q. Iron, steel or copper works or foundries.

R. Lime, cement, gypsum or plaster of paris manufacture.

S. Manufacture of concrete or mortar.

T. Petroleum, alcohol or asphalt refining, mixing, or manufacture or storage.

U. Pyroxylin or celluloid manufacture.

V. Pulverizing of charcoal or coal.

W. Smelting of iron.

X. Soap manufacture.

Y. Stockyards.

Z. Sulphuric, nitric or hydrochloric acid manufacture.

AA. Tanning, curing or storing of raw hides or skins.

BB. Tetra-ethyl lead precipitate or liquid manufacture.

CC. Vinegar manufacture.

DD. Wool pulling and scouring.

EE. Yeast plants.

FF. Any other similar use which in the opinion of the Board might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

14. Hotels, motels.

15. Marinas, docks and boating facilities, commercial.

16. Mini-warehousing establishments.

17. Offices.

18. Parking, commercial off-street, as a principal use.

19. Plant nurseries.

20. Quick-service food stores.

21. Service stations.

22. Theatres.

23. Vehicle light service establishments.

24. Vehicle major service establishments.

25. Vehicle sale, rental and ancillary service establishments.

26. Wholesale trade establishments.

27. Commercial off-street parking in Metro Station areas as a temporary use.

28. (Deleted by Amendment #ZO-17-459, Adopted February 28, 2017, Effective March 1, 2017.)

29. Industrial/flex.

30. Pawnshops.

31. Mixed waste reclamation facilities.

32. Retail sales establishments.

33. Service station/mini-marts.

34. Truck rental establishments.

35. Bed and breakfasts.

36. Drive-through pharmacies.

37. Baseball hitting and archery ranges, outdoor.

38. Golf courses, country clubs.

39. Golf driving ranges.

40. Kennels, animal shelters.

41. Miniature golf courses ancillary to golf driving ranges.

42. Veterinary hospitals, but only ancillary to kennels.

43. Retail sales establishments-large.

44. Restaurants.

45. Carryout restaurants.

46. Restaurants with drive-through.

9-502 Districts in Which Category 5 Uses May be Located

1. Category 5 uses may be permitted by right or as an accessory service use in the following districts:

PDH District: Limited to uses 2, 6, 15, 17, 20, 21, 23, 32, 33, 36, 38, 39, kennels (indoor), 44 and 45, when represented on an approved development plan
PDC District: Limited to uses 1, 2, 3, 6, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, kennels (indoor), 43, 44, 45 and 46, when represented on an approved development plan
PRC District: Limited to uses 1, 2, 3, 6, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 34, 36, 37, 38, 39, kennels (indoor), 42, 43, 44, 45 and 46, when represented on an approved development plan
PRM District: Limited to uses 14, 17, 20, 22, 25, 32, 44 and 45, when represented on an approved development plan
PTC District: Limited to uses 1, 3, 6, 10, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 29, 30, 33, 36, kennels (indoor), 43, 44, 45 and 46, when represented on an approved development plan
PCC District: Limited to uses 6, 12, 14, 17, 20, 22, 32, 36, 40 (limited to indoor kennels), 42, 44, 45 and 46, when represented on an approved development plan

C-1, C-2 Districts: Limited to use 17
C-3 District: Limited to uses 12, 17, 44 and 45
C-4 District: Limited to uses 12, 17, 18, 44 and 45
C-5 District: Limited to uses 6, 12, 17, 18, 20, 32, 36, kennels (indoor), 44 and 45
C-6 District: Limited to uses 6, 12, 17, 18, 20, 22, 23, 32, 36, kennels (indoor), 43, 44 and 45
C-7 District: Limited to uses 1, 6, 12, 14, 17, 18, 20, 22, 23, 32, 36, kennels (indoor), 43, 44 and 45
C-8 District: Limited to uses 2, 6, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, kennels (indoor), 43, 44 and 45

I-I District: Limited to uses 10, 17 and 44
I-1, I-2 Districts: Limited to uses 10, 12 and 17
I-3 District: Limited to uses 10, 12, 17 and kennels (indoor)
I-4 District: Limited to uses 10, 12, 16, 17, 26 and kennels (indoor)
I-5, I-6 Districts: Limited to uses 10, 12, 16, 17, 23, 24, 26, 34 and kennels (indoor)

2. Category 5 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 19 and 40
R-P District: Limited to uses 15, 17, 19, 35, 38, 40 and 42
R-C District: Limited to uses 15, 17, 19, 35, 38, 39, 40 and 42
R-E, R-1 Districts: Limited to uses 10, 12, 15, 17, 19, 27, 35, 37, 38, 39, 40, 41 and 42
R-2 District: Limited to uses 5, 12, 15, 17, 19, 27, 35 and 38
R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19, 27 and 38
R-5, R-8 Districts: Limited to uses 5, 12, 15, 17, 27 and 38
R-12, R-16, R-20 Districts: Limited to uses 12, 15, 27 and 38
R-30 District: Limited to uses 12, 15, 17, 27 and 38
R-MHP District: Limited to uses 12, 15, 27 and 38

PDH District: Limited to uses 27, 35 and 46
PDC District: Limited to uses 16 and 27
PRC District: Limited to uses 27, 34 and 35

C-1 District: Limited to uses 10, 27 and 38
C-2 District: Limited to uses 6, 10, 27, 38, 44 and 45 and 38
C-3 District: Limited to uses 6, 10, 14, 18, 21, 22, 25, 27 and 38
C-4 District: Limited to uses 6, 10, 14, 21, 22, 25, 27 and 38
C-5 District: Limited to uses 2, 3, 6, 15, 17, 20, 21, 23, 27, 33, 34, 36, 37, 38, 39, 41 and 46
C-6 District: Limited to uses 2, 3, 4, 6, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39, 43 and 46
C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39, 43 and 46
C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39, 43 and 46

I-I District: Limited to use 27
I-1 District: Limited to uses 27 and 38
I-2 District: Limited to uses 14, 15, 18, 22, 27, 38 and 44
I-3 District: Limited to uses 3, 6, 14, 15, 16, 18, 21, 22, 25, 26, 27, 29, 37, 38, 39, kennels (outdoor) and 44
I-4 District: Limited to uses 3, 6, 14, 15, 18, 19, 21, 22, 25, 27, 32, 37, 38, 39, kennels (outdoor) and 44
I-5 District: Limited to uses 3, 6, 7, 14, 18, 19, 20, 21, 23, 25, 27, 32, 33, 37, 38, 39, kennels (outdoor), 44, 45 and 46
I-6 District: Limited to uses 3, 6, 7, 13, 18, 19, 20, 21, 23, 27, 31, 33, 37, 38, 39, kennels (outdoor), 44, 45 and 46

9-503 Standards for all Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-504 Additional Standards for Amusement Arcades

1. Such a use shall not be located closer than 1000 feet to any school. In addition, except when located under the roof of a shopping center, such a use shall not be located within 100 feet of any adjoining property which is in an R district.

2. Such use shall be established only after approval by the Board of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify (a) procedures to preclude gambling and loitering; (b) regulations regarding the use of the establishment by school age children; and (c) procedures for the enforcement of the rules.

3. In addition, the Board shall impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:

   A. Hours of operation.

   B. Number of adult attendants required to be on the premises at all times.

   C. Size of the establishment and the number of amusement machines.

9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Quick-Service Food Stores, Restaurants, Restaurants with Drive-Through, Carryout Restaurants, Service Stations, and Service Stations/Mini-Marts

1. In all districts where permitted by special exception:

   A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.

   B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

2. In the C-3 and C-4 Districts, in addition to Par. 1 above:

A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.

B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.

C. There shall be no outside storage or display of goods offered for sale.

D. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

E. Service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than (2) such vehicles on site at any one time.

3. In the C-5 and C-6 Districts, in addition to Par. 1 above:

A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

4. In the C-7 and C-8 Districts, in addition to Par. 1 above:

A. In the C-7 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.

5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:

A. All such uses, except drive-in financial institutions, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station.

C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).

E. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.

6. In the PDH District, in addition to Par. 1 above:

A. Restaurants with drive-through may be permitted only in accordance with the provisions of Sect. 6-106 and the following:

(1) Such use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.

(2) Such use must be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including but not limited to associated on-site and off-site vehicular traffic, noise,

odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.

(3) All direct vehicular access to the use must be provided via the internal circulation system of a commercial area of the PDH development that contains at least three (3) non-automobile-related commercial establishments.

(4) The proposed development must provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.

7. In the PTC District, car washes, drive-in financial institutions, drive-through pharmacies, restaurants with drive-through, carryout restaurants, quick-service food stores, service stations and service stations/mini-marts may only be permitted in accordance with the provisions of Sect. 6-505.

9-506 Additional Standards for Commercial Recreation Restaurants

1. All such uses shall be designed and operated as a combined use for family-oriented recreation and on-premise dining.

2. The sale and consumption of food, frozen desserts or beverages shall be limited to the premises. Notwithstanding the above, the establishment may provide a carry-out service provided that such carry-out service is clearly not the principal business of that portion of the establishment devoted to the sale and consumption of food, frozen desserts or beverages.

3. The recreation portion of the establishment shall not be advertised or operated as a separate facility.

4. Any areas devoted primarily to mechanical and/or electronic operated games shall encompass no more than twenty-five (25) percent of the total gross floor area of the establishment.

9-507 Additional Standards for Convenience Centers

1. No convenience center shall be approved in a neighborhood or subdivision which has been recorded or recorded in part prior to the effective date of this Ordinance. In addition, no convenience center shall be located on a lot adjacent to existing dwellings, unless such center was represented on an approved development plan.

2. The approval of a special exception for a convenience center shall be subject to the approval of a development plan prepared in accordance with the provisions of Sect. 16-502.

3. No convenience center shall be located within a distance of one (1) mile from any other similar retail commercial use.

4. Uses within a convenience center shall be limited to retail sales establishments, personal service establishments and quick-service food stores oriented to serve the residents of the immediate neighborhood.

5. In no event shall the gross floor area of a convenience center exceed 2000 square feet.

6. A convenience center shall be so located and designed to be a homogeneous component of the neighborhood it serves. It shall have on all sides the same architectural features or shall be architecturally compatible with adjacent residential uses; and it shall be constructed of building materials common to residential uses.

7. Off-street parking and loading facilities shall be so located and screened that they are not visible from the first story window level of adjoining or nearby properties.

8. Lighting of parking areas shall be on standards which have a maximum height of three (3) feet.

9. All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.

9-508 Additional Standards for Drug Paraphernalia Establishments

1. Such establishment shall not be located within 1000 feet of the property line of a parcel planned, zoned or used for residential use.

2. Such establishment shall not be located within 1000 feet of the property line of a park, place of worship, library, public school, school of general education, child care center or home child care facility.

3. Such establishment shall not be located within 1000 feet of the property line of another drug paraphernalia establishment.

9-509 Additional Standards for Establishments for Scientific Research and Development

1. In all districts, no products shall be manufactured or goods produced except for the operation of a pilot plant incidental to the scientific research or development operations of the establishment, and no products shall be manufactured or goods produced for sale.

2. In the R-E, R-1, C-1, C-2, C-3 and C-4 Districts, there shall be no sale of goods or commodities on the site except that associated with an accessory service use which may be permitted in accordance with the provisions of Part 2 of Article 10.

3. In the C-1, C-2, C-3, C-4, C-7 and C-8 Districts, in addition to Par. 1 above, the assembly, integration and testing of products shall be permitted only within a completely enclosed building and shall be clearly incidental to the principal process of scientific research and development. To that end, the Board shall limit the amount of floor area devoted to such incidental use. In addition, the Board shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that

the use is compatible with the adjacent area in accordance with the applicable zoning district regulations and the adopted comprehensive plan.

4. In the R-E and R-1 Districts, in addition to Par. 1 and 2 above:

   A. The minimum lot size requirement shall be twenty (20) acres.

   B. The minimum yard requirements shall be 320 feet from the center line of any street or 200 feet from any lot line which is not a street line.

   C. No off-street parking or loading space shall be located within any required yard.

   D. In lieu of the maximum floor area ratio presented in Par. 3 of Sections 3-E07 and 3-107, building bulk shall be controlled by a maximum lot coverage of twenty (20) percent.

   E. No building shall exceed a height of sixty-five (65) feet, except that a part of any building, not exceeding in horizontal area twenty-five (25) percent of the total roof area of the building, may be erected to a height of not more than seventy-five (75) feet.

   F. In order to provide the maximum protection to adjoining property, a plan shall be required showing the proposed landscaping of the site and the exterior appearance of all buildings.

9-510 Additional Standards for Funeral Chapels

1. No such use shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan. A service drive shall be provided such that the major thoroughfare need not be used for the forming of funeral processions. Such drives shall have direct, but limited, access to the major thoroughfare.

2. No building shall be located closer than forty-five (45) feet to any street line or closer than forty (40) feet to any lot line which abuts an R-A through R-4 District.

3. In R districts, the minimum lot size shall be not less than the minimum required for a single family detached dwelling in the district, or 20,000 square feet, whichever is greater.

4. In R districts, the external appearance of the funeral chapel and any accessory building shall be residential in character.

9-511 Additional Standards for Heavy Industrial Uses

1. Each applicant for a heavy industrial use shall provide with his application an evaluation of his proposed use, by a person or firm qualified to make such evaluations, indicating how the use can be made to comply with the applicable performance standards in Article 14.

2. The Board may, in approving a special exception for a heavy industrial use, establish additional yard requirements, landscaping and screening and other standards that, in the opinion of the Board, will effect compatibility with the surrounding community.

9-512 Additional Standards for Hotels, Motels

1. When located in an I district, such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 100,000 square feet of gross floor area.

9-513 Additional Standards for Marinas, Docks and Boating Facilities, Commercial

1. The minimum lot size requirement shall be two (2) acres.

2. Except for light poles, no structure used in connection with the use shall be located closer than 100 feet to any nonriparian lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-514 Additional Standards for Mini-Warehousing Establishments

1. Storage units shall be primarily for dead storage and all storage shall be within a completely enclosed building.

2. Loading docks shall not be permitted.

3. There shall be no incidental parking or storage of trucks and/or moving vans except for purposes of loading and unloading or unless approved as a part of a truck rental establishment.

4. In the PDC and PTC Districts, mini-warehousing establishments may only be permitted in accordance with the provisions of Sect. 6-206 and 6-505, as applicable.

9-515 Additional Standards for Offices

1. The following standards shall apply to offices in residential districts:

   A. Such a use shall be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or such other area where such use is specifically designated in the adopted comprehensive plan.

   B. Such a use shall be permitted only in a single family detached dwelling which was erected prior to February 26, 1973; additions erected subsequently may not be used for such activities.

   C. Notwithstanding the provisions of Sect. 014 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit/exception was originally granted, provided that the principal user is the same as the one who originally

received the special permit or exception. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

D. Notwithstanding the provisions of Par. A through C above, in the R-30 District, offices shall be subject only to the following standards:

(1) Such use shall be located only on the lower two (2) floors of the primary building, or in an accessory structure as may be approved by the Board.

(2) The aggregate floor area of all non-residential uses, to include offices, shall not exceed fifteen (15) percent of the total gross floor area.

(3) Adequate off-street parking shall be provided in accordance with the provisions of Par. 4 of Sect. 11-102.

2. In the C-5, C-6, C-7 and C-8 Districts, the Board may approve a special exception to allow office uses at a greater percentage of the maximum FAR than that permitted by right. For the purpose of this provision, maximum FAR shall mean the maximum FAR permitted by right, as set forth in the applicable zoning district, or as increased by an approved special exception in accordance with Sect. 618 below.

9-516 Additional Standards for Parking, Commercial Off-Street

1. In the C-3, I-2 and I-3 Districts, such parking facilities shall be allowed only as an integral design element of a site plan for an office, commercial or industrial building or building complex containing not less than 30,000 square feet of gross floor area.

2. Notwithstanding the bulk regulations of the zoning district in which located, any parking space that is located on the ground and is open to the sky may be located in any required yard but not closer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

Parking structures and any structure accessory to a commercial parking lot shall be subject to the bulk regulations of the zoning district in which located, except parking structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

3. Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.

4. Such parking facilities shall be provided with safe and convenient access to a street. If any parking space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

5. All such parking facilities shall be in accordance with the provisions of Par. 11 of Sect. 11-102.

6. All lighting fixtures used to illuminate such parking facilities shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

9-517 Additional Standards for Plant Nurseries

1. As stated in the definition, a plant nursery shall be an establishment designed primarily for the propagation, cultivation, growing, and/or maintenance of nursery stock for gardens, grounds, yards, and indoor use, such as trees, plants, shrubs, sod, seeds and vines, and the retail sales of such nursery stock and of items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides. A plant nursery shall be compatible with the adjacent residential or industrial area and shall not include the sale of a wide range of products normally associated with a hardware, building supply or craft store. However, if deemed appropriate, the Board may allow the retail sales of related items as an accessory use, in accordance with the following:

   A. The type of accessory retail items to be sold shall be reviewed and approved by the Board and may include landscaping materials such as railroad ties, landscaping timbers, wall stones and pavers; pots/planters; garden accents such as statuary, birdhouses, birdfeeders, birdbaths, decorative plant hangers, arbors and trellises; water gardens, water plants, fish and other water garden animals; watering cans and sprinklers; gardening gloves, aprons and hats; gardening and horticulture books and publications; wheelbarrows; garden carts; firewood; non-powered hand tools commonly associated with gardening and landscaping; hoses and hose reels; and other similar items. Additionally, artificial/dried plants and flowers and seasonal/holiday decorations may be sold, provided that, during the months of February through October, the gross floor area devoted to the sale of such items shall not exceed twenty (20) percent, and during the months of November through January, the gross floor area devoted to the sale of such items shall not exceed fifty (50) percent, of the total gross floor area designated on the special exception plat for the sale of all retail items. However, in no event shall items such as the following be sold: electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture; hot tubs, spas or pools; barbecue grills; propane fuel; foodstuffs (except in conjunction with an approved special event or festival); or clothing.

   B. The area and extent of all indoor and outdoor areas used for accessory retail sales shall be designated on the special exception plat and shall be clearly subordinate to the plant nursery use. The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure. For nurseries which sell artificial/dried plants and flowers and seasonal/holiday decorations in accordance with Par. 1A above, the floor area devoted to such sales shall be limited to one (1) fully enclosed structure. The location of the areas within such enclosed structure devoted to the sale of such retail items shall be designated by the applicant on the special exception plat. Through such designation, the applicant shall demonstrate compliance with the gross floor area limitations for such sales. Any change in the specific location of such retail items

within the approved designated structure may be administratively approved in accordance with Par. 4 of Sect. 004 above.

2. Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold by the Board may be allowed as an accessory use to the plant nursery when clearly subordinate to the plant nursery use. Structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services shall be delineated on the special exception plat. In residential districts, the area and amount of such structures, equipment, vehicle storage and other areas dedicated to landscaping services shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

3. The Board may approve the holding of special events, festivals or classes as an accessory use to a plant nursery. The Board may impose conditions on such activities, to include, but not be limited to, the type of allowable activities, the number of events, festivals or classes, the time of year for such events, festivals or classes, the area of the site devoted to such activities, the use of lighting and/or public address systems, and to ensure that adequate parking is available to accommodate special event, festival or class participants.

4. In the R-A through R-4 Districts, no plant nursery shall be established except on a lot which has a minimum lot area of five (5) acres and has frontage on an arterial street as defined in the adopted comprehensive plan.

5. In the R-A through R-4 Districts, no building or structure, except light poles, used for or in connection with such use shall be located closer than 100 feet to any lot line which abuts an R district.

6. In the R-A through R-4 Districts, no off-street parking or loading space shall be located closer than fifty (50) feet to any lot line which abuts an R district.

7. Plant nurseries shall be subject to the regulations of the zoning district in which located. In addition, in the R-A through R-4 Districts, the Board shall review the amount of the plant nursery lot devoted to accessory uses such as retail sales of items and landscape contracting services as set forth in Paragraphs 1A and 2 above, and shall determine that such accessory uses are clearly subordinate in purpose, area and extent to the principal use of growing and/or maintaining nursery stock and the retail sales of nursery stock and items designed solely to maintain and preserve the life and health of such stock. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with the adjacent residential area. In particular, the Board may impose conditions on the following:

   A. Location, size, height and use of structures;

   B. Location and number of commercial vehicles and equipment;

   C. Lighting, public address systems and hours of operation;

   D. Location and type of nursery stock, materials and other items stored, displayed or offered for sale outside, provided, however, that no such storage, parking of

equipment or vehicles used for landscape contracting services, display, or sales area shall be located in any minimum required yard.

8. In the R-A through R-4 Districts, notwithstanding the provisions of Sect. 9-003, the Board may vary, modify or waive the provisions of Paragraphs 4, 5 and 6 above and the provisions of Article 13 for a plant nursery which is accessory to a single family detached dwelling, provided the dwelling is the domicile of the nursery operator.

9. The off-street parking requirement shall be based on one (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet; plus one (1) space per 500 square feet of outdoor sales/display area to include greenhouses used for the sales/display of plant materials; plus one (1) space per employee and company/commercial vehicle and sufficient space for the parking of any related equipment for landscape contracting services as an accessory component. However, the Board, in its review of a plant nursery, may modify this parking requirement, based on the specific characteristics of the plant nursery use, such as the size and scale and/or the types of accessory uses, when the applicant has demonstrated that fewer parking spaces then those required above will adequately serve the plant nursery and all accessory uses. All off-street parking areas, including aisles and driveways shall be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.

9-518 Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.

2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.

3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

   All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

4. All such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be

improved in accordance with construction standards presented in the Public Facilities Manual.

6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

7. In the C-3, C-4, I-3, I-4, I-5, and PRC Districts, only vehicle rental establishments may be allowed and such use shall be subject to Paragraphs 1 through 6 above and the following:

   A. Vehicle rental establishments shall be limited to the rental of automobiles and passenger vans and the rental of trucks or other vehicles shall not be permitted.

   B. There may be a maximum of twenty-five (25) rental vehicles stored on site and such vehicles shall be stored in a portion of the parking lot designated on the special exception plat for the storage of rental vehicles.

   There shall be no maintenance or refueling of the rental vehicles on-site.

8. In the PTC District, vehicle sale, rental and ancillary service establishments may only be permitted in accordance with the provisions of Sect. 6-505.

9. In the PDC and PRM Districts, vehicle sale, rental and ancillary service establishments shall only be permitted when specifically identified on an approved final development plan and provided there shall be no outside display or storage of vehicles. All vehicle display or storage shall occur within an enclosed building or parking garage and any ancillary service establishment use shall occur within a completely enclosed building.

9-519 Additional Standards for Wholesale Trade Establishments

1. All business, service, storage and display of goods shall be conducted within a completely enclosed building.

9-520 Additional Standards for Commercial Off-Street Parking in Metro Station Areas as a Temporary Use

The purpose of this special exception is to provide for an interim solution to Metro Station parking deficiencies by allowing private property within a specified distance of a Metro Station to be used temporarily for parking. The temporary parking lot use is intended only as an interim use to serve a public need and not as a transitional use to a higher density or intensity development than currently is planned. To this end, the Board may approve a special exception to allow a privately operated commercial off-street parking lot, as a temporary use, in Metro Station areas, but only in accordance with the following provisions:

In all districts where permitted by special exception:

1. The site for the proposed parking area shall not be used for any purpose other than to provide ground surface parking of motor vehicles for the general public. No motor vehicle repair work except emergency service shall be permitted in association with any such off-street parking area.

2. The applicant shall demonstrate that the use of a site for temporary off-street parking and all improvements thereof shall not preclude the ultimate development of the site in accordance with the existing zoning, any proffered conditions, approved development plans, and/or the adopted comprehensive plan.

3. In addition to the submission requirements set forth in Sect. 011 above, grading plans and plans for drainage provisions shall be provided. Any grading associated with the use of a site for temporary off-street parking shall be limited to that which should be allowed for the permanent development of the site in accordance with the existing zoning, any proffered conditions, approved development plans, and/or the adopted comprehensive plan.

4. Parking spaces for persons with disabilities shall be provided as set forth in Article 11. All other provisions of Article 11, however, shall not apply and, in lieu thereof, all such parking areas shall be subject to the following:

   A. A temporary surfacing material for all such parking areas may be permitted if maintained in good condition at all times in accordance with the standards approved by the Director and provided that:

      (1) Pavement shall be placed from the edge of existing pavement for a minimum distance of twenty-five (25) feet into the interior of the site at each entrance and exit to prevent the parking area surfacing materials from entering the abutting street.

      (2) Temporary paved sidewalks shall be provided within and adjacent to the parking area at those locations where significant pedestrian traffic is anticipated and safe and convenient pedestrian access shall be afforded from the parking area to the station entrance.

   B. Provisions shall be made to organize parking, delineate parking spaces, and provide and maintain adequate aisle clearance and safe and convenient access to a street.

   C. Additional conditions may include but need not be limited to the imposition of speed limits and provisions of dust control techniques.

5. Notwithstanding the bulk regulations of the zoning district in which located, any parking space or parking kiosk may be located in any required yard, but not closer than ten (10) feet to any public right-of-way or private street; provided, however, that there shall be no parking of vehicles closer to any lot line which abuts an R district than a distance equal to the dimension of the abutting corresponding yard as required by this Ordinance.

6. Adequate lighting shall be provided and shall be subject to the outdoor lighting performance standards set forth in Part 9 of Article 14.

7. In addition to the above, the Board may impose such conditions and restrictions as it may deem necessary to assure that the off-street parking area will be compatible with and will not adversely impact the adjacent area or adversely impact the site itself so as to hinder

future development in accordance with the existing zoning and adopted comprehensive plan. To this end, the Board may limit the size and location of the parking lot to ensure retention of such natural site features, including vegetation, which should be preserved for future analysis at the time of the establishment of the permanent use of the property.

8. On land zoned and planned residential, in addition to Paragraphs 1 through 7 above:

   A. The major portion of the proposed parking area shall be located within a 1500-foot radius of a Metro Station platform entrance.

   B. Any property to be used for temporary off-street parking shall be a minimum of five acres in size.

   C. The temporary parking use shall be limited to replacing Metro Station parking spaces temporarily displaced during construction on the Metro Station site.

   D. The number of temporary off-street parking spaces allowed within the vicinity of any one Metro Station shall not exceed the number of temporarily displaced Metro Station parking spaces.

   E. Notwithstanding the provisions of Article 13, at a minimum, Transitional Screening 3 shall be required at the outer boundaries of the lot where the lot abuts or is across the street from residentially zoned land. In addition, the Board may require the preservation of any natural screening and plant materials, and shall require that adequate landscaping and screening be provided to assure compatibility of the parking area with adjacent property and the surrounding vicinity.

   F. The Board shall impose a time limitation on the special exception such that the use shall not be operational prior to the displacement or subsequent to the re-establishment of the Metro Station parking spaces; provided, however, that such special exception may be renewed in accordance with the provisions of Sect. 014 above.

9. On land zoned commercial or industrial, or on land zoned residential but planned commercial or industrial, in addition to Paragraphs 1 through 7 above:

   A. The major portion of the proposed parking area shall be located within a 2000-foot radius of a Metro Station platform entrance.

   B. The number of temporary off-street parking spaces allowed within the vicinity of any one Metro Station shall not exceed the difference between the ultimate number of Metro Station parking spaces planned for the respective station and the number existing at the time the application is filed; provided, however, in the case of an in-line station serving temporarily as a terminus, the Board may allow an appropriate portion of the future Metro Terminal Station's parking allocation to be temporarily located in the vicinity of the in-line station. The applicant shall demonstrate to the satisfaction of the Board that there is presently a need for the provision of additional parking space.

C. The provisions of Article 13 shall not apply; provided, however, that the Board may require the preservation of any natural screening and plant materials, and shall require that adequate landscaping and screening be provided to assure compatibility of the parking area with adjacent property and the surrounding vicinity.

D. The Board may approve a special exception for this use for a period not to exceed three (3) years from the date of approval of the Non-Residential Use Permit; provided, however, that such special exception may be renewed in accordance with the provisions of Sect. 014 above.

Once established, the parking lot use shall be continued for the duration of the special exception unless one year written notice of intent to cease the use is given to the Board, and no approvals to permit the commencement of land-disturbing activity contrary to the temporary parking use shall be issued during the life of the special exception or the one year notice period, whichever is applicable.

9-521 Additional Standards for Industrial/Flex Uses

Industrial/flex uses may be permitted in the I-3 District only in accordance with the following:

1. Warehousing and wholesaling establishments shall not comprise more than thirty-five (35) percent of the gross floor area of the structure, and shall not include bulk storage of flammable materials for resale. All loading docks shall be screened from view of surrounding streets and properties through the use of landscape screening and/or decorative barriers.

2. All uses shall be conducted entirely within the enclosed structure.

3. The structure shall be designed to promote the intended character of the district through architectural design which is compatible with surrounding research and development and other clean industrial uses.

4. To preserve the character of the district and to promote the compatibility of the industrial/flex use with other permitted uses, a minimum of twenty-five (25) percent of the gross lot area shall be devoted to landscaped open space and/or transitional screening.

9-522 Additional Standards for Pawnshops

1. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and not adversely impact adjacent properties and will not hinder future development in accordance with the existing zoning and adopted comprehensive plan.

2. Such a use shall be subject to the regulations of Chapter 33 of The Code.

9-523 Additional Standards for Mixed Waste Reclamation Facilities

All such uses shall comply with the siting, design, construction and operating standards of the Virginia Department of Environmental Quality Solid Waste Management Facility Standards for Materials Recovery Facilities.

9-524 Additional Standards for Retail Sales Establishments

The Board may approve a special exception to allow a retail sales establishment in an I-4 or I-5 District, subject to the following:

1. Such special exception use shall be limited to one of the following:

   A. An establishment wherein a maximum of sixty (60) percent of the gross floor area may be devoted to retail sales, display area and any accessory office, with the remaining gross floor area devoted to warehousing; or

   B. An establishment in which retail sales are conducted only on Fridays commencing at 6:00 PM, Saturday, Sundays, and Federal holidays.

2. The Board shall determine that the retail use will be compatible with and not adversely impact the adjacent properties, and will not hinder or be contrary to the adopted comprehensive plan for commercial and industrial development in the area. To that end, the Board may impose such conditions and restrictions which it may deem necessary to ensure compatibility and to mitigate potential adverse impacts, which may include, but need not be limited to the following:

   A. Hours of operation

   B. Site development or design standards

   C. Transitional screening and landscaping requirements

3. The structure shall be designed to promote the character of the district through architectural design which is compatible with surrounding industrial uses.

4. The Board shall determine that parking as required by Article 11 is provided on-site or may approve a cooperative parking arrangement in accordance with the provisions of Article 11.

5. Such use shall be designed so that pedestrian and vehicular circulation are coordinated with that on-site and on adjacent properties and vehicular access to the site shall to the greatest extent possible be provided via the internal circulation system of the building complex.

6. Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles and pedestrian traffic.

7. Any public improvements required as the result of the introduction of retail uses to an area designed and developed for industrial uses shall be provided.

8. All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.

9-525 Additional Standards for Truck Rental Establishments

1. Such use shall be allowed only as an ancillary use to a principal use on a lot and shall be limited to the rental and minor servicing of trucks and trailers typically rented to individuals for the moving of personal belongings (i.e., rental moving vans and trailers).

2. The maximum number and type of trucks/trailers to be kept on a lot shall be determined by the Board upon consideration of the lot characteristics, and a determination that the lot is of sufficient area and width to support the use, that the site has safe and efficient access and on-site circulation, and that any such use will not adversely affect any nearby existing or planned residential uses as a result of the hours of operation, noise generation, parking, outdoor lighting or other operational factors. The area used for the parking and storage of rental trucks and trailers shall not exceed ten (10) percent of the total area of the site.

3. All outdoor storage areas, including aisles and driveways, shall be designated on the special exception plat, and constructed and maintained with an approved surface in accordance with Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual. Such trucks and trailers stored on site shall be stored only in a portion of the site so designated on the special exception plat for the storage of rental trucks and trailers. Rental trucks and trailers shall not be parked or stored within fifteen (15) feet of the front lot line.

4. The outdoor storage areas shall not be used for the storage of trucks or trailers that are not in operating condition.

5. All such uses shall be provided with safe and convenient access to a street. The street frontage shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

9-526 Additional Standards for Bed and Breakfasts Uses

1. The Board shall determine that the proposed bed and breakfast use does not pose any adverse impacts on the surrounding properties and preserves the residential character of the adjacent area.

2. All bed and breakfast uses shall be permitted only in residential structures, including normal residential accessory structures. Alterations undertaken on structures shall be

limited to those which will not alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.

3. A bed and breakfast may not include a restaurant; however, breakfast and other light fare may be provided for resident guests. In addition, this provision does not preclude the filing and approval of a separate Group 7 special permit application for a restaurant.

4. No off-street parking or loading space for the bed and breakfast use shall be located in any required side or rear yard that abuts an R district and all off-street parking spaces shall be adequately screened to minimize adverse impacts on adjacent residential properties. No more than three (3) parking spaces for the bed and breakfast use shall be located in any required front yard unless specifically permitted by the Board on a finding that such parking provisions will not adversely affect the character of the surrounding residential area.

9-527 Additional Standards for Outdoor Baseball Hitting and Archery Ranges

1. The minimum lot size requirement shall be two (2) acres.

2. Except for containment structures approved pursuant to Part 6 of Article 9 and light poles, no structures used in connection with the use shall be located closer than 100 feet to any lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-528 Additional Standards for Golf Courses, Country Clubs

1. The minimum lot size requirement shall be fifteen (15) acres.

2. Except for containment structures approved pursuant to Part 6 of Article 9 and light poles, no structures used in connection with the use shall be located closer than fifty (50) feet to any lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-529 Additional Standards for Golf Driving Ranges

1. Except for containment structures approved pursuant to Part 6 of Article 9 and light poles, no structure used in connection with the use shall be located closer than 100 feet to any lot line.

2. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-530 Additional Standards for Kennels, Animal Shelters

1. For a kennel or animal shelter in the R-A, R-P, R-C, R-E and R-1 Districts which has any outdoor facilities, there shall be a minimum lot size requirement of two (2) acres, and any outdoor structure for the confinement, care or breeding of animals shall be located no closer than 100 feet to any lot line.

2. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

3. A kennel or animal shelter may be located within a completely enclosed building, provided such building is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

4. All dogs more than four (4) months of age shall be kept in structures designed and maintained for secure confinement.

5. In reviewing an application for a permit, the Board shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques and the location that such animals will be kept on the lot. The Board may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission or noise and/or odor detrimental to other property in the area.

9-531 Additional Standards for Miniature Golf Courses Ancillary to Golf Driving Ranges

1. The principal use of the lot shall be the golf driving range and, in the R-E and R-1 Districts, the minimum lot size requirement shall be twenty (20) acres.

2. Except for containment structures approved pursuant to Part 6 of Article 9 and light poles, no part of the miniature golf course shall be located closer than 100 feet to any lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

4. The miniature golf course facility shall be located and oriented to the interior of the site such that the use is not visible from any abutting roadway and shall be adequately screened to mitigate impacts on adjacent properties. In the R-E and R-1 Districts, the use of sound emitting features as part of the miniature golf course facility shall not be permitted.

5. In reviewing an application for a special exception, the Board shall take into consideration factors such as noise, dust, lighting and traffic and shall impose such conditions as may be necessary to ensure that the use will be ancillary to the principal golf driving range use and will also be compatible with and not adversely impact adjacent properties.

9-532 Additional Standards for Veterinary Hospitals

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

2. The construction and operation of all such facilities shall be approved by the Health Department prior to issuance of any Building Permit or Non-Residential Use Permit.

3. In the R-A, R-P, R-C, R-E and R-1 Districts, there shall be a minimum lot size requirement of one (1) acre and veterinary hospitals shall be subject to the standards presented in Paragraphs 1, 2, 3 and 4 of Sect. 8-907.

4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-533 Additional Standards for Retail Sales Establishments-Large

In the C-6, C-7, C-8, PDC, PRC and PTC Districts, the Board may approve a special exception to allow a retail sales establishment containing 80,000 square feet or more of gross floor area which is not otherwise permitted by right subject to the following standards:

1. The Board shall determine that a retail sales establishment-large will be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose such conditions and restrictions which it may deem necessary to ensure compatibility and to mitigate adverse impacts, which may include, but not be limited to the following:

   A. Hours of operation and other operational restrictions;

   B. Site development or design standards; and

   C. Transitional screening and landscaping requirements.

2. The Board shall determine that parking as required by Article 11 is provided and is designed in such a manner as to minimize impacts on adjacent properties through the use of methods which may include, but are not limited to, structured parking, location and distribution of parking, and landscaping techniques. All required parking shall be provided on-site.

3. Such use shall be designed so that pedestrian and bicycle circulation is coordinated on-site and on adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.

4. Such use shall be designed to provide safe and convenient access, to minimize any potential conflicts between service and delivery vehicles, passenger vehicles and pedestrian traffic.

5. Such use shall be designed in such a manner as to minimize noise from impacting adjacent properties.

6. Outdoor lighting associated with such uses shall be designed to minimize the impacts of glare, light trespass and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic; such lighting shall be subject to the provisions of Part 9 of Article 14.

7. The structures shall be designed to protect the character of the neighborhood in which located through the use of architectural design and site design methods. The layout and architecture shall be designed in such a manner that reduces monotonous effects and impacts caused by building bulk through the use of techniques that may include, but are not limited to, variations in roof lines, variations in building setbacks, landscaping and by enhanced architectural treatments to all sides of a building. In cases where there is a significant contrast in topography between the subject property and adjacent properties, appropriate mitigation methods, such as screening, shall be considered in order to mitigate potential noise and/or visual impacts. All rooftop mechanical structures shall be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.

8. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities, with the exception of outdoor seating, service, storage and display that is clearly subordinate to the retail sales use and which may be allowed subject to the following conditions:

   A. The area and extent of all outdoor seating areas and outdoor areas for the service, storage and display of goods shall be designated on the approved plat. The Board may condition the location, size and extent of any such areas or associated structures. No such storage, display or sales area shall be located in any required minimum yard.

   B. All outdoor service, storage and display, with the exception of outdoor seating, and up to 250 square feet of display area, shall be fully screened using structures and materials and design elements that are compatible with those used in the principal structure. Screening methods shall include solid fences, walls, berms, evergreen hedges or a fence, wall, berm and/or landscaping combination.

9. All signs shall be in scale and harmony with the development and shall be located and sized as to ensure convenience to the visitor, user or occupant while not adding to street clutter or detracting from the character of the surrounding properties.

10. Notwithstanding Par. 8 above, in the PTC District outdoor activities shall be limited to outdoor seating.

PART 6 9-600 CATEGORY 6 MISCELLANEOUS PROVISIONS REQUIRING BOARD OF SUPERVISORS' APPROVAL

9-601 Category 6 Special Exception Uses

Category 6 special exceptions consist of those miscellaneous provisions set forth in various Articles of this Ordinance, which require special approval or authorization from the Board.

1. (Deleted by Amendment #95-283, Adopted October 30, 1995, Effective October 31, 1995 at 12:01 AM)

2. Uses in a floodplain.

3. Increase in building heights.

4. Enlargement of certain nonconforming uses.

5. Parking in R districts.

6. Waiver of minimum lot size requirements.

7. Approval of drive-in financial institutions, restaurants with drive-through, quick-service food stores, service station and service station/mini-marts in a Highway Corridor Overlay District.

8. Approval of the enlargement, extension, relocation or increase in intensity of existing drive-in financial institutions, restaurants with drive-through, quick-service food stores and service stations in a Highway Corridor Overlay District.

9. Waiver of open space requirements.

10. Waiver of minimum yard and privacy yard requirements for single family attached dwelling units.

11. Approval of nonconforming condominium and cooperative conversions.

12. Cluster subdivisions.

13. Driveways for uses in a C or I district.

14. Density credit for major utility easements.

15. Increase in FAR.

16. Minor modifications to a nonconformity.

17. Waiver of certain sign regulations.

18. Outdoor storage in association with warehousing establishments in the Sully Historic Overlay District.

19. Modifications/waivers/increases and uses in a Commercial Revitalization District.

20. Reduction of yard requirements for the reconstruction of certain single family detached dwellings that are destroyed by casualty.

21. Containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses.

22. Modification of minimum yard requirements for certain existing structures and uses.

23. Provisions for modifying shape factor limitations.

24. Modification of grade for single family detached dwelling.

25. Increase in parking in the PTC District

26. Increase in FAR in the PTC District

27. Expansion of an existing or development of a new farm winery, limited brewery, and limited distillery in the R-C District and for certain events and activities associated with such uses when located in the R-A, R-P, R-E and R-1 Districts.

9-602 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for a Category 6 special exception shall be accompanied by such submission items as may be required by the provisions of this Ordinance or as may be required by the Board for a particular special exception.

9-603 (Deleted by Amendment #95-283, Adopted October 30, 1995, Effective October 31, 1995 at 12:01 AM)

9-604 (Deleted by Amendment #82-64, adopted August 2, 1982)

9-605 (Deleted by Amendment #82-64, adopted August 2, 1982)

9-606 Provisions for Uses in a Floodplain

The Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2.

9-607 Provisions for Approving an Increase in Building Heights

As set forth in the C-3, C-4, C-6, C-7, C-8, I-1, I-2, I-3, I-4, I-5, I-6 and Sully Historic Overlay Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Quasi-Public

Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.

2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.

3. An increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied.

4. An increase in height up to 60 feet may be approved in the Sully Historic Overlay District when located within the historic district and within 500 feet of the Sully Historic Overlay District perimeter boundary and when it can be demonstrated by the applicant that the proposed structures, including all rooftop structures excluded from the maximum height regulations pursuant to Sect. 2-506 and those portions of the roof excluded from the building height calculations in accordance with the definition, are compatible with and do not have detrimental impacts on the Sully property in terms of mass, scale, color and visual impact and when such increase in height is in compliance with Federal Aviation Administration standards. Other factors to be considered when determining the impact of an increase in height may include, but not be limited to, changes to existing topography, presence of existing vegetation and the building lighting and signage. The actual building height as measured from the grade to the top of any roof or rooftop structure shall not exceed 65 feet.

9-608 Provisions for Enlargement of Certain Nonconforming Uses

The Board may approve a special exception authorizing the enlargement of certain nonconforming uses, but only in accordance with the provisions of Sect. 15-102.

9-609 Provisions for Parking in R Districts

The Board may approve a special exception authorizing a parcel of land in an R district to be used for off-street parking of motor vehicles, but only in accordance with the following conditions:

1. No charge shall be made for the use of such parcel for parking purposes.

2. All such off-street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with any such off-street parking.

3. All such off-street parking space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

4. All such off-street parking areas shall be in accordance with the provisions of Par. 11 of Sect. 11-102.

5. All such off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual.

6. There shall be no parking of vehicles closer to any lot line which abuts an R district than a distance equal to the dimension of the abutting corresponding yard as required by this Ordinance.

7. All lighting fixtures used to illuminate such off-street parking areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

8. All such off-street parking shall comply with the provisions for landscaping and screening set forth in Article 13.

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions; the minimum lot area and/or lot width requirements for a C district; and the minimum district size, lot area and/or lot width requirements for an I district; but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.

2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.

4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

9-611 Provisions for Approving Drive-In Financial Institutions, Restaurants with Drive-through, Quick-Service Food Stores, Service Stations, and Service Station/Mini-Marts in a Highway Corridor Overlay District

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, restaurant with drive-through, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

9-612 Provisions for Waiving Open Space Requirements

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.

2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.

3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.

9-613 Provisions for Waiving Minimum Lot Width, Minimum Yard and Privacy Yard Requirements for Single Family Attached Dwelling Units

The Board may approve, either in conjunction with the approval of a rezoning or a special exception, the waiving of the minimum yard and/or privacy yard requirements for single family attached dwelling units. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.

9-614 Provisions for Approval of Nonconforming Condominium and Cooperative Conversions

1. Pursuant to Va. Code Sections 55-79.43 and 55-429, the standards set forth in Sect. 006 above shall not apply and an application for a special exception shall be approved if the applicant can demonstrate to the reasonable satisfaction of the Board that existing nonconformities are not likely to be adversely affected by the proposed conversion.

2. Upon approving a special exception, the Board may impose such conditions as deemed necessary to assure that the development will be in harmony with the purpose and intent of the provisions of this Ordinance.

3. An approval of a special exception shall permit existing nonconformities to continue as nonconformities.

9-615 Provisions for a Cluster Subdivision

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a cluster subdivision in an R-C, R-E or R-1 District or a cluster subdivision in a R-3 or R-4 District which has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, but only in accordance with the provisions of this section. Special exceptions for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 or R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, that

were approved by the Board prior to July 1, 2004, shall remain valid and the cluster subdivisions shall continue pursuant to such special exception approval and any development conditions imposed by such approval. Amendments to such special exceptions for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 or R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, shall be pursued in accordance with the provisions of Sect. 9-014 and the following:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by 23 copies of a plat drawn to designated scale of not less than 1" = 50', certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plat must contain the following information:

    A. Boundaries of the entire property, with bearings and distances of the perimeter property lines.

    B. Total area of the property in square feet or acres.

    C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

    D. Area of open space in square feet or acres and percent of total area that is open space.

    E. Type of open space, whether common open space or dedicated open space, and the proposed uses.

    F. Maximum number of dwelling units proposed, and the density and open space calculations based on Sections 2-308 and 2-309.

    G. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

    H. Proposed layout of lots, streets and open space.

    I. Location, where applicable, of recreation areas, parks, schools, and other public or community uses.

    J. Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

    K. A delineation of all existing structures, and an indication of their date of construction, if known, and whether they will be retained or demolished.

L. Indication that the property is served by public water and/or sewer or private water and/or septic field.

M. Designation of minimum lot areas and yards that will be provided on lots adjacent to major thoroughfares and adjacent to the peripheral lot lines of the subdivision.

N. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(1) A graphic depicting:

(a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

O. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

P. A plan showing limits of clearing, existing vegetation, and any proposed landscaping and screening, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

Q. Location of all existing utility easements having a width of twenty-five (25) feet or more.

R. Location of all trails required by the adopted comprehensive plan.

S. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

T. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

U. Seal and signature of professional person preparing the plat.

2. It shall be demonstrated by the applicant that the location, topography and other physical characteristics of the property are such that cluster development will:

   A. Preserve the environmental integrity of the site by protecting and/or promoting the preservation of features such as steep slopes, stream valleys, desirable vegetation or farmland, and either

      (1) Produce a more efficient and practicable development, or

      (2) Provide land necessary for public or community facilities.

   B. Be in accordance with the adopted comprehensive plan and the established character of the area. To accomplish this end, the cluster subdivision shall be designed to maintain the character of the area by preserving, where applicable, rural views along major roads and from surrounding properties through the use of open space buffers, minimum yard requirements, varied lot sizes, landscaping or other measures.

3. In no case shall the maximum density specified for the applicable district be increased nor shall other applicable regulations or use limitations for the district be modified or changed; provided, however, the Board may approve a modification to the minimum lot size and/or minimum yard requirements when it can be concluded that such a modification(s) is in keeping with the purpose of this Section and the applicable zoning district. No lot shall extend into a floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area unless approved by the Board based on a determination that:

   A. The particular floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area, by reason of its size or shape, has no practical open space value, and

   B. The amount of floodplain and adjacent slopes in excess of fifteen (15) percent grade or Resource Protection Area on the lot is minimal, and

   C. The lot otherwise meets the required minimum lot area specified for the district in which located.

4. Upon Board approval of a cluster subdivision, a cluster subdivision plat may be approved in accordance with the plat approved by the Board, the provisions of this Section and the cluster subdivision provisions presented in the zoning district regulations.

5. In the R-C District, in addition to Par. 2 above, the applicant shall demonstrate that the cluster subdivision and the use of its open space is designed to achieve runoff pollution generation rates no greater than would be expected from a conventional R-C District subdivision of the property.

9-616 Driveways for Uses in a C or I District

The Board may approve, as a Category 6 special exception use, the location on residentially zoned land of a driveway for a commercial or industrial use, but only in accordance with the following:

1. It shall be determined that:

   A. No other means of access is reasonably available; or

   B. The proposed access will result in a minimized traffic impact on the streets in the vicinity.

2. It shall be determined that the proposed driveway will not unduly impact the use or development of adjacent properties in accordance with the adopted comprehensive plan.

9-617 Density Credit for Major Utility Easements

The Board may approve a special exception to allow density credit for a major utility easement in accordance with the provisions of Par. 3 of Sect. 2-308, and the following:

1. The granting of an easement was not made in exchange for monetary compensation from the grantee-instrumentality; provided however, that, in the discretion of the Board, the exchange of monetary compensation may be permitted based upon the following standards:

   A. The easement is for a major utility facility providing regional benefit;

   B. The location of the easement impacts the subject property;

   C. Monetary compensation is appropriate under the circumstances; and

   D. The proposed location for the easement is determined to be significantly in the public interest.

2. The area which is the subject of the easement is necessary for the installation or improvement of a public facility which is in accordance with the adopted comprehensive plan. Where such proposed public facility requires approval under Sect. 15.2-2232 of the Code of Virginia, such approval shall be obtained prior to or in conjunction with the granting of density credit under this Section.

9-618 Increase in FAR

The Board may approve a special exception to allow an increase in the maximum permitted FAR for all uses in the C-6, C-7, C-8, I-3, I-4, I-5 and I-6 Districts, in accordance with the maximum FAR set forth in the respective zoning district.

9-619 Provisions for Minor Modifications to a Nonconformity

Notwithstanding the standards of Sect. 006 above, the Board may approve a special exception to allow structural alterations to any nonconforming building or to a building in which a nonconforming use is conducted subject to the following:

1. It is determined that such alteration is necessary as a result of a condemnation or other acquisition by any government agency for a public improvement.
2. It is determined that a reduction in monetary compensation associated with the public improvement, due to the allowance of such alteration, is of more public benefit than not allowing the alteration, even if the use may not be in harmony with the adopted comprehensive plan.

3. A plan shall be submitted which depicts the proposed alteration and the overall impact or effect of the alteration to the structure. No such alteration shall result in an increase in building square footage, an increase in the area of the building occupied by the nonconforming use, or in the relocation of the building on the site.

4. Such special exception may be approved notwithstanding any existing nonconformity and any nonconformity that may be created by the public improvement, and approval of the special exception shall permit such nonconformities to continue as nonconformities.

Upon approving a special exception, the Board may impose such conditions as deemed necessary to address any impacts of the nonconformity or proposed modification.

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-302. Such waiver may not allow the erection of a freestanding sign or off-site sign not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Article 12.

2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.

3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.

4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on

the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

9-621 Provisions for Outdoor Storage in Association with Warehousing Establishments in the Sully Historic Overlay District

The Board may approve a special exception authorizing the establishment of outdoor storage in association with a warehousing establishment on land zoned I-5 or I-6 in the Sully Historic Overlay District in accordance with the provisions of Sect. A1-303.

9-622 Provisions for Modifications/Waivers/Increases and Uses in a Commercial Revitalization District

1. In a Commercial Revitalization District, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the following:

   A. A modification or waiver of the minimum lot size, minimum yard and/or minimum open space requirements of the underlying zoning district regulations,

   B. An increase in the amount of office use permitted, increase in the maximum permitted building height or increase in the maximum permitted FAR in accordance with the underlying zoning district regulations,

   C. A use allowed by special exception in the underlying zoning district regulations, to include other applicable Category 6 special exception uses,

   D. A modification or waiver of the provisions of a Commercial Revitalization District, as provided for in that district, and/or

   E. The establishment of a vehicle transportation service establishment in the C-6, C-7 or C-8 Districts.

2. Notwithstanding the provisions of Par. 2 of Sect. 011 above, the plat requirements set forth below will apply. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a plat requirement, if it is determined that the requirement is clearly not necessary for the review of the application.

   A. Twenty-three copies of a plat, including any resubmissions of the plat and supporting graphics, drawn to designated scale of not less than 1" = 50', certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat and supporting graphics. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plat must contain the following information:

      (1) Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

(2) Total area of the property and of each zoning district in square feet or acres.

(3) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and all supporting graphics.

(4) Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures.

(5) A statement of the architectural concepts, building materials and color of any proposed structures, and schematic architectural sketches, if available.

(6) The location, dimensions, style and lighting of all signs.

(7) The distances of all existing structures that are proposed to remain and all proposed structures from the lot boundaries and abutting streets, and a graphic depiction of the angle of bulk plane, if applicable.

(8) Public right(s)-of-way, indicating names, route numbers and width, any required and/or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

(9) Proposed means of ingress and egress to the property from a public street(s).

(10) Location of all existing and/or proposed parking spaces, indicating minimum distance from the nearest property line(s), and a schedule showing the number of parking spaces provided and the number required by the provisions of the Commercial Revitalization District. If parking spaces are to be located off-site, the location, number and access to such spaces.

(11) Location of well and/or septic field, or indication that the property is served by public water and/or sewer. Where applicable, a statement from the Health Department that available facilities are adequate for the proposed use.

(12) Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(a) A graphic depicting:

(i) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(ii) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(iii) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(iv) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(v) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(vi) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(b) A preliminary stormwater management narrative setting forth the following:

(i) Description of how the detention and best management practice requirements will be met.

(ii) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(iii) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(iv) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

(13) A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable.

(14) Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

(15) A plan showing the open space areas and how the development meets any applicable streetscape/urban design guidelines set forth in the adopted comprehensive plan, with a statement of the percent of open space required and percent of open space provided. The plan shall also include the limits of clearing, existing vegetation, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map; proposed landscaping in accordance with the Commercial Revitalization District regulations to include interior and peripheral parking lot landscaping and screening and barrier measures.

(16) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

(17) Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

(18) Location of all walkways on the site and to adjacent sites and trails required by the adopted comprehensive plan.

(19) Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

(20) Where applicable, seating capacity, useable outdoor recreation area, emergency access, bicycle parking, fencing, outside lighting, and loudspeakers.

(21) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

(22) Seal and signature of professional person certifying the plat.

In addition, an application shall include a statement and any supporting materials detailing any requested modification/waiver/increase and the justification for same.

3. The approval of a requested modification/waiver/increase or use shall be in accordance with and shall further the implementation of the adopted comprehensive plan for the commercial revitalization area.

9-623 Reduction of Yard Requirements for the Reconstruction of Certain Single Family Detached Dwellings that are Destroyed by Casualty

The Board may approve a special exception to allow a reduction of the yard requirements for the reconstruction of certain single family detached dwellings that are subject to Par. 1 of Sect. 15-101 and destroyed by casualty, but only in accordance with the following:

1. The application shall be filed within two (2) years of the date of the casualty if the casualty takes place after November 16, 2004. If the casualty occurred less than two (2) years prior to November 16, 2004, the application shall be filed within two (2) years of November 16, 2004. If the casualty occurred two (2) or more years prior to November 16, 2004, no such special exception shall be filed or approved; and

2. The single family detached dwelling must have been in a habitable condition immediately prior to the casualty; and

3. The casualty cannot have been intentionally caused by the owner or owner's agent; and

4. The resulting gross floor area of the reconstructed dwelling shall not be more than 125 percent of the gross floor area of the dwelling that existed immediately prior to the casualty; and

5. When a structure that existed prior to the casualty encroaches into a current minimum required yard, the resulting yard after reconstruction shall equate to no more than a twenty-five (25) percent reduction of the yard existing at the time of the casualty, but in no event shall any resulting yard be less than five (5) feet; and/or

6. The Board may allow the enlargement or relocation of the reconstructed dwelling such that it encroaches into a current minimum required yard. Any such enlargement or relocation shall not result in a reduction of any minimum required yard by more than twenty-five (25) percent, but in no event shall the resulting yard be less than five (5) feet.

The Board may allow extensions into the yards beyond that permitted by Paragraphs 5 and 6 above for stairs, stoops and ramps when such features are uncovered and are necessary for access and/or the safety of the occupants. Such features shall not be allowed any closer than three (3) feet from any property line; provided, however, that an accessibility improvement, as defined by Article 20, may be located in any yard.

9-624 Additional Standards for Containment Structures Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts and Golf Courses

The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for an outdoor sports facility, an increase in height and/or modification to the corresponding location regulations as set forth in Sect. 10-104 for containment structures associated with outdoor recreation/sports facility playing fields/courts or golf courses when such structure is designed to preclude the flight of any ball or other sports equipment onto adjacent property or right-of-way, but only in accordance with the following:

1. Detailed information relating to the anticipated trajectory of balls and other sports equipment and the need for a containment structure to keep such equipment on the property shall be submitted with the application In the event the containment structure is associated with a new playing field/court or golf course, the playing field/court or golf course shall be oriented and designed in such a manner as to minimize the height needed for such containment structure.

2. The height, location, color and materials of the proposed containment structure, including the size of mesh for any netting, shall be identified in the application.

3. The material for the containment structure shall be limited to support structures, netting that is at least seventy-five (75) percent open in an evenly distributed pattern, and/or guy wires.

4. Wherever practical, the containment structure shall be designed in such a manner that, in the event of collapse, the structure will not fall onto adjacent property or right-of-way.

5. Signs shall not be permitted on any containment structures.

6. Wherever practical, the containment netting shall be removed when the outdoor sports facility is not in use due to seasonal changes or other factors.

7. A containment structure may be located on an adjacent lot to an outdoor recreation/sports facility playing field/court or golf course, whether or not such lot contains a principal structure or use.

8. Such containment structure shall not be allowed in association with a privately used playing field/court on a lot containing a single family dwelling.

9-625 Provisions for Modification of Minimum Yard Requirements for Certain Existing Structures and Uses

The Board may approve, only in conjunction with the approval of a rezoning or special exception for another use, a modification of any yard requirement for an existing structure or use, including but not limited to principal and accessory structures and off-street parking spaces, but only in accordance with the following:

1. It shall be demonstrated that the existing structure or use complied with the minimum required yards in effect when the use was established and that the yards have not been

reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.

2. The Board may impose such conditions as it deems necessary, to include landscaping and screening, to minimize the impact of the existing structure or use on adjacent properties.

9-626 Provisions for Modifying Shape Factor Limitations

1. The Board may approve a lot with a shape factor greater than 60 but less than 100 in the R-C District if it determines that:

   A. The increase in shape factor results in a development that preserves and/or minimizes the impact on existing vegetation, topography, historic resources and/or other environmental features; or

   B. A portion of the property is required for the establishment of a wastewater system private water supply system, stormwater management facility, and/or a stream valley trail as an outlot within the proposed subdivision, provided that there is no alternative location on the property being subdivided for the proposed facility or trail.

2. The Board may approve a lot with a shape factor greater than thirty-five (35) but less than fifty (50) in the R-E, R-1, R-2, R-3, R-4, R-5 and R-8 Districts if it determines that a portion of the property is required for the establishment of a wastewater and/or stormwater management facility or a stream valley trail as an outlot within the proposed subdivision, provided that there is no alternative location on the property being subdivided for the proposed facility or trail.

3. Any applicant seeking approval of an increase in shape factor pursuant to Paragraphs 1 or 2 above shall provide sufficient justification for any such increase in order to establish compliance with the above requirements.

9-627 Provisions for Modification of Grade for Single Family Detached Dwellings

The Board may approve, only in conjunction with the approval of a rezoning or special exception for another use, a special exception for the modification of grade as it applies to the height measurement of a single family detached dwelling that is located within or in proximity to a floodplain and when such structure must be elevated to meet all applicable floodplain regulations. In such cases the Board may approve a special exception that allows a grade elevation to be established that permits a dwelling to be constructed in compliance with all applicable floodplain regulations. Any applicant seeking grade modification approval shall demonstrate that the requested increase in grade is the minimum amount required to meet the floodplain regulations.

9-628 Provisions for Increase in Parking in the PTC District

The Board may approve a special exception to allow an increase in parking in the PTC District above the parking maximums set forth in Part 5 of Article 6 when the applicant has

demonstrated to the Board's satisfaction that the proposed uses cannot be adequately served by the combination of allowed parking, transit access, shared parking arrangements and similar factors, but shall only be approved in accordance with the following:

1. Such increase in the number of parking spaces does not hinder or preclude the achievement of the Transportation Demand Management (TDM) goals for the subject property and/or the Tysons Corner Urban Center, as set forth in the adopted comprehensive plan; and

2. The design of a parking structure necessitates the construction of additional parking; or

3. The applicant is proposing a use with unique parking needs to justify an increase in the parking rate; or

4. The need for an increase in parking is the result of a change in previously approved shared parking, valet or shuttle arrangements; or

5. The applicant proposes a single phase development that will precede the operation of mass transit opportunities, such as metro, circulator bus or other features that are planned to serve the Tysons Corner Urban Center; or

6. Other circumstances whereby the proposed use(s) cannot be adequately served by the number of parking spaces permitted by Part 5 of Article 6.

All off-street parking approved under this special exception may be administered by an entity established to manage such additional parking, which may include the imposition of parking fees, controlled access to such parking, and any other operational management methods that are necessary to ensure satisfaction of the TDM goals for the property and/or the Tysons Corner Urban Center. Additionally, the Board may impose any conditions on the approval of a special exception for an increase in parking in the PTC District, which may include the establishment of a requirement that the need for such additional parking shall be reevaluated within a specified period of time, based on changes in development patterns, uses or other factors in and around the application property.

9-629 Provisions for Increase in FAR in the PTC District

To encourage redevelopment near Metrorail Station areas at a high intensity and ensure that the impacts of such redevelopment on the transportation network is adequately addressed, the Board may approve, in conjunction with a rezoning, a special exception to allow an increase in FAR in the PTC District, as specified in Par. 2A(1) of Sect. 6-507, for property located within the TOD District up to one quarter (¼) mile of a Metrorail Station entrance.

1. Such special exception shall only be approved provided the proposed development:

   A. Facilitates transit oriented redevelopment in furtherance of the adopted comprehensive plan, and

   B. Achieves, to the maximum extent feasible, the vehicle trip reduction goals set forth in the adopted comprehensive plan; and

C. Fully meets all applicable areawide, districtwide and site specific recommendations set forth in the adopted comprehensive plan; and

D. Exhibits excellence in urban design and building form as envisioned in the adopted comprehensive plan.

2. The applicant shall identify each phase of the proposed development, the anticipated order of construction and the anticipated completion date of each phase of the development. Additionally, to the satisfaction of the Board the applicant shall demonstrate the market feasibility of the proposed development.

3. The location and amount of special exception floor area shall be allocated on a per building basis, and to the extent possible, dispersed among the buildings shown on the special exception plat. It is intended, unless good cause is shown, that the total amount of the approved special exception floor area not be allocated to a single building in a multi-building and/or multi-phased development or be allocated solely within the initial phases of the development. Additionally, if any one building is constructed without utilizing any or all of its assigned special exception floor area, such unused floor area shall be forfeited and shall not be transferred to another building within the development absent a special exception amendment, and if applicable, a proffered condition/conceptual development plan amendment.

4. In addition to the submission of the special exception plat depicting the location and allocation of the special exception floor area per building, the applicant shall also submit the development plan associated with the PTC District rezoning specifying the floor area per building without the special exception floor area.

5. As part of the approval of the special exception, the Board may impose such conditions it deems necessary to address the impacts of the increased FAR as they relate to such factors as: site layout, building design, traffic generation, parking and demand for public facilities.

6. Notwithstanding the provisions of Sect. 9-015, the special exception allowing increased floor area shall automatically expire in whole or in part, without notice, ten (10) years from the date of approval, or such other timeframe as specified by the Board, unless the core and shell final inspection(s) has been approved for the building(s) containing the special exception floor area; or additional time is granted by the Board for any building approved for special exception floor area, but has not received core and shell final building inspection. The Board may approve a request for additional time, subject to the following:

A. A request is filed in writing with the Zoning Administrator prior to the expiration date. Such request shall specify the basis for the amount of additional time requested and shall include an explanation as to why all or a portion of the approved special exception floor area has not been constructed in accordance with the timeframe specified in the approval of the special exception.

B. The applicant specifies the amount of floor area and mix of uses currently constructed in the development including the amount of special exception floor

area constructed per building; the total amount of proposed floor area including the special exception floor area per building to be constructed; and identifies each phase and anticipated order of the remaining development and the anticipated completion date. Additionally, the applicant demonstrates to the satisfaction of the Board the continued market feasibility of the proposal.

C. A statement detailing how the recommendations set forth in the adopted comprehensive plan including, but not limited to, the land use mix, the grid of streets, the amount of open space, including active recreation, parking ratios and Transportation Demand Management achievements proffered in conjunction with the rezoning and any amendments thereto, have been met.

D. If a request for additional time is timely filed, the special exception shall remain valid until the request for additional time is acted upon by the Board; however, during this period, the special exception floor area shall not be constructed.

9-630 Provisions for Expansion of an Existing or Development of a New Farm Winery, Limited Brewery, or Limited Distillery in the R-C District and for Certain Events and Activities Associated with Such Uses When Located in the R-A, R-P, R-E and R-1 Districts

1. In the R-C District, the Board may approve a special exception to allow for the expansion or development of a farm winery, limited brewery, or limited distillery. For the purposes of this provision, a farm winery, limited brewery, or limited distillery located in the R-C District shall only include (1) any establishment that was issued a valid license for such use from the Virginia Alcoholic Beverage Control Board prior to July 1, 2016, and (2) any such establishment for which a license application was filed with the Virginia Alcoholic Beverage Control Board prior to July 1, 2016 and was subsequently approved prior to approval of a special exception. An expansion or development shall include new or expanded buildings, structures and uses that may be approved by special exception in accordance with the following:

A. Special exception approval shall not be required for the continuation, after July 1, 2016, of then existing uses of buildings and structures, provided that such use or activity does not cease for any reason for a continuous period of two (2) years or more.

B. Special exception approval shall be required for the expansion after July 1, 2016, of any existing buildings or structures or the uses thereof, as determined by the Zoning Administrator and as provided for in Par. 2 of Sect. 15-101 or the structural alteration of any existing building or structure that results in the expansion of such building or structure or the uses thereof. Special exception approval shall also be required for any new building or structure.

C. For public or private events and activities which exceed the number of attendees, frequency or duration as set forth under the definition of a farm winery, limited brewery, or limited distillery, if not otherwise permitted under Par. 1A, above, the Board may impose conditions on such events and activities, including, but not limited to: the type and number of allowable activities; the area of the site devoted to such activities; the adequacy of water and sanitation services to accommodate

the anticipated number of attendees; the days and hours of such activities; the use of lighting or amplified sound systems; and the amount of parking available to accommodate the activity. Any such events and activities shall be subject to compliance with the noise standards set forth in Chapter 108.1 of The Code and the outdoor lighting standards set forth in Article 14 of this Ordinance. No such public or private event or activities shall include any of the following: helicopter rides, fireworks displays, antique/flea markets, go-cart/all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, lodging, spa services, the operation of a commercial restaurant requiring approval by the Health Department and/or any other similar use determined by the Board to have a substantial impact on the health, safety and welfare of the public. Musical accompaniment or entertainment that is accessory to farm winery, limited brewery, and/or limited distillery sales and tastings as part of the regular course of business shall not be deemed to be a public or private event or activity.

D. An expansion may be approved only when it is determined by the Board that the resulting use, buildings and/or structures will be in harmony with the policies set forth in the adopted comprehensive plan and where the resultant operation will not have a deleterious effect on the existing or planned development of adjacent properties or on area roadways, to include consideration of the impacts of additional trip generation on roads serving the proposed operation and driver/pedestrian safety. The applicant shall demonstrate to the Board's satisfaction that any potential impacts and cumulative effects of an expansion of buildings or uses, including, without limitation, the hosting of public or private events not specifically allowed under the definition of farm winery, limited brewery, or limited distillery shall be adequately mitigated.

E. Any expansion of an existing building or structure, the construction of a new building or structure or the establishment or expansion of any area for the loading/unloading of trucks shall be located at least fifty (50) feet to any lot line and one hundred (100) feet to any principal structure on adjacent properties, unless modified by the Board. All loading/unloading areas shall be screened from view of any adjacent dwelling.

F. Any application for a special exception shall include a copy of the farm winery, limited brewery, or limited distillery license issued or pending issuance by the Virginia Alcoholic Beverage Control Board.

G. For any new or expanded buildings or structures which would allow for access by the public, the owner or applicant shall submit plans certified by a structural engineer and such structural engineer shall also certify to the structural integrity of the building, once such construction is complete. Such certified plans shall be made available for review upon request.

H. The operation and construction of a farm winery, limited brewery or limited distillery shall be further subject to all other applicable federal, state or local statutes, ordinances, rules or regulations, which may include, without limitation, the Chesapeake Bay Preservation Act, the Stormwater Management Act, and the Americans With Disabilities Act.

2. In the R-A, R-P, R-E and R-1 Districts the Board may approve a special exception to allow for the hosting of certain events and activities beyond that which is specified in the definitions of a farm winery, limited brewery, or limited distillery in accordance with the following:

   A. For public or private events and activities which exceed the number of attendees, frequency or duration as set forth under the definition of a farm winery, limited brewery, or limited distillery, the Board may impose conditions on such events and activities, including, but not limited to: the type and number of allowable activities; the area of the site devoted to such activities; the adequacy of water and sanitation services to accommodate the anticipated number of attendees; the days and hours of such activities; the use of lighting or amplified sound systems; and the amount of parking available to accommodate the activity. Any such events and activities shall be subject to compliance with the noise standards set forth in Chapter 108.1 of The Code and the outdoor lighting standards set forth in Article 14 of this Ordinance. No such public or private event or activities shall include any of the following: helicopter rides, fireworks displays, antique/flea markets, go-cart/all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, lodging, spa services, the operation of a commercial restaurant requiring approval by the Health Department and/or any other similar use determined by the Board to have a substantial impact on the health, safety and welfare of the public.

   B. A special exception may be approved only when it is determined by the Board that the proposed events and activities will be in harmony with the policies set forth in the adopted comprehensive plan and where the resultant operation will not have a deleterious effect on the existing or planned development of adjacent properties or on area roadways, to include consideration of the impacts of additional trip generation on roads serving the proposed operation and driver/pedestrian safety. The applicant shall demonstrate to the Board's satisfaction that any potential impacts and cumulative effects of the hosting of public or private events not specifically allowed under the definition of farm winery, limited brewery, or limited distillery shall be adequately mitigated. Any application for a special exception shall include a copy of the farm winery, limited brewery, or limited distillery license issued or pending issuance by the Virginia Alcoholic Beverage Control Board.

   C. Any application for a special exception shall include a copy of the farm winery, limited brewery, or limited distillery license issued or pending issuance by the Virginia Alcoholic Beverage Control Board.

   D. The operation and construction of a farm winery, limited brewery, or limited distillery shall be further subject to all other applicable federal, state or local statutes, ordinances, rules or regulations, which may include without limitation, the Chesapeake Bay Preservation Act, the Stormwater Management Act, and the Americans With Disabilities Act.

PART 7 (Deleted by Amendment #87-147, Adopted July 27, 1987)

ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

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ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1 10-100 ACCESSORY USES AND STRUCTURES

10-101 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

10-102 Permitted Accessory Uses

Accessory uses and structures may include, but are not limited to, the following uses and structures; any such use or structure must be in accordance with the definition of Accessory Use contained in Article 20.

1. Amusement machines, but only accessory to restaurants, motels, hotels, bowling alleys, skating facilities, and establishments for billiards, ping pong, indoor archery, and other indoor games of skill, and retail sales establishments with greater than 5000 square feet of floor area open to the general public.

2. Antenna structures and solar collections systems.

3. Barns and any other structures that are customarily incidental to an agricultural use, but only in the R-A through R-1 Districts on a tract of land not less than five (5) acres; provided, however, a stable or other structure for livestock or domestic fowl may be permitted on a lot of less than five (5) acres where such livestock or domestic fowl are kept in accordance with the provisions of Sect. 2-512 or Sect. 8-917. In no instance shall such structures be used for retail sales except as may be permitted for a plant nursery by the provisions of Part 5 of Article 9.

4. Carports.

5. Child's playhouse and play equipment.

6. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 20.

7. Fallout shelters.

8. Garages, private.

9. Garage and yard sales, in R districts and in the residential portion of a P district, are permitted not more than twice in any one calendar year and are limited to the sale of typical household and personal items that have not been specifically purchased, produced, refurbished, or fabricated for resale.

10. Gardening primarily for the growth of herbs, fruits, vegetables, flowers and ornamental plantings but not including landscaping as defined in Article 20, and composting.

11. Guest house or rooms for guests in an accessory structure, but only in the R-A through R-E Districts, and provided such house is without kitchen facilities and is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units.

12. Home child care facilities.

13. Inoperative motor vehicles, as defined in Chapter 110 of The Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The Code.

14. Motor vehicle fuel storage tanks in the C and I districts and in R districts when accessory to a use other than a dwelling.

15. Parking and loading spaces, off-street, as regulated by Article 11.

16. Parking of one (1) commercial vehicle per dwelling unit in an R district subject to the following limitations:

    A. Any commercial vehicle parked in an R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

    B. The following commercial vehicles shall be prohibited from parking in an R district:

        (1) Food trucks, solid waste collection vehicles, tractors and/or trailers of tractor-trailers, dump trucks, construction equipment, cement-mixer trucks, and towing and recovery vehicles;

        (2) Vehicles, including any appurtenances attached to the vehicle, that are greater than twenty-one (21) feet in length, eight (8) feet in height, or eight and a half (8 ½) feet in width;

        (3) Vehicles carrying commercial freight in plain view;

        (4) Trailers used for transporting equipment whether attached or unattached to another vehicle;

        (5) Vehicles with three (3) or more axles; or

        (6) Vehicles or equipment that are similar to Paragraphs (1) through (5) above.

17. Porches, gazebos, belvederes and similar structures.

18. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the R-A through R-E Districts on a parcel of twenty (20) acres or more.

19. Recreation, storage and service structures in a mobile home park.

20. Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel.

21. Servants quarters, but only in the R-A through R-4 Districts on a lot of two (2) acres or more. Servants quarters located in a structure detached from the principal dwelling shall comply with the applicable zoning district bulk regulations for single family dwellings.

22. Signs, as permitted by Article 12.

23. Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards to include rim, net and backboard.

24. Storage, outdoor, in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet. In C or I districts, where permitted by zoning district regulations and Sect. 2-504, outdoor storage, junk, scrap and refuse piles are limited to that area designated on an approved site plan, except that 500 square feet of accessory outdoor storage and display in accordance with Sect. 17-104 may be permitted without site plan approval.

25. Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

26. Swimming pool and bathhouse, private.

27. Temporary family health care structures are permitted on lots zoned for and developed with single family detached dwellings, subject to the approval of the Zoning Administrator by issuance of a permit and compliance with the following provisions:

    A. Occupancy of a temporary family health care structure shall be limited to one (1) mentally or physically impaired person, who is a Virginia resident and requires assistance with two (2) or more daily living activities as defined in Sect. 63.2-2200 of the *Code of Virginia*, or, in the case of a married couple, two (2) occupants, one (1) of whom is mentally or physically impaired and the other requires assistance with one (1) or more daily living activities.

    B. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.

    C. Only one (1) temporary family health care structure shall be permitted on a lot.

D. Temporary family health care structures shall be limited to a maximum of 300 square feet of gross floor area and shall meet the minimum yard requirements for single family detached dwellings of the zoning district in which located. When located in a P district, the temporary family health care structure shall be subject to any proffered yards and/or yards depicted on an approved development plan. If there are no proffered yards or yards depicted on an approved development plan in a P district, the temporary family health care structure shall be deemed an alteration to a single family dwelling unit and subject to Par. 6 of 16-403.

E. Temporary family health care structures shall not be installed on a permanent foundation.

F. Temporary family health care structures shall be subject to the Industrialized Building Safety Law and the Virginia Uniform Statewide Building Code.

G. Temporary family health care structures may be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property, and shall comply with all applicable Health Department requirements.

H. No signs are allowed for a temporary family health care structure.

I. The following shall be submitted to the Zoning Administrator with any application for a temporary family health care structure:

(1) The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.

(2) Address of the property.

(3) Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with two or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*, by a physician licensed in the Commonwealth of Virginia.

(4) Written certification by a physician licensed in the Commonwealth of Virginia that the spouse of the mentally or physically impaired person also requires assistance with one or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*.

(5) Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:

(a) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein;

(b) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure; and

(c) The signature and certification number, if applicable, of the person preparing the plat.

(6) A filing fee of $100 made payable to the County of Fairfax.

J. The caregiver shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

K. Evidence of compliance with these provisions shall be provided to the Zoning Administrator on an annual basis.

L. Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for by the caregiver.

M. A permit for a temporary health care structure may be revoked by the Zoning Administrator due to failure of the applicant to comply with any of the above provisions.

28. Temporary portable storage containers are allowed in any yard on lots containing a dwelling, subject to all of the following:

A. On lots developed with single family detached dwellings:

(1) Temporary portable storage containers shall be permitted on a lot containing 36,000 square feet or less for a period not to exceed 30 consecutive days within a 6 month period. On lots that are greater than 36,000 square feet, temporary portable storage containers shall be permitted for a period not to exceed 60 consecutive days within a 6 month period. However, in cases where a dwelling unit has been damaged by casualty, a temporary portable storage container may be allowed for longer time periods than indicated above in accordance with Part 8 of Article 8.

(2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet.

B. On lots developed with single family attached or multiple family dwellings:

(1) Temporary portable storage containers shall be permitted for a period not to exceed seven (7) consecutive days within a six (6) month period, however, in cases where a dwelling has been damaged by casualty, a longer period may be permitted in accordance with Part 8 of Article 8.

(2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.

C. Temporary portable storage containers shall not exceed eight and one-half (8½) feet in height.

D. Temporary portable storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.

29. Tennis, basketball or volleyball court, and other similar private outdoor recreation uses.

30. Wayside stands, but subject to the following limitations:

A. Shall be permitted only in the R-A through R-4 Districts, on a lot containing at least two (2) acres.

B. Structures shall not exceed 400 square feet in gross floor area.

C. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.

D. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this Ordinance, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.

E. Shall not be subject to the location requirements set forth in Sect. 104 below, but shall be located a minimum distance of twenty-five (25) feet from any lot line.

F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.

31. The keeping of animals in accordance with the provisions of Sect. 2-512.

32. Child care centers for occasional care, only when located within the main structure of a regional or super-regional shopping center.

33. Food trucks, as regulated by Sect. 2-510.

34. Donation drop-off boxes, but subject to the following:

A. Donation drop-off boxes are permitted:

(1) In the C-5 through C-8 districts on a lot containing not less than 40,000 square feet;

(2) In the commercial area of a P district, when ancillary to the principal use and only when shown on an approved development plan;

(3) In the R district where the principal use of the development is not residential; or

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

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

B. A maximum of two (2) donation drop-off boxes shall be permitted on any one (1) lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven (7) feet in height, six (6) feet in width or six (6) feet in length.

C. Donation drop-off boxes shall be permitted in any yard except the minimum required front yard and shall be screened from view from the first-story window of any neighboring dwelling.

D. Donation drop-off boxes shall not be located in any required open space, transitional screening yard, landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.

E. Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable Building Code and Fire Code regulations, and secured from unauthorized access.

F. All donated items shall be collected and stored in the donation drop-off box which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or their authorized agent.

G. Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

(1) The specific items and materials requested;

(2) The name of the operator or owner of the container;

(3) The entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;

(4) A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.

(5) A notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

35. Short-Term Lodging, limited by the provisions of Sect. 105 below.

10-103 Use Limitations

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.

3. The following limitations on coverage of the minimum required rear yard apply to any lot developed with a single family detached dwelling:

A. All accessory structures and uses may cumulatively cover no more than:

(1) 30 percent of the minimum required rear yard on any lot located in an R District; or

(2) 50 percent of the minimum required rear yard on any lot located in a P District and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition, or 75 percent of the minimum required rear yard for lots containing no more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition.

B. The minimum required rear yard coverage includes the following:

(1) Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection (Reference Plate 1 of Illustration 6 in Appendix 2);

(2) Any other freestanding accessory structure, including any children's play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal extensions of the equipment, structure, or surface (Reference Plate 2 of Illustration 6 in Appendix 2);

(3) Any horizontal projection from the principal dwelling that touches the ground, such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar projection. However, any horizontal projection from the principal dwelling which does not touch the ground (other than the support posts for a deck), including an eave, bay window, open deck, or other similar projection is not included in the minimum required rear yard coverage (Reference Plate 3 of Illustration 6 in Appendix 2);

(4) Any driveway, parking space, walkway and sidewalk greater than 5 feet in width, regardless of the surface or edging material used.

C. Any portion of the principal dwelling that receives approval to encroach into the minimum required rear yard is not included in the minimum required rear yard calculation (Reference Plate 4 of Illustration 6 in Appendix 2).

D. For the purposes of this provision, for any single family detached lot in a P District that is not subject to a proffered condition establishing minimum rear yards, the required minimum rear yard will be governed by the regulations of that conventional residential zoning district which most closely characterizes the given development.

E. An increase in the percentage of minimum rear yard coverage may be permitted in accordance with the provisions of Part 9 of Article 8 for lots located in an R District. For lots located in a P District, an increase in the percentage of minimum rear yard coverage may be permitted with approval of an amendment to the development plan if subject to proffered yards or by Special Permit in accordance with Part 9 of Article 8 if not subject to proffered yards.

4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified by Sect. 2-506. For the purposes of determining height, unless otherwise specified in Sect. 10-104 below, the height of an accessory structure shall be measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure.

5. The following use limitations shall apply to fences:

A. Barbed wire fences are prohibited in all zoning districts except on lots exceeding two (2) acres or more in size in the R-A through R-1 Districts. Barbed wire strands may be used to enclose storage areas, other similar industrial or commercial uses or swimming pools where the strands are restricted to the uppermost portion of the fence and do not extend lower than a height of six (6) feet from the nearest ground level.

B. It shall be unlawful for any person to construct, install, maintain, or allow or cause to be constructed, installed, or maintained, an electric fence upon any lot of two (2) acres or less in area, located within a subdivision as defined in Chapter 101 of The Code, The Subdivision Ordinance.

6. The following use limitations apply to home child care facilities:

A. The maximum number of children permitted at any one time shall be as follows:

(1) Seven (7) when such facility is located in a single family detached dwelling.

(2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person or an extension of the hours of attendance of such nonresident person as provided for under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

10-104 Location Regulations

1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building, except as qualified in Sect. 2-412.

2. The required minimum yards referenced in this Section shall refer to the minimum yards in the applicable zoning district for the principal building(s) with which the accessory-type building is associated.

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

   A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

   B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

      (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

      (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

      The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

      In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

   C. In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:

      (1) In any side or rear yard of a reverse frontage lot; or

      (2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.

   D. In any yard of an industrial use permitted by the provisions of this Ordinance, a fence or wall not exceeding eight (8) feet in height is permitted.

   E. Notwithstanding the above provisions, a fence or wall which is an integral part of any accessory use, such as a tennis court or swimming pool, shall be subject to the location regulations of Par. 12 below. However, a modification to the location regulations may be permitted with approval of a special permit by the BZA in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a rezoning or a special exception in accordance with Part 6 of Article 9 for containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses that are not constructed in

association with a privately used playing field/court on a lot containing a single family dwelling.

F. In addition, for noise barriers which reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or which reduce noise impacts of commercial and industrial uses on adjacent properties, an increase in height and/or modification to the corresponding location regulations set forth above may be permitted with approval of a special permit by the Board of Zoning Appeals in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a proffered rezoning or a special exception in accordance with the following:

(1) A noise impact study shall be submitted with the application. The study shall demonstrate the need for such a barrier and the level of mitigation to be achieved, and shall include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming and landscaping.

(2) The Board shall determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.

(3) Before establishment, the noise barrier shall be subject to the provisions of Article 17, Site Plans or other appropriate submission as determined by the Director.

G. Notwithstanding the above, a fence or wall which is to be provided in conjunction with a public use may be of such height and location as approved by the Board.

H. In addition, the Board may approve in conjunction with a proffered rezoning or a special exception for another use, or the BZA in conjunction with a special permit for another use, an increase in fence and/or wall height and/or modification to the corresponding location regulations set forth above, and/or an increase in gate and/or gate post height and/or modification to the corresponding location regulations set forth in Par. 4 of Sect. 10-104 below in accordance with the following:

(1) In order to show the visual impact of the fence, wall, gate and/or gate post on nearby properties, the height, location, color and materials of the proposed fence, wall, gate and/or gate post and any associated berming or landscaping shall be submitted with the application.

(2) The Board/BZA shall determine that the proposed fence, wall, gate and/or gate post is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely

impact the use and/or enjoyment of any nearby property. The Board/BZA may impose such conditions as it deems necessary to satisfy this criteria.

I. Notwithstanding the above, the Zoning Administrator shall have the authority to approve up to a five (5) percent increase in fence and/or wall height for an existing fence and/or wall in any yard which does not comply with the requirements set forth above. This provision shall not be applicable to such fences and/or walls that are subject to height increases pursuant to Sect. 8-923. Such an increase may be approved by the Zoning Administrator in accordance with all of the following:

(1) The sight distance requirements of Sect. 2-505 shall be met.

(2) The increase in fence and/or wall height is due to variations in topography on the site or of the fence materials.

(3) Any existing noncompliance was done in good faith and through no fault of the property owner.

(4) Such fence and/or wall height increase shall not be detrimental to the use and enjoyment of the other properties in the immediate vicinity.

(5) All such requests shall be accompanied by illustrations supporting the need for the height increase and identifying the location(s) for which the relief is sought.

J. Notwithstanding the above provisions, posts, not wider than six (6) inches by six (6) inches, finials, post caps, lighting fixtures, or similar decorative features as determined by the Zoning Administrator, may exceed the maximum height of any fence and/or wall by not more than nine (9) inches provided such features are spaced an average distance of not less than six (6) feet apart and a minimum distance of not less than three (3) feet apart. In addition, all other applicable provisions of this Ordinance shall be met, including the outdoor lighting provisions of Part 9 of Article 14.

4. Trellises, gates and gate posts may be located within any required minimum front yard as follows:

A. Two (2) trellises, not to exceed eight (8) feet in height nor four (4) feet in width.

B. Four (4) gate posts without limit as to height or width.

C. Two (2) gates not to exceed eight (8) feet in height.

D. Gates and gate posts exceeding four (4) feet in height shall not exceed in maximum width fifteen (15) percent of the lot width.

5. Ground-supported antenna structures for the operation of personal or amateur radio facilities under Parts 95 and 97 of the Federal Communications Commission regulations may be permitted in any R district as follows:

A. Structures seventy-five (75) feet or less in height shall not be located closer to any lot line than a distance equal to one-fifth (1/5) of their height.

B. Structures greater than seventy-five (75) feet in height shall not be located closer to any lot line than a distance equal to their height.

6. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 11.

7. Signs shall be located in accordance with the provisions of Article 12.

8. Wayside stands shall be located in accordance with the provisions of Par. 30 of Sect. 102 above.

9. The following regulations shall apply to the location of structures for the housing of animals:

A. Barns and other structures used in connection with agriculture, to include structures for the keeping, confining or sheltering of any poultry or livestock, except horses and ponies, shall be located no closer than 100 feet to any lot line. Additional provisions governing the location of hog pens are set forth in Chapter 41.1 of The Code.

B. Barns and other structures used for the confining or sheltering of livestock and domestic fowl, as permitted by the provisions of Sect. 2-512, shall be located no closer than fifty (50) feet to any lot line; provided, however, that any such structure used for the confining or sheltering of horses and ponies as permitted by Sect. 2-512 or in connection with agriculture shall be located no closer than forty (40) feet to any front or side lot line nor closer than twenty (20) feet to a rear lot line.

C. Cages, lofts, hives, pens and other structures which are seven (7) feet or less in height and which are used for the keeping of homing, racing, or exhibition (fancy) pigeons or honeybees shall be located no closer than three (3) feet to any lot line. Any such structure which exceeds seven (7) feet in height shall be located in accordance with the provisions set forth in Par. 12 below.

D. Doghouses, runs, pens, rabbit hutches, cages and other similar structures for the housing of dogs and other commonly accepted pets shall be located in accordance with the provisions set forth in Par. 12 below, except in no instance shall a structure, run or pen for three (3) or more dogs be located closer than twenty-five (25) feet to any lot line.

The BZA may approve a modification to the location regulations set forth in this Paragraph in accordance with the provisions of Part 9 of Article 8.

10. The following regulations shall apply to the location of freestanding accessory storage structures:

A. For purposes of determining height, the height of an accessory storage structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.

B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.

D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

11. Solid waste and recycling storage containers may be located in any yard, provided that any container located in a minimum front yard shall be located no closer than fifteen (15) feet to a front lot line and shall be screened from view from the abutting street by either plantings or solid fencing. Notwithstanding the provisions of Par. 3 above, the maximum height of such solid fencing shall not exceed one (1) foot above the solid waste and recycling storage containers. In addition, no containers shall be located in any required parking space, driveway, parking aisle, open space or landscaped area.

12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:

A. For purposes of determining height, the height of an accessory structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.

B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.

C. No accessory structure or use, except a statue, basketball standard, flagpole, or gardening in an area of not more than 100 square feet may be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot

containing 36,000 square feet or less. When located in a front yard, basketball standards and gardening may not be closer than fifteen (15) feet to a front lot line. Composting is not permitted in any front yard. Additionally, basketball standards may not be closer than twelve (12) feet to a side lot line, and may not be used between the hours of 8:00 PM and 8:00 AM.

D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.

14. Except for lighting fixtures mounted on poles that are associated with outdoor recreation/sports facilities playing fields/courts and as noted below, the mounting height of lighting fixtures on light poles shall not exceed a maximum height of forty (40) feet as measured from the ground level or the surface on which the light pole is mounted to the bottom of the lighting fixture. Light poles mounted on the top of parking decks or parking structures shall not exceed a maximum height of twenty (20) feet as measured from the top of the pole to the surface on which the pole is mounted. Light poles shall be located in accordance with the following:

A. On lots developed with single family dwellings:

(1) Light poles that are no greater than seven (7) feet in height may be located in any yard;

(2) Light poles that exceed seven (7) feet in height shall be subject to the location regulations of Paragraphs 12C, 12D, 12E and 12F above.

B. On all other lots:

(1) Light poles that do not exceed seven (7) feet in height may be located in any yard;

(2) Light poles greater than seven (7) feet in height shall be subject to the minimum yard requirements, with the exception of angle of bulk plane, of the zoning district in which located.

The above locational provisions shall not be applicable to parking lot light poles, which may be located in any yard. All light poles, to include parking lot light poles, shall be subject to the provisions of Part 9 of Article 14.

15. Temporary portable storage containers shall be located in accordance with the provisions of Sect. 102 above.

10-105 Short-Term Lodging

Short-Term Lodging, as defined in Article 20, is permitted in a dwelling or mobile home only upon the Zoning Administrator's issuance of a permit and is subject to the following limitations:

1. For the purposes of this section, the following definitions apply:

   A. Authorized Agent: an adult designated by a Short-Term Lodging Operator who consents to be available to address issues or emergencies that may arise during any Short-Term Lodging stay.

   B. Permanent Resident: a person who occupies or intends to occupy a dwelling or mobile home for at least 185 days out of the calendar year for the purposes of establishing the dwelling or mobile home as that person's primary residence. A person may have only one permanent residence.

   C. Short-Term Lodging Operator: an owner or tenant of a property who offers that property for Short-Term Lodging.

2. A dwelling or mobile home used for Short-Term Lodging must:

   A. Be open, upon request, for inspection by County personnel during reasonable hours; and

   B. Comply with the requirements of the applicable version of the Virginia Uniform Statewide Building or Virginia Manufactured Home Safety Regulations, as determined by the Building Official; and

   C. Have a working multi-purpose fire extinguisher and interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service); and

   D. Have a plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling or mobile home; and

   E. Have one designated parking space available for lodgers, which the Operator has the authority to reserve for Short-Term Lodging purposes.

3. A Short-Term Lodging Operator must:

   A. Be a permanent resident of the property hosting the Short-Term Lodging Use. Permanent residency must be demonstrated at the time of application for a permit to operate Short-Term Lodging; and

   B. Obtain written consent from the owner of the property for the Short-Term Lodging Use; and

   C. Assume responsibility for determining whether any regulations, prohibitions, and covenants applicable to the dwelling or mobile home prohibit Short-Term Lodging; and

   D. Designate at least one person who consents to serve as an Authorized Agent for the Short-Term Lodging Operator. Contact information (name, address, telephone, and email address) for the Authorized Agent(s) must be provided on the application for a Short-Term Lodging permit, posted in a prominent location within the area made available for Short-Term Lodging, and provided in any written material given to lodgers during their overnight stay.

4. The Short-Term Lodging Use is subject to the following use limitations:

   A. A dwelling or mobile home may be used for Short-Term Lodging for no more than 60 nights per calendar year.

   B. The maximum number of lodgers per night may not exceed 6 adults, except where the Virginia Uniform Statewide Building Code requires fewer occupants.

   C. All lodgers occupying a Short-Term Lodging must be associated with the same rental contract. The maximum number of rental contracts per night is one.

   D. Events and activities—including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation—are prohibited in association with any Short-Term Lodging.

   E. All advertisements for Short-Term Lodging, posted on any platform online or in any other format, must (i) include the Short-Term Lodging permit number and (ii) identify the location of the parking space required by Par. 2E, above, and any other available parking or public transportation options.

   F. A Short-Term Lodging Operator must maintain a guest log including the name, address and telephone number of all overnight lodgers. The guest log must be made available upon request to any County employee or agent tasked with enforcing the Zoning Ordinance or other applicable part of the County Code.

   G. Short-Term Lodging is prohibited in a detached accessory structure, accessory dwelling unit, temporary family health care structure, affordable dwelling unit or workforce dwelling unit.

H. The Zoning Administrator's issuance of a permit does not abrogate, nullify, or invalidate any other provision of federal, state, or local law; any restrictive covenant; or any property owners' association by-law.

5. Permit Required

A. An application for a Short-Term Lodging permit must be submitted to the Zoning Administrator on a form furnished by the County along with a filing fee of $200.

B. The permit will be valid for two years from the date of issuance.

C. A permit for Short-Term Lodging may be revoked by the Zoning Administrator because of the failure of the Short-Term Lodging Operator to comply with all applicable regulations set forth in this Section or elsewhere in the Zoning Ordinance. The Zoning Administrator will give notice of any such revocation by letter to the Short-Term Lodging Operator and the property owner, where applicable, setting forth the grounds upon which the permit was revoked, the date and time when the revocation is effective, and the appeals procedure. These provisions do not preclude the Zoning Administrator's use of any other remedy prescribed by law with respect to violations of this Ordinance.

PART 2 10-200 ACCESSORY SERVICE USES

10-201 Authorization

Accessory service uses, as defined in Article 20, are permitted in connection with certain principal uses as set forth below when expressly authorized in the zoning district regulations.

10-202 Permitted Accessory Service Uses

Accessory service uses shall include, but are not limited to, the following uses; provided that such use shall be in accordance with the definition of Accessory Service Use contained in Article 20.

1. Accessory to a principal use of multiple family dwellings in the R-12, R-16, R-20, R-30 and in the PDH, PDC and PRC Districts when such dwelling or dwelling complex has a minimum of 250 dwelling units.

    A. Child care centers.

    B. Garment cleaning establishments.

    C. Personal service establishments.

    D. Quick-service food stores.

    E. Restaurants.

    F. Retail sales establishments selling convenience merchandise.

2. Accessory to a principal use of offices, industrial establishments, or institutional buildings in the C-1, C-2, C-3, C-4, I-1, I-2, I-3, I-4, I-5 and I-6 Districts:

    A. Business service and supply service establishments.

    B. Carryout restaurants.

    C. Child care centers.

    D. Garment cleaning establishments.

    E. Health clubs, spas, sauna and steam baths, swimming pools, tennis courts and other such similar facilities.

    F. Personal service establishments.

    G. Prescription establishments and the selling of pharmaceutical supplies.

    H. Quick-service food stores, limited to the C-3, C-4 and I-4 Districts.

I. A dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.

J. Repair service establishments.

K. Restaurants.

L. Retail sales establishments selling convenience merchandise.

3. Accessory to a principal use of offices or industrial establishments in the I-5 and I-6 Districts, in addition to the uses set forth in Par. 2 above:

A. Drive-in financial institutions.

B. Quick-service food stores.

10-203 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

1. Accessory service uses shall be oriented to cater primarily to the residents or employees of the principal use with which they are associated.

2. With the exception of those uses set forth in Par. 3 and 4 below, all accessory service uses shall be located in the same building as the principal use.

3. Accessory service uses in the C-4 District may be located in a freestanding building separate from the principal use, and a restaurant in the I-1 through I-5 Districts may also be located in a freestanding building; but such freestanding buildings are allowed only in those locations shown on an approved development plan or site plan for an office facility or industrial park.

   Those accessory service uses set forth in Par. 2E of Sect. 202 above, which by their nature must be conducted outside a building, must be located on the same lot as the principal use.

4. Drive-in financial institutions, restaurants, and quick-service food stores in the I-5 and I-6 Districts may be located in a freestanding building; however, such uses may not have frontage on or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial, and such uses must be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

5. The aggregate gross floor area of all accessory service uses shall not exceed fifteen (15) percent of the total gross floor area of the multiple family dwelling development, office or industrial building or park, as shown on a site plan.

6. No accessory service use may be located above the second floor of the building in which located, with the exception of:

A. The residence of a proprietor or owner, which may be located on any floor.

B. A restaurant which may be located in a rooftop penthouse.

7. Signs for accessory service uses shall be regulated by the provisions of Article 12.

8. For child care centers that are accessory to a principal use of multiple family dwellings, the following use limitations shall apply:

A. The child care center may be located within common areas of the building or development such as party rooms or club houses, but in no event shall the use be located within individual dwelling units.

B. Enrollment shall be limited to children who live in the building or complex where the child care center is located. The maximum daily enrollment shall not exceed 99 children.

C. Usable outdoor recreation space is limited to:

(1) That area not covered by buildings or required off-street parking spaces.

(2) That area outside the limits of the minimum required front yard.

(3) Only that area which is developable for active outdoor recreation purposes.

PART 3 10-300 HOME OCCUPATIONS

10-301 Authorization

Home occupations are permitted in any dwelling unit subject to the approval by the Zoning Administrator and the provisions listed below. An application for a home occupation shall be filed with the Zoning Administrator on forms furnished by the County. The application for a home occupation shall be accompanied by a filing fee of fifty dollars ($50) made payable to the County of Fairfax.

10-302 Permitted Home Occupations

Home occupations include, but are not necessarily limited to, the following:

1. Artists and sculptors.

2. Authors and composers.

3. Dressmakers, seamstresses and tailors.

4. Home crafts, such as model making, rug weaving, lapidary work, and ceramics.

5. Office facilities, other than home professional offices as defined in Article 20.

6. Schools of special education whose class size does not exceed more than four (4) pupils at any given time and not more than eight (8) pupils in any one day.

7. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.

8. Horseback riding lessons, in accordance with the following limitations:

   A. On lots containing a minimum of two (2) acres but less than five (5) acres, no more than two (2) students at any given time and up to eight (8) students in any one day.

   B. On lots containing five (5) acres or more, a maximum of four (4) students at any given time and up to eight (8) students in any one day.

10-303 Home Occupations Not Permitted

Permitted home occupations shall not in any event be deemed to include the following:

1. Antique shops.

2. Barbershops or beauty parlors.

3. Restaurants.

4. Gift shops.

5. Repair service or personal service establishments, except as may be permitted by Sect. 302 above.

6. Kennels.

7. Veterinary hospitals.

10-304 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

1. A home occupation must be conducted by the home occupation permit applicant within the dwelling which is the primary residence of the applicant or in an accessory building thereto which is normally associated with a residential use and shall be clearly subordinate to the principal use of the lot as a dwelling.

2. Except for articles produced on the premises, no stock in trade shall be stored, displayed or sold on the premises.

3. There shall be no exterior evidence that the property is used in any way other than for a dwelling.

4. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small office.

5. No outside display or storage of goods, equipment or materials used in connection with the home occupation shall be permitted.

6. The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. In addition, one (1) nonresident person, whether paid or not for their services, may be involved in the home occupation use on the property provided that there is only one (1) such person on the property and the hours of such attendance shall be limited to 8:00 AM to 5:00 PM, Monday through Friday.

7. Only one commercial vehicle shall be permitted per dwelling unit, subject to the provisions of Sect. 102 above.

8. The dwelling in which the home occupation is being conducted shall be open for inspection to County personnel during reasonable hours.

9. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.

10. No sign shall be permitted, and all outdoor lighting shall be in accordance with Part 9 of Article 14.

11. Except for schools of special education and horseback riding lessons as permitted in Sect. 302 above, there shall be no customers or clients.

12. In addition to Paragraphs 1 through 11 above, horseback riding lessons shall be subject to the following:

A. Notwithstanding Par.1 above, the primary residence of the home occupation permit applicant shall be located on the same lot where the horseback riding lessons are given; however the applicant shall not be required to conduct the horseback riding lessons and/or care for the horses that are kept, boarded or maintained on the property.

B. The hours of horseback riding lessons shall be limited to 7:00 AM to 7:00 PM and notwithstanding Par. 6 above, one (1) nonresident person, whether paid or not for their services, may assist with the horseback riding lessons and/or care for the horses, provided that the hours of such attendance shall be limited to 7:00 AM to 7:00 PM.

C. All horses used in the horseback riding lessons shall be kept on the property and no horses shall be transported or ridden onto the property for the lessons.

D. If there is a lighted outdoor riding ring or riding area, the use of outdoor lighting for such areas shall be limited to 7:00 AM to 7:00 PM.

E. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District shall be prepared for the property and all activity on the property shall conform to such Plan.

Riding lessons, other than as permitted above, shall be deemed a riding/boarding stable and shall require special permit approval in those districts where permitted.

10-305 Revocation of a Home Occupation Permit

A permit for a home occupation shall be revocable by the Zoning Administrator because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit and the Zoning Ordinance.

ARTICLE 11

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ARTICLE 11

OFF-STREET PARKING AND LOADING, PRIVATE STREETS

PART 1 11-100 OFF-STREET PARKING

11-101 Applicability

1. Except as provided for in a Commercial Revitalization District, in any R, C or I district, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations, and in the PDH, PDC, PRC, PRM and PCC Districts, the provisions of this Part shall have general application as determined by the Director. However, for the redevelopment of an existing property that includes the retention of some uses/structures and the elimination of some on-site parking during the redevelopment process, the Board, in conjunction with a rezoning or special exception, or the Director, in conjunction with a site plan, may approve a temporary reduction and/or relocation of the minimum required off-street parking spaces subject to a time limitation and demonstration by the applicant that adequate measures will be taken to ensure the continuation of safe and adequate utilization of the property.

   In the PTC District off-street parking shall be provided in accordance with Sect. 6-509, and Sect. 11-102 below shall have general application as determined by the Director. Additionally, subject to the approval of a parking redesignation plan pursuant to Par. 12 of Sect. 11-102, for an existing use located in the Tysons Corner Urban Center but not in the PTC District an owner may voluntarily elect to reduce the number of off-street parking spaces required pursuant to Sections 11-103, 11-104, 11-105 and 11-106 for the site to a number between what is currently approved for the site and the applicable minimum parking rate specified for the PTC District. However, this voluntary parking reduction is not an option if the currently approved number of parking spaces on the site is specified by a special permit, special exception or proffered condition.

2. The provision of off-street parking for a change in use and/or an expansion or enlargement of an existing structure and/or use shall be in accordance with the following:

   A. When there is a change in use to a use which has the same or lesser parking requirement than the previous use, no additional parking shall be required. When there is a change to a use which has a greater parking requirement than the previous use, the minimum off-street parking requirement in accordance with the provisions of this Article shall be provided for the new use.

   B. When an existing structure and/or use is expanded or enlarged, the minimum off-street parking requirements in accordance with the provisions of this Article shall be provided for the area or capacity of such expansion or enlargement. However, compliance with the minimum off-street parking requirements shall not be required for the expansion or enlargement when such expansion or enlargement is to provide an accessibility improvement.

   Notwithstanding the above, for special permit and special exception uses, the respective approving body may require the provision of off-street parking in accordance with this Article for the entire structure or use as expanded or enlarged.

3. The provisions of this Part shall not be deemed to apply to motor vehicle storage or display parking areas associated with a vehicle sale, rental and ancillary service establishment, except as may be qualified elsewhere in this Ordinance.

11-102 General Provisions

1. All required off-street parking spaces must be located on the same lot as the structure or use to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to agreements or arrangements satisfactory to the Director that will ensure the continuing availability of such spaces in a manner that is sufficient to adequately serve the use(s) to which such parking is associated.

   Provided, however, where there are practical difficulties or if the public safety and/or public convenience would be better served by the location other than on the same lot or on a contiguous lot with the use to which it is accessory, the Board, acting upon a specific request, may authorize such alternative location subject to conditions it deems appropriate and the following:

   A. Such required space will be subject to agreements or arrangements satisfactory to the Board that will ensure the continuing availability of such spaces in a manner that is sufficient to adequately serve the use(s) to which such parking is associated, and

   B. The applicant must demonstrate to the Board's satisfaction that such required space is generally located within 500 feet walking distance of a building entrance to the use that such space serves or such space will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Board which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area, or

   C. Such required space will be accommodated in accordance with the provisions of Par. 6 below.

   In a Commercial Revitalization District, the Director may approve an alternative location in accordance with the above and the provisions of the Commercial Revitalization District.

2. When provided as an accessibility improvement, accessible off-street parking spaces and related access aisles and accessible routes shall be in accordance with the provisions of the VUSBC and the Public Facilities Manual. The number of accessible parking spaces shall be included in the required number of parking spaces. Each such accessible parking space shall be designated as reserved for persons with disabilities by an above grade sign in conformance with the design and content specifications of the Public Facilities Manual.

3. No off-street parking facilities for a structure or use permitted only in a C or I district shall be located in an R district except upon approval as a special exception by the Board as provided in Part 6 of Article 9.

4. Off-street parking spaces may serve two (2) or more uses; however, in such case, the total number of such spaces must equal the sum of the spaces required for each separate use except:

A. As may be permitted under Paragraphs 5, 22, 26, 27, and 28 below and Par. 3 of Sect. 106 below, or a previously approved parking reduction based on a proffered transportation demand management program;

B. That the Board may, subject to conditions it deems appropriate, reduce the total number of parking spaces required by the strict application of this Part when the applicant has demonstrated to the Board's satisfaction that fewer spaces than those required by this Part will adequately serve two (2) or more uses by reason of the sum of the hourly parking demand of such uses and such reduction will not adversely affect the site or the adjacent area.

C. That the Director may, subject to appropriate conditions, reduce by up to thirty (30) percent the total number of parking spaces required by the strict application of this Part when the applicant has demonstrated to the Director's satisfaction that fewer spaces than those required by this Part will adequately serve two (2) or more uses by reason of the sum of the hourly parking demand of such uses and such reduction will not adversely affect the site or the adjacent area. Such reductions may not be approved if:

(1) There is a pending rezoning, special exception, or proffered condition amendment application for the site; or

(2) There is a Residential Permit Parking District within 1000 feet of the subject site; or

(3) The number of parking spaces on the site is specified by an approved special permit, special exception, proffered condition, or a parking reduction approved by the Board, unless the approval allows such administrative reductions.

(4) Any reduction not meeting the requirements for approval by the Director under this paragraph may be approved by the Board pursuant to Par. 4B above.

Required off-street parking spaces and their appurtenant aisles and driveways which are not fully utilized during the weekday may be used for a public commuter park-and-ride lot when such lot is established and operated in accordance with a public commuter park-and-ride lot agreement approved by the Board.

In addition, for a use where the minimum number of required parking spaces is provided on site in accordance with this Part, but additional off-site parking may be desired, the Director may, subject to conditions the Director deems appropriate, approve the use of a portion of an adjacent site's required parking spaces, when the applicant has demonstrated to the Director's satisfaction that the use of such spaces on the adjacent site will not adversely affect such site or the adjacent area by reason of the sum of the hourly parking demand of such uses.

5. Subject to conditions it deems appropriate, the Board may reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when a proposed development is within:

   A. Reasonable walking distance to a mass transit station wherein the station either exists or is programmed for completion within the same time frame as the completion of the subject development; or

   B. An area designated in the adopted comprehensive plan as a Transit Station Area; or

   C. Reasonable walking distance to an existing transportation facility consisting of a streetcar, bus rapid transit, or express bus service or wherein such facility is programmed for completion within the same timeframe as the completion of the subject development and will provide high-frequency service; or

   D. Reasonable walking distance to a bus stop(s) when service to this stop(s) consists of more than three routes and at least one route serves a mass transit station or transportation facility and provides high-frequency service.

   Such reduction may be approved when the applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the mass transit station or transportation facility or bus service and such reduction in parking spaces will not adversely affect the site or the adjacent area, including potential impacts on existing overflow parking in nearby neighborhoods. For the purposes of this provision, a determination regarding the completion time frame for a mass transit station or transportation facility must include an assessment of the funding status for the transportation project.

6. Within areas designated as Community Business Centers on the adopted comprehensive plan, the Board may waive the requirement that all required off-street parking spaces be located on the same lot or on a contiguous lot as set forth in Par. 1 above, provided the following conditions are met:

   A. The developer shall apply to the Director stating the circumstances which make it impracticable to meet the requirements of this Part, and

   B. The developer shall agree to pay to the County a sum for each space so eliminated, such sum to be set by the Board in an annually adopted schedule, and

   C. The County has plans for the erection of a public parking facility in the immediate area of the request, and

   D. The County has provided for the development of such parking, at a time and in a quantity sufficient to meet the needs of the applicant's proposed use.

7. All required off-street parking spaces and their appurtenant aisles and driveways shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or reduced in any manner except upon approval by the Board in

accordance with the provisions of this Ordinance, or except upon approval by the Director in any of the following circumstances. This provision shall not be deemed to negate pipestem lots otherwise allowed under the provisions of Sect. 2-406.

A. Such space may be reduced by the amount to which other space, conforming to the provisions of this Ordinance, is provided for the use that is involved, or

B. Such space may be reduced by an amount which is justified by a reduction in the need for such space by reason of a reduction in the size or change in the nature of the use to which such is appurtenant, or

C. Such space may be reduced by reason of the provision of conveniently available parking space in a parking lot established by a public authority for which the developer has made payment in accordance with the provisions of Par. 6 above, or

D. Such space may be reduced for an existing structure or use to provide an accessibility improvement.

8. Except as may be qualified elsewhere in this Ordinance, off-street parking spaces that are located on the ground and are open to the sky may be located in any required yard but not closer than ten (10) feet to any front lot line, unless modified by the Board or BZA pursuant to Part 2 of Article 13; except that this ten (10) foot minimum distance shall not be required between parking spaces provided for single family attached dwellings in parking bays and the front lot lines of single family detached dwelling unit lots and shall not apply to parking spaces provided for and on the same lot with single family detached or attached dwellings, provided such space shall not encroach into any sidewalk or trail.

For single family detached dwellings on lots containing 36,000 square feet or less in the R-1, R-2, R-3 and R-4 Districts, all parking for vehicles or trailers in a front yard shall be on a surfaced area, provided, however, that this shall not be deemed to preclude temporary parking on an unsurfaced area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning or repair of vehicles or trailers. In addition, in the R-1 and R-2 Districts, no more than twenty-five (25) percent of any front yard and in the R-3 and R-4 Districts, no more than thirty (30) percent of any front yard shall be surfaced area for a driveway or vehicle/trailer parking area; provided, however, that these limitations may be exceeded for a surfaced area that is:

A. Directly contiguous with, and providing primary access to, two (2) side-by-side parking spaces as long as the surfaced area is not more than twenty-five (25) feet long and eighteen (18) feet wide;

B. On a lot which has its primary access from a major thoroughfare and consists of two (2) side-by-side parking spaces and a vehicular turn-around area as long as the surfaced area is not more than twenty-five (25) feet long and eighteen (18) feet wide and the turn-around area does not exceed 150 square feet; or

C. Provided as an accessibility improvement as approved by the Zoning Administrator.

Surfaced area shall include asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface. On a

pipestem lot, the surfaced area within the pipestem driveway shall not be included in this limitation.

Except as may be qualified elsewhere in this Ordinance, parking structures and carports shall be subject to the minimum yard requirements applicable in the zoning district in which located; except parking structures that are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

9. All off-street parking facilities shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory.

No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities.

10. All off-street parking space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the provisions of the Public Facilities Manual.

11. All off-street parking areas, including aisles and driveways, except those required for single family detached dwellings, shall be constructed and maintained with a dustless surface in accordance with construction standards presented in the Public Facilities Manual; however, the Director may approve a modification or waiver of the dustless surface requirement in accordance with the Public Facilities Manual.

12. All off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual. All parking spaces, except those provided for and on the same lot with single family detached and attached dwellings, shall be clearly marked in accordance with the design guidelines set forth in the Public Facilities Manual and shall be subject to the approval of the Director.

Except for public commuter park-and-ride lots which utilize existing off-street parking spaces accessory to another use, any proposal to redesignate parking space delineations which changes the existing space size, configuration or number shall require the submission to and approval by the Director of a plan certified by an engineer or land surveyor authorized by the State to practice as such. Such plan shall show all off-street parking spaces, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of this Article. No plan shall be approved which reduces the number of parking spaces below the minimum number required by this Article.

Notwithstanding the above, a redesignation plan to provide an accessibility improvement need not be certified by an engineer or land surveyor and any such plan which reduces the number of parking spaces below the minimum requirements of this Article may be approved.

13. All required stacking spaces shall be a minimum of eighteen (18) feet in length. In addition, the geometric design of the stacking aisle(s), including but not limited to the radius and width of the travel aisle, shall be subject to the approval of the Director.

14. All lighting fixtures used to illuminate off-street parking areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

15. All off-street parking areas shall comply with the provisions for landscaping and screening presented in Article 13.

16. Parking spaces required on an employee/person basis in the Sections that follow shall be based on the maximum number of employees/persons on duty or residing, or both, on the premises at any one time, or the occupancy load of the building, whichever is greater.

17. Where a given use or building contains a combination of uses as set forth in the following Sections, parking shall be provided on the basis of the sum of the required spaces for each use, except as may be permitted by Par. 22 below.

18. If there is uncertainty with respect to the amount of parking spaces required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

19. Where the required number of parking spaces is not set forth for a particular use in the following Sections, and where there is no similar general type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

20. The Board may reduce the total number of stacking spaces required by the strict application of the provisions of this Part when it has been conclusively demonstrated that circumstances, site design or location do not warrant the number of spaces required and that such reduction will not adversely affect pedestrian or vehicular circulation on the site or on any abutting street.

21. When the number of spaces calculated in accordance with the provisions of this Article results in a number containing a fraction, the required number of spaces shall be the next higher whole number.

22. Accessory service uses, as permitted by Paragraphs 2 and 3 of Sect. 10-202, which are located within the building of a principal use, and which serve the occupants, their patients, clients or customers, may be parked in accordance with the parking requirement for the principal use; provided, however, that the total gross floor area for all such uses shall not exceed fifteen (15) percent of the total gross floor area of the building; that no signs for the accessory service uses shall be visible from the outside of the building; and that the hours of operation for such uses shall be limited to between 6:00 AM and 6:00 PM, Monday through Friday.

23. The same or fewer number of compact car parking spaces existing as of or grandfathered by the Board of Supervisors on September 19, 1988 may be retained in accordance with the conditions of the compact car approval, provided that the total number of parking spaces on-site is not reduced, except if:

    A. Such reduction is to provide an accessibility improvement, or

B. Such reduction is a result of a reduction in land area by condemnation or by acquisition for public purposes by any governmental agency.

24. Additional off-street parking may be added to an existing development which met the parking requirement in effect at the time of its development, but which does not comply with the current requirements, in order to minimize the degree of current noncompliance.

25. Except as qualified below, for purposes of determining off-street parking requirements, gross floor area shall be determined in accordance with the gross floor area definition except that:

A. Outdoor display/sales area and that area within a cellar that is not used exclusively for storage or for mechanical equipment shall be included as gross floor area; and

B. Mall areas in shopping centers of less than 1,000,000 square feet of gross floor area, which shall be calculated as consisting of the sum of all floors in the mall, measured from the interior faces of the walls of the mall, shall be excluded from gross floor area.

26. For reductions that are not eligible for consideration under Paragraphs 4, 5, 22, 27, or 28 of this Section, or Par. 3 of Sect.106 below, the Board may, subject to conditions it deems appropriate, reduce the total number of parking spaces required by the strict application of this Part when the applicant has demonstrated to the Board's satisfaction that, due to the unique characteristics of the proposed use(s), the spaces proposed to be eliminated for the site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area.

27. For a hotel and/or conference/convention center in proximity to an airport, the Board may, subject to conditions it deems appropriate, reduce the total number of off-street parking spaces otherwise required by the strict application of the provisions of this Part, when it is warranted by a parking study, submitted by the applicant, which demonstrates that a reduction is justified based on actual parking usages at existing developments which are comparable in use and location.

28. The minimum off-street parking requirements for any non-residential use within the Lake Anne Commercial Revitalization Area as designated by the Board of Supervisors may be reduced by twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Area as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

11-103 Minimum Required Spaces for Residential and Lodging Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Bed and Breakfast:

Two (2) spaces per single family dwelling, provided that only one (1) such space must have convenient access to a street, plus one (1) space per guest room in the bed and breakfast

2. Continuing care facility:

   0.75 spaces per separate unit or bed approved on the development plan.

3. Dormitory, Fraternity or Sorority House, or Other Residence Hall Located Off Campus:

   One (1) space per two (2) sleeping accommodations based on the occupancy load of the building, plus one (1) additional space for each housemother, manager or employee

4. Dwelling, Single Family Detached:

   Two (2) spaces per unit for lots with frontage on a public street and three (3) spaces per unit for lots with frontage on a private street, provided that only one (1) such space must have convenient access to a street

5. Dwelling, Single Family Attached:

   Two and seven-tenths (2.7) spaces per unit, provided, however, that only one (1) such space must have convenient access to the street

6. Dwelling, Multiple Family:

   One and six-tenths (1.6) spaces per unit

7. Hotel, Motel:

   One (1) space per rental unit, plus four (4) spaces per fifty (50) rental units, plus such spaces as are required for restaurants, assembly rooms and affiliated facilities as determined by the Director

8. Independent Living Facility

   One (1) space per four (4) dwelling units, plus one (1) space per one (1) employee or staff member on the major shift, or such greater number as the Board may require

9. Mobile Home:

   One and one-half (1.5) spaces per unit

10. Nursing, Convalescent, Assisted Living or Congregate Living Facility:

    One (1) space per three (3) residents, plus one (1) additional space for each employee

11. Tourist House, Boarding House, Rooming House:

One (1) space per guest accommodation

11-104 Minimum Required Spaces for Commercial and Related Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Bowling Alley:

Four (4) spaces per alley, plus one (1) space per employee, plus such additional spaces as may be required herein for affiliated uses such as restaurants

2. Business Service and Supply Service Establishment:

One (1) space per 300 square feet of gross floor area

3. Car Wash:

Four (4) spaces per bay/stall plus one (1) space per employee for a self-service establishment, or one (1) space per employee, plus sufficient area for ten (10) stacking spaces per bay/stall for an automated establishment

4. Convenience Center:

One (1) space per 500 square feet of net floor area plus one (1) space per employee, but never to exceed a total number of six (6) spaces

5. Drive-In Financial Institution:

Four (4) spaces per 1000 square feet of gross floor area for customer service, lobby and teller area, plus additional space as required herein for any associated offices. In addition, there shall be eight (8) stacking spaces in front of the first window and two (2) stacking spaces in front of each additional window; except that five (5) stacking spaces may be permitted in front of each of the first two (2) windows, provided that both windows shall always remain open when the drive-in facility is operational

6. Drive-Through Pharmacy:

As required in Par. 20 below, plus five (5) stacking spaces in front of each drive-through window

7. Craft Beverage Production Establishment or Commercial Recreation Restaurant:

One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables,

and/or

One (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter.

8. Restaurant or Restaurant with Drive-through:

   A. Restaurant:

      (1) Ten (10) spaces per 1000 square feet of gross floor area for restaurants with a gross floor area of less than 5000 square feet

      (2) Eleven (11) spaces per 1000 square feet of gross floor area for restaurants with a gross floor area of 5000 square feet or more

      (3) Spaces designated for curb-side pickup cannot be counted toward the minimum required number of parking spaces

   B. Restaurant with Drive-through:

      Twelve (12) spaces per 1000 square feet of gross floor area, plus eleven (11) stacking spaces for the drive-through window, with a minimum of five (5) such spaces designated for the ordering station. Such spaces must be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.

      Spaces designated for curb-side pickup cannot be counted toward the minimum required number of parking spaces.

9. Outdoor Seating:

   As required for Restaurant, Restaurant with Drive-through, or Shopping Center, except that parking is not required for outdoor seating that is accessory to any Restaurant or Restaurant with Drive-through, up to a maximum of twenty (20) outdoor seats for an establishment with a gross floor area of less than 5000 square feet, and up to a maximum of thirty-two (32) outdoor seats for an establishment with a gross floor area of 5000 square feet or more. Parking is required for outdoor seating that exceeds the number of seats stated above, based on the square footage of the excess seating in accordance with the applicable parking requirements for such uses.

10. Financial Institution:

    Four (4) spaces per 1000 square feet of gross floor area for customer service, lobby and teller area; plus additional spaces as required herein for any associated offices

11. Furniture or Carpet Store:

    One (1) space per 500 square feet of net floor area, plus one (1) space for each employee

12. Garment Cleaning Establishment:

    One (1) space per 200 square feet of gross floor area

13. Home Professional Office:

    As determined by the BZA, a sufficient number of spaces to accommodate all employees plus the largest number of persons that may be expected at any one time

14. Office (unless otherwise provided for in this Section):

    A. 50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area

    B. Greater than 50,000 but less than 125,000 square feet of gross floor area: Three (3.0) spaces per 1000 square feet of gross floor area

    C. 125,000 square feet of gross floor area or more: Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area

    For purposes of determining whether Par. A, B or C is applicable, the size of the office building shall be based on the definition of gross floor area as set forth in Article 20 and where more than one (1) office building is located on a lot, such gross floor area shall be based on each individual building and not on the total gross floor area of all buildings on the lot. However, once the applicable paragraph is determined, gross floor area as qualified in Sect. 102 above shall be used to determine the required number of parking spaces.

    For purposes of this provision, buildings connected by structures such as atriums, awnings, breezeways, carports, garages, party walls, or plazas shall not be deemed to be one (1) building.

15. Outdoor Sales/Display Area other than Vehicle Sale, Rental and Ancillary Service Establishment:

    One (1) space per 500 square feet of open sales/display area plus one (1) space per employee

16. Personal Service Establishment:

    One (1) space per 200 square feet of gross floor area

17. Quick-Service Food Store or Carryout Restaurant:

    Six and one half (6.5) spaces per 1000 square feet of gross floor area

    Spaces designated for curb-side pickup cannot be counted toward the minimum required number of parking spaces

18. Recreational Facility other than Theatre, Auditorium, Stadium, Bowling Alley or Swimming Pool:

    One (1) space per three (3) persons based on the occupancy load plus one (1) space per employee

19. Repair Service Establishment:

    One (1) space per 200 square feet of gross floor area

20. Retail Sales Establishment and Retail Sales Establishment-Large, except Furniture or Carpet Store:

    One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet

21. Service Station:

    Two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

22. Service Station/Mini-Mart, Combination Service Station and Quick-Service Food Store:

    Two (2) spaces per service bay, plus six and one half (6.5) spaces per 1000 square feet of gross floor area devoted to the retail use

23. Shopping Center:

    A. 100,000 square feet of gross floor area or less: 4.3 spaces per 1000 square feet of gross floor area

    B. Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: 4 spaces per 1000 square feet of gross floor area

    C. Greater than 400,000 but less than 800,000 square feet of gross floor area: 4.8 spaces per 1000 square feet of gross floor area

    D. 800,000 square feet of gross floor area or more: 2.5 spaces per 1000 square feet of gross floor area

    For purposes of determining whether Par. A, B, C or D above is applicable, the size of the shopping center is based on the definition of gross floor area as set forth in Article 20, and includes any gross floor area devoted to offices, restaurants, restaurants with drive-through and hotels. The gross floor area calculation as qualified in Sect. 102 above is used to determine the required number of parking spaces.

    The off-street parking requirement set forth above applies to all uses in a shopping center, except that the area occupied by offices, any restaurant or restaurant with drive-through establishment that exceeds 5000 square feet of gross floor area, and hotels is parked in accordance with the applicable standards for such uses as set forth in this Section. For shopping centers subject to Par. A, B or C above, the area occupied by

theaters is parked in accordance with the applicable shopping center requirement; however, for theaters with more than 2000 seats, an additional three-tenths (0.3) space must be provided for each seat above 2000 seats. For shopping centers subject to Par. D above, the area occupied by theaters is parked in accordance with the applicable shopping center requirement; however, for theaters with more than 750 seats, an additional six (6) spaces must be provided for each 100 seats above 750 seats.

In addition, for all shopping centers, stacking spaces as required by this Part must be provided for those uses which have drive-in or drive-through facilities. Spaces designated for curb-side pickup cannot be counted toward the minimum required number of parking spaces.

24. Swimming Pool, Commercial:

One (1) space per four (4) persons lawfully permitted in the pool at one time, plus one (1) space per employee

25. Theatre, Auditorium or Stadium:

Three-tenths (0.3) space per seat or similar vantage accommodation

26. Vehicle Light Service Establishment:

One (1) space per 200 square feet of net floor area, plus two (2) spaces per service bay, plus one (1) space per employee

27. Vehicle Major Service Establishment:

Two (2) spaces per service bay, plus one (1) space per employee

28. Vehicle Sale, Rental and Ancillary Service Establishment:

One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

29. Vehicle Transportation Service Establishment:

Based on the size and maximum number of company vehicles stored on site with a minimum of one (1) space per (1) employee on major shift, plus one (1) space per company vehicle stored on site.

30. Veterinary Hospital, Kennel:

A. 5000 square feet of gross floor area or less: Ten (10) spaces

B. Greater than 5000 square feet of gross floor area: Ten (10) spaces plus additional spaces as determined by the Director, based on a review of each proposal to include such factors as the number of spaces required to accommodate both employees and visitors expected at the site

For the purpose of this requirement, gross floor area shall not include any outdoor exercise/dog run area, which is enclosed by a roof and/or fencing material.

31. Wholesale Trade Establishment:

One (1) space per 1.5 employees, plus one (1) space per company vehicle, but with a minimum of one (1) space per 1000 square feet of gross floor area

11-105 Minimum Required Spaces for Industrial and Related Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and business offices accessory thereto:

One (1) space per one (1) employee on major shift, plus one (1) space per company vehicle and piece of mobile equipment

2. Heavy Equipment and Specialized Vehicle Sale, Rental and Service Establishment:

One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

3. Mini-Warehousing Establishment:

Three and two-tenths (3.2) spaces per 1000 square feet of gross floor area of office space associated with the use plus one (1) space per employee, and two (2) spaces for a resident manager. The width of travel aisles for vehicular access and loading and unloading shall be subject to the approval of the Director

4. Scientific Research and Development Establishment:

One (1) space per 1.5 employees based on the occupancy load, plus one (1) space per company vehicle

5. Warehousing, Storage Yard, Lumber and Building Material Yard, Motor Freight Terminal or Junk Yard:

One (1) space per 1.5 employees on major shift, plus one (1) space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of one (1) space per 1000 square feet of gross floor area

6. Mixed Waste Reclamation Facilities and Recycling Centers:

One (1) space per one (1) employee on major shift, plus one (1) space per company vehicle

7. Truck Rental Establishment:

One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus one (1) space per employee, but never less than five (5) spaces. Provided however, when the enclosed office/sales/rental area or employees are shared with another use for which parking has been provided, only the open sales/rental display area shall be separately parked.

11-106 Minimum Required Spaces for Other Uses

Minimum off-street spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Adult Day Care Center:

One space per four adults based on the maximum number of adults licensed to attend the center, or other amount as the Board may require as part of an approved rezoning or special exception.

2. Airport, Airpark or Airfield:

One (1) space per employee, plus (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at any one time

3. Child Care Center or Nursery School:

A. 0.19 space per child for a center or school which has a maximum daily enrollment of 99 children or less

B. 0.16 space per child for a center or school which has a maximum daily enrollment of 100 or more children

4. Church, Chapel, Temple, Synagogue or Other Such Place of Worship:

One (1) space per four (4) seats in the principal place of worship; provided that the number of spaces thus required may be reduced by the Director, subject to conditions the Director deems appropriate, by not more than fifty (50) percent if the place of worship is generally located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge, during the time of services to make up the additional spaces required.

For places of worship with child care centers, nursery schools and/or schools of general or special education, the Director may, subject to conditions the Director deems appropriate, reduce the total number of parking spaces required by the strict application of this Part for such child care centers, nursery schools and/or

schools of general or special education when the Director has determined that fewer spaces than those required will adequately serve all the uses on-site due to the sum of the hourly parking demand for such uses.

5. College or University:

Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time

6. Cultural Center, Museum or Similar Facility:

One (1) space per 300 square feet of gross floor area

7. Country Club:

One (1) space per four (4) members based on maximum anticipated membership

8. School of Special Education:

Two (2) spaces per each three (3) employees, plus a sufficient number of spaces to accommodate all persons who may be at the establishment at any one time under normal operating conditions

9. Funeral Chapel, Funeral Home:

One (1) space per four (4) seats in the main chapel or parlor, plus one (1) space per two (2) employees, plus one (1) space for each vehicle used in connection with the business

10. Heliport:

One (1) space per employee, plus one (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time

11. Helistop:

A minimum of five (5) spaces for commercial helistops and a minimum of two (2) spaces for non-commercial helistops

12. Hospital:

Two and nine-tenths (2.9) spaces per bed licensed by the Commonwealth of Virginia, plus additional or fewer spaces as deemed necessary based on specific analysis for each site

13. Institution providing Intensive Special Medical/Mental Care or Welfare Institution:

    One (1) space per two (2) patients, based on the occupancy load, plus one (1) space per employee or staff member on a major shift

14. Library:

    Seven (7) spaces per 1000 square feet of gross floor area

15. Parks:

    A. Neighborhood Parks:

        (1) The Director shall determine the parking for residential neighborhood parks, which parks are designed to serve surrounding residential developments, where access is primarily by foot or bicycle, and which may contain facilities such as tot lots, playgrounds, picnic tables, multi-use courts, tennis courts, gardens, open play areas and trails. The review shall consider factors such as whether access to the park is provided solely from a local street, collector street, minor or principal arterial street; the extent to which pedestrian access is afforded to the park and the reasonableness of the walking distance to the park from the surrounding development; the location of the park in relation to the surrounding development and the density of the surrounding development the park is predominately intended to serve; and the extent of the proposed recreation uses or facilities. However, if tennis courts are provided, a minimum of two (2) spaces per tennis court shall be required.

        (2) For urban parks no parking shall be required, provided such parks consist of urban style plazas, miniparks, and greenways, including trails, located within, contiguous to, or immediately across the street from urban, suburban and community business centers as defined in the adopted comprehensive plan, are oriented to pedestrian and/or bicycle use by the resident work force and adjacent residents, and provide open space and pedestrian oriented amenities.

    B. Community, District, Countywide and Regional Parks:

        As determined by the Director, based on the parking requirements for the most similar type of use or facility set forth herein.

16. Private, Civic, Fraternal Club or Lodge:

    One (1) space per three (3) members in attendance at any one time

17. Public Utility Establishment:

    One (1) space per 1.5 employees on the major shift, plus one (1) space per company vehicle

18. School, Elementary or Intermediate, Public or Private School of General Education:

    Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, proposed special education programs, and student-teacher ratios, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus four (4) spaces for visitors

19. School, High School, Public or Private School of General Education:

    Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, proposed special education programs, and student-teacher ratios, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than three-tenths (0.3) space per student, based on the maximum number of students attending classes at any one time

20. Swimming Pool, Community:

    One (1) space for every seven (7) persons lawfully permitted in the pool at one time, plus one (1) space per employee, subject to a lesser number determined by the Director which is in accordance with that number of members who are within a reasonable walking distance of the pool

21. Tennis Club:

    Four (4) spaces per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants

22. Public Uses not set forth above:

    As determined by the Director, based on a review of each proposal to include such factors as the number of spaces required to accommodate employees, public use vehicles anticipated to be on site at any one time, visitor parking and the availability of areas on site that can be used for auxiliary parking in times of peak demand. In no instance, however, shall the number of spaces required for government office use be less than that required herein for general office use

11-107 Minimum Required Spaces for Transit Station Areas

For any development within an area designated in the adopted comprehensive plan as a Transit Station Area, minimum off-street parking spaces accessory to the uses hereinafter designated will be provided as follows:

1. Dwelling, Multiple Family:

    A. 0 or 1 bedroom: One and three-tenths (1.3) spaces per unit

B. 2 bedrooms: One and five-tenths (1.5) spaces per unit

C. 3 or more bedrooms: One and six-tenths (1.6) spaces per unit

3. Office:

A. Two (2.0) spaces per 1,000 square feet of gross floor area for a building located a distance of 0-1/4 mile from a metro station entrance along an accessible route

B. Two and three-tenths (2.3) spaces per 1000 square feet of gross floor area for a building located a distance of greater than 1/4 mile from a metro station entrance along an accessible route

3. Restaurant: Parking rates set forth in Sect. 11-104.

4. Commercial and Related Uses:

All commercial and related uses set forth in Sect. 11-104 and not contained in this section: Eighty (80) percent of the parking rate set forth in Sect. 11-104

All other uses located in a designated Transit Station Area that do not have a parking rate set forth in this section will be subject to the parking rates set forth in Sections 11-103, 11-105 and 11-106.

PART 2 11-200 OFF-STREET LOADING

11-201 Applicability

In any R, C or I district, all structures built and all uses established hereafter shall provide accessory off-street loading spaces in accordance with the following regulations. In the PDH, PDC, PRC, PRM and PCC Districts, the provisions of this Part shall have general application as determined by the Director. In the PTC District, off-street loading shall be provided in accordance with Sect. 6-509 and provisions of this Part shall be used as a guide. When an existing structure or use is expanded, accessory off-street loading spaces shall be provided in accordance with the following minimum requirements for the entire structure or use, as expanded or enlarged.

11-202 General Provisions

1. All required off-street loading spaces shall be located on the same lot as the use served; provided that the Director may waive such location requirement in those instances where the provisions of Par. 2 are satisfied.

2. Required off-street loading spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

3. All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or reduced in any manner except upon approval by the Director in accordance with the following circumstances:

   A. Such space may be reduced by the amount to which other space, conforming to the provisions of this Ordinance, is provided for the use that is involved, or

   B. Such space may be reduced in an amount which is justified by a reduction in the need for such space by reason of a reduction in size or change in the nature of the use to which such is appurtenant, or

   C. Such space may be reduced for an existing structure or use to provide an accessibility improvement.

4. No loading space or berth shall be located within forty (40) feet of the nearest point of intersection of the edges of the travelway or the curbs of any two streets.

5. No loading space or berth shall be located in a required front yard.

6. No required off-street loading area shall be used to satisfy the space requirement for any off-street parking facilities, and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.

7. No motor vehicle repair work, except emergency service, shall be permitted in association with any required off-street loading facility.

8. All off-street loading space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the provisions of the Public Facilities Manual.

9. All off-street loading areas, including aisles and driveways, shall be constructed and maintained with a dustless surface in accordance with construction standards presented in the Public Facilities Manual; however, the Director may approve a modification or waiver of the dustless surface requirement in accordance with the Public Facilities Manual.

10. All off-street loading areas shall comply with such geometric design standards as may be defined by Land Development Services; but in no event shall the required dimensions be less than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet high, except that where one (1) such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet.

11. All lighting fixtures used to illuminate off-street loading areas shall be designed to comply with the outdoor lighting performance standards set forth in Part 9 of Article 14.

12. Where a given use or building contains a combination of uses as set forth in the following Section, loading facilities shall be provided on the basis of the sum of the required spaces for each use.

13. 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 shall govern.

14. Uses for which off-street loading facilities are required by this Part, but which are located in buildings that have a gross floor area that is less than the minimum above which off-street loading facilities are required, shall be provided with adequate receiving facilities as determined by the Director.

15. Notwithstanding the standards set forth in Sect. 203 below, in no instance shall more than five (5) off-street loading spaces be required for a given use or building except as may be determined by the Director.

16. Where the required number of loading spaces is not set forth for a particular use in the following Section, and where there is no similar type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

11-203 Minimum Required Spaces

Minimum off-street loading spaces accessory to the uses hereinafter designated shall be provided in accordance with the following schedule:

Standard A: One (1) space for the first 5,000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

Standard B: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 15,000 square feet or major fraction thereof.

Standard C: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet or major fraction thereof.

Standard D: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 25,000 square feet or major fraction thereof.

Standard E: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

Standard F: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

Standard G: One (1) space for the first 25,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

1. Bowling Alley and other Similar Commercial Recreational Establishment: Standard F.

2. Business Service and Supply Service Establishment: Standard C.

3. College or University: Standard F.

4. Continuing Care Facility: one space for the first 25,000 square feet of gross floor area plus one space for each additional building consisting of more than 100,000 square feet of gross floor area, except as may be modified by the Director.

5. Dwelling, Multiple Family: Standard G.

6. Financial Institution or Drive-In Financial Institution: Standard C.

7. Funeral Chapel, Funeral Home: Standard F.

8. Heavy Equipment and Specialized Vehicle Sale, Rental and Service Establishment: Standard A.

9. Hospital: Standard F.

10. Hotel, Motel: Standard F.

11. Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and business offices accessory thereto: Standard A.

12. Mixed Waste Reclamation Facilities and Recycling Centers: Standard A.

13. Nursing, Convalescent, Assisted Living, Congregate Living or Independent Living Facility: Standard F.

14. Office: Standard C.

15. Personal Service Establishment: Standard B.

16. Repair Service Establishment: Standard C.

17. Restaurant, Carryout Restaurant, Restaurant with Drive-through or Commercial Recreation Restaurant: Standard D.

18. Retail Sales Establishment: Standard B.

19. School: Standard F.

20. Scientific Research and Development Establishment: Standard C.

21. Vehicle Light Service Establishment: Standard B.

22. Vehicle Major Service Establishment: Standard A.

23. Vehicle Sale, Rental and Ancillary Service Establishment: Standard A.

24. Warehousing Establishment: Standard A.

25. Wholesale Trade Establishment: Standard E.

PART 3 11-300 PRIVATE STREETS

11-301 Applicability

Private streets may be allowed in commercial and industrial districts, and multiple family dwelling developments. With the approval of the Director, private streets may be allowed in single family attached dwelling developments; single family detached dwelling developments in the P, R-5, R-8 and R-12 Districts; and for single family attached dwelling units when located in a single family detached affordable dwelling unit development in the R-2, R-3 and R-4 Districts. Single family detached dwelling developments which are not subject to the provisions of Chapter 101 of The Code, The Subdivision Ordinance, may also have private streets, but such shall not have to meet the standards set forth in this Part.

11-302 Limitations

1. Private streets within a development shall be limited to those streets which are not required or designed to provide access to adjacent properties as determined by the Director.

2. The length and geometric design of the street shall be subject to the approval of the Director who shall consider means of access to adjoining properties, traffic movement and volume through the development, access for emergency and maintenance vehicles, parking, economy of development, proposed provisions for maintenance and preservation of natural features of the property; provided, however, no private street in a residential development that is to be owned and maintained by a nonprofit organization as provided for in Part 7 of Article 2 shall exceed 600 feet in length unless approved by the Director.

11-303 Standards

Private streets shall be designed and constructed in accordance with the standards presented in the Public Facilities Manual.

11-304 Ingress and Egress Easements

Ingress and egress easements for public emergency and maintenance vehicles shall be granted to the County over all private streets within a development.

11-305 Ownership, Care and Maintenance

In no event shall a private street within a residential development be approved except in strict accordance with the provisions of Part 7 of Article 2, Common Open Space and Common Improvement Regulations.

ARTICLE 12

SIGNS

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ARTICLE 12

SIGNS

PART 1 12-100 GENERAL PROVISIONS

12-101 Purpose and Intent

The purpose of this Article is to regulate all signs placed for viewing by the public, in order to improve, promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the various communities in the County; facilitate travel by identifying locations; protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic; and , further the stated purpose and intent of this Ordinance.

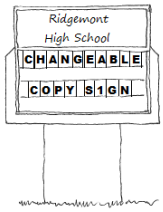
12-102 Definitions

For purposes of this Article, signs and their characteristics are defined as follows:

A-FRAME SIGN: A minor freestanding sign constructed to form a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape.

BUILDING-MOUNTED SIGN: Any sign attached to and supported by a building, awning, canopy, marquee or similar architectural feature, or permanently attached, etched or painted onto a window or door. For purposes of this Article, temporary window signs as defined herein are not building-mounted signs.

CHANGEABLE COPY SIGN: A sign designed to accommodate manual changes in messages.



ELECTRONIC DISPLAY SIGN: Any sign that contains light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination methods, which are electronically controlled and that contain a fixed or changeable copy and/or a change to the intensity of light or colors displayed.

FLAG: A single piece of cloth or similar material, shaped like a pennant, rectangle or square, attachable by one straight edge to a pole or attached at the top of a pole and draped. For purposes of this Ordinance, a minor sign is not a flag.

FREESTANDING SIGN: Any sign other than a building-mounted sign, that is permanently supported by a fence, retaining wall, entrance feature or by upright structural members or braces on or in the ground, such as a pole, pylon, or monument style structure.

MINOR SIGN: Any sign that is (1) designed to be easily moved, (2) typically not permanently attached to a structure or the ground, and (3) is not illuminated. Such signs include, but are not limited to, A-frame signs, banners, posters, window signs, yard signs or other moveable signs. For purposes of this Article, flags and vehicle signs are not minor signs.

MONUMENT SIGN: A freestanding sign, typically no more than 8 feet in height, that is supported primarily by an internal structural framework or that is integrated into landscaping or solid structural features other than support poles.

MOVING OR WINDBLOWN SIGN: Any sign of which all or any part is in motion by natural or artificial means (including fluttering, rotating, undulating, swinging, oscillating) or by movement of the atmosphere. For purposes of this Ordinance, a flag is not a moving or windblown sign.

OFF-PREMISE SIGN: A sign that directs attention to a product, service, attraction, event, or the like that is being offered at a location that is not the premises on which the sign is located.

ROOF SIGN: Any sign or portion thereof affixed to a building that extends above the lowest point of the roof level of the building, including signs painted onto a roof structure, or that is located on a chimney or other similar rooftop. For purposes of this Article, a roof sign does not include a sign attached to the penthouse of a building.

SIGN: Any device or structure, or part thereof, designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images, which is visible from any public or private street. For non-residential developments, this definition is not intended to include private streets or other privately maintained access ways that do not directly connect to a public street.

SIGN FACE: The part of a sign which is or can be used for visual representation or communication, including any background or surrounding material, panel, trim or ornamentation, color, and illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which the sign is placed. The term does not include any portion of the support structure for the sign if no representation or message is placed or displayed on, or designed as part of, the support structure.

TENANT: An individual, entity, partnership, or corporation renting, leasing or owning non-residential space.

VEHICLE SIGN: Any sign that is painted, mounted, adhered, magnetically attached or otherwise permanently affixed to or incorporated into a vehicle or trailer, except for any signs not exceeding a total of 8 square feet for the entire vehicle or trailer and bumper stickers.

WINDOW SIGN: A minor sign that is (1) attached to the glass area of a window or placed behind the glass of a window, and (2) easily read from outside the building.

YARD SIGN: A minor sign associated with a residential use, which is attached to a structure or placed upon or supported by the ground independently of any other structure.

12-103 Applicability

1. The regulations of this Article apply to all signs located in Fairfax County and are in addition to any applicable provisions of Chapter 61 of the County Code (Buildings), and Title 33.2, Chapter 7, of the Virginia Code. These regulations do not apply to property owned by, or those signs required or sponsored by the United States or the Commonwealth of Virginia. Furthermore, Section 12-105, Minor Signs, does not apply to property owned by Fairfax County, the Fairfax County Park Authority, or Fairfax County Public Schools.

2. These regulations do not regulate or restrict signs by content. However, some signs, such as off-premise signs and warning signs, have a targeted function that makes their regulation impossible without referring to the function. In these limited instances, the governmental interest is compelling enough to warrant their description and regulation, and whenever a sign is described in a manner that refers to function, this Article is intended to be neutral with respect to the content of the speech appearing on it.

3. All signs are deemed to be accessory uses as defined in Article 20 and must be associated with a principal use and, unless otherwise stated, located on the same lot as its principal use.

4. Nothing in this Article excuses any person from compliance with all other applicable regulations, statutes or ordinances.

5. 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.

6. A non-commercial message may be substituted, in whole or in part, for any other message displayed on any sign which conforms to this Article without consideration of message content.

12-104 Administrative Provisions

1. Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit.

2. The application for a sign permit must be filed with the Zoning Administrator on a County form, must include all pertinent information required by the Zoning Administrator to ensure compliance with this Ordinance, and must be accompanied by the filing fee set forth in Section 18-106.

3. All signs must comply with this Article, the structural requirements specified in the Virginia Uniform Statewide Building Code, Chapter 61 of the County Code, and, the performance standards specified in Article 14 of this Ordinance.

4. A sign permit expires if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance.

5. The following are not a sign or are actions that do not require a sign permit:

   A. The changing of the message on an allowed sign that is specifically designed for the use of replaceable copy, to include changeable copy signs and electronic display signs in accordance with Sections 12-203 and 12-205 below.

   B. Painting, cleaning and other routine maintenance and repair of a sign or sign structure.

   C. Flags, no more than 3 per lot.

   D. The display of address numbers as required by the County Code, and entrance numbers not exceeding a total of 2 square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building.

   E. Temporary, seasonal decorations.

6. The following do not require a sign permit and are not counted toward maximum allowed sign area:

   A. Signs not exceeding a total of 4 square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities or other similar risks.

   B. Signs located on the outer surfaces of a temporary portable storage container.

   C. Vehicle signs, when the vehicle is (1) operable and (2) is parked at its associated place of business within a duly designated parking space.

   D. Lettering and/or numbers permanently attached to or painted on the façade of a building of any school, college, or university; such displays are limited to no more than 10% of the area of the façade on which they are placed and cannot be illuminated.

   E. Signs, erected by a public agency or appropriate organization in partnership with the Board, located within or in proximity to the Commercial Revitalization District boundaries or activity centers as shown on the adopted comprehensive plan. Such signs are subject to approval by the Board and all applicable outdoor advertising provisions of the Code of Virginia.

7. All signs and their components must be maintained in good repair and in safe condition.

8. The Building Official or designated agent may require or cause the immediate removal or repair, without written notice, of any sign determined to be unsafe or that otherwise poses an immediate threat to the safety of the public. If action by the County is necessary to render a sign safe, the cost of removal or repair will be at the expense of the property owner or lessee as provided in Chapter 61 of the County Code.

9. Except as provided in Sections 12-105 and 12-107 below, if a property becomes vacant and is unoccupied for a continuous period of 2 years, any sign on that property is deemed

abandoned and must be removed. If the owner fails to remove the sign, the Zoning Administrator may give the owner 15 days written notice to remove it, after which the Zoning Administrator may initiate action to gain compliance.

12-105 Minor Signs

The following minor signs are allowed but cannot be illuminated, and, unless otherwise stated, do not require a sign permit:

1. Signs posted by or under the direction of any public or court officer in the performance of official duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments. These signs must be removed no later than 10 days after the last day of the period for which they are displayed.

2. Signs that are displayed on a lot or property that is actively marketed for sale, rent or lease, as follows:

   A. A single building-mounted or freestanding sign is allowed, except that 2 signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within 7 days of the settlement, rental or lease of the property.

   B. Sign(s) located on a property developed with, or planned for development of, a single family detached or attached dwelling unit, cannot exceed 6 square feet in area and a height of 6 feet.

   C. Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit cannot exceed 12 square feet in area and a height of 8 feet.

   D. Sign(s) located on a property developed with, or planned for development of, any non-residential use, or on a residential property containing a minimum of 20 acres, cannot exceed 32 square feet in area and a height of 8 feet

3. Signs during active construction or alterations to residential, commercial, and industrial buildings are permitted, as follows:

   A. For a new residential, commercial or industrial development, one sign per lot, not to exceed 60 square feet in area and a height of 10 feet. For lots containing multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of 8 feet. No sign may be located closer than 5 feet to any lot line.

      All signs must be removed within 14 days following completion of the construction of the development, as determined by the Zoning Administrator, and no sign may be displayed for more than 2 years from the date of the issuance of the first building permit for the development. If construction has not been completed within this timeframe and building permits are active for the development, a sign permit is required to allow the continued display of any sign.

   B. For an individual single family dwelling unit undergoing construction, improvement or renovation, one sign, not to exceed 4 square feet in area or a height of 4 feet is allowed.

      No sign can be displayed before commencement of the improvement or

renovation work, and the sign must be removed within 7 days after the improvement or renovation is completed with all necessary inspections approved, or within 6 months, whichever is less.

4. Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding 4 square feet in area and a height of 4 feet.

5. For non-residential uses, minor signs are permitted as follows:

   A. For non-residential uses located on a lot with frontage on a major thoroughfare, building-mounted and freestanding minor signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than 2 such signs are allowed per lot with a maximum height of 4 feet.

   B. For all other non-residential uses, building-mounted and freestanding minor signs are allowed, not to exceed 24 square feet in total area per lot. If freestanding, no more than 2 such signs are allowed per lot with a maximum height of 4 feet.

6. Window signs for any non-residential use are allowed if the total of all signs at a given establishment does not cover more than 30 percent of the total area of the window in which the signs are located.

7. For non-residential uses, a single A-frame sign not to exceed 16 square feet in area and a height of 4 feet, is allowed. The sign must be located within 25 feet of a building or designated site entrance that provides access to the use, and cannot impede pedestrian or vehicular traffic.

12-106 Prohibited Signs

The following signs are prohibited in all zoning districts and areas of the County.

1. General Prohibitions:

   A. Any sign not expressly permitted in this Article.

   B. Any sign that violates any provision of any county, state or federal law or regulation.

   C. Any sign that violates any provision of Chapter 61 of the County Code and the Virginia Uniform Statewide Building Code.

2. Prohibitions Based on Materials or Design:

   A. Any sign that does not meet the performance standards for outdoor lighting set forth in Part 9 of Article 14.

   B. A moving or windblown sign, but not a changeable copy or electronic display sign, the hands of a clock, or a weather vane.

C. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with Sections 12-203 and 12-205 below.

3. Prohibitions Based on Location:

A. Any off-premise commercial sign when displayed 12:01 PM Monday through 11:59 AM Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of Par. 4 of Section 12-105 above.

B. Roof signs, except for signs located on a penthouse or screening wall, as provided for in Sect 12-205 below.

C. Any sign that obstructs a window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from, a building.

D. Any sign located on a corner lot that is in violation of Sect. 2-505.

E. Any sign that is found to be in violation of the Virginia Uniform Statewide Building Code with respect to minimum clearance.

F. Any sign which, due to its location, size, shape and/or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where it may interfere with, mislead or confuse traffic. These signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

12-107 Nonconforming Signs

1. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to this Ordinance, and signs which are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain except as qualified below. Except as provided for in a Commercial Revitalization District, such signs cannot be enlarged, extended or structurally reconstructed or modified in any manner; except a sign face may be changed if the new face is equal to or reduced in height and/or sign area from the existing sign.

2. The property owner bears the burden of establishing the nonconforming status of a sign and of the existing physical characteristics and location of a sign. Upon notice from the Zoning Administrator, a property owner must submit verification that a sign was lawfully existing at the time of erection. Failure to provide verification is cause to remove the sign or bring it into compliance with this Article.

3. Nothing in this Section prevents keeping a nonconforming sign that is in good repair; however, no nonconforming sign may be repaired, rebuilt, or restored if the Building Official has declared it unsafe, as provided for in Sect. 12-104 above unless the activity results in a sign that conforms to this Article.

4. Nonconforming signs may not be moved on the same lot, or to any other lot, unless the change in location will make the sign conform to this Article.

5. When a nonconforming sign is removed, any sign erected later must conform to this Article, except as provided for in a Commercial Revitalization District.

6. A nonconforming sign that is destroyed or damaged by any casualty to an extent of 50 percent or less of its appraised value, may be restored within 2 years after the destruction or damage, but may not be enlarged in any manner. If a sign is destroyed or damaged to an extent more than 50 percent of its appraised value, it cannot be reconstructed unless it conforms to this Article.

7. A nonconforming sign that is changed to or replaced by a conforming sign will no longer be deemed nonconforming, and any new sign must conform to this Article.

8. A nonconforming sign must be removed if the structure to which it is accessory is demolished or destroyed by more than 50 percent of its appraised value. A nonconforming sign subject to removal under this paragraph must be removed within 30 days following written notice by the Zoning Administrator to the owner of the property. If the owner fails to comply with this notice the Zoning Administrator may initiate action to gain compliance with this Article.

9. If a nonconforming sign is located on property that becomes vacant and is unoccupied for a period of at least 2 years, the sign is deemed abandoned and the owner of the property must remove it. If the owner fails to do so, the Zoning Administrator may give the owner 30 days' written notice to remove it, except as otherwise provided in Sect. 12-104 above. If the owner fails to comply with the notice, the Zoning Administrator may enter onto the property and remove the sign. Such removal may be accomplished with the assistance of any agent designated by the Zoning Administrator or hired by the County for such purpose, and, the Zoning Administrator may charge the cost of removal to the property owner. In addition, the Zoning Administrator may initiate legal action in court for an injunction or other appropriate remedy requiring the owner to remove an abandoned nonconforming sign.

10. The ownership of the sign or the property on which the sign is located does not affect the nonconforming status of the sign.

PART 2 12-200 SIGN REGULATIONS BY USE AND DISTRICT

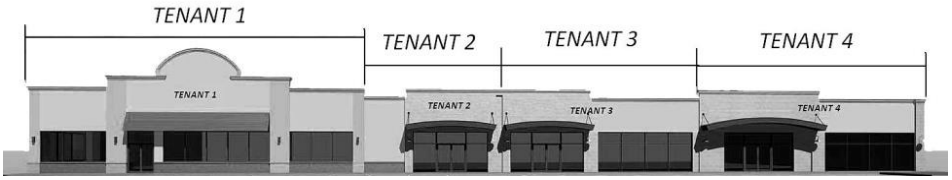
12-201 Calculation of Sign Area

1. When building frontage is used to calculate allowable sign area, the following applies:

   A. Building frontage is the linear width of the wall taken at a height no greater than 10 feet above grade.

   B. On buildings with a single tenant or with multiple tenants that access the building via a common outside entrance(s), building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.

   C. On buildings with more than a single tenant where each tenant has its own outside entrance(s), building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.



2. When calculating any allowable building-mounted sign area, the following applies:

   A. Building-mounted sign area is that area within a single continuous rectilinear perimeter of not more than 8 straight lines intersecting at right angles, which encloses the outer limits of all words, representations, symbols and/or pictorial elements, together with all material, color and/or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

   B. The area of building-mounted signs composed of individual letters and/or symbols is calculated by one of the following methods:

      (1) If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with Par. 2A above.

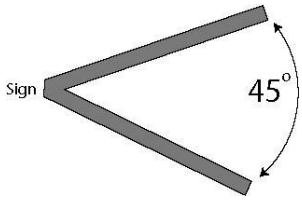
      (2) If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

3. The following provisions apply to any freestanding signs:

A. The supports, uprights or structure on which any freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that is designed to serve a separate purpose other than to support the sign, the area of such structure is not included in the sign area. In such cases, the sign area is calculated in accordance with Par. 2A above.

B. The area of a freestanding sign designed with more than one sign face is calculated as follows:

(1) If the sign faces are separated by an interior angle of 45 degrees or more, all sign faces are calculated in the sign area.

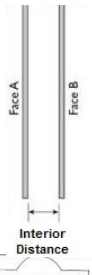


(2) If the sign faces are separated by an interior angle that is less than 45 degrees, sign area is calculated based on the area of the largest single face.

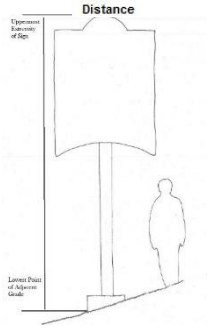
(3) If the sign faces are parallel to one another, the following applies:

(a) The area of the largest single face is used when the interior distance between the faces is 18 inches or less.

(b) The area of the largest single face and the area of the side or interval between faces is used when the interior distance between the faces is greater than 18 inches.



C. The height of a freestanding sign is calculated as the maximum vertical distance from the uppermost extremity of a sign and/or its support, to the lowest point of the adjacent grade.



12-202 Signs in Residential Districts

The following signs are allowed with approval of a sign permit, as accessory to residential or non-residential land uses in a residential district:

1. In a single family residential subdivision or a multiple family development, a freestanding sign is allowed at each major entrance, not to exceed 30 square feet in area and 8 feet in height. More than one sign may be placed at each major entrance but the total of all signs at a single entrance cannot exceed 30 square feet in area.

2. A rental office for a multiple family development is allowed one building-mounted or freestanding sign not to exceed 4 square feet in area and a height of 4 feet.

3. Agricultural uses on a lot at least 20 acres in size are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area and a height of 8 feet.

4. Hospitals, as follows:

A. A single building-mounted sign for each building entrance, not to exceed 50 square feet in area.

B. A single freestanding sign at each entrance, not to exceed 80 square feet in area and 12 feet in height.

5. All other non-residential uses, including public uses as defined in Article 20, are allowed building-mounted and freestanding signs in accordance with the following:

A. Building-mounted signs cannot exceed 50 square feet in total area.

B. A single freestanding sign not to exceed 40 square feet in area and 8 feet in height.

However, the BZA, in approving a special permit, or the Board, in approving a rezoning or special exception, may further limit any sign for any land use in furtherance of those provisions set forth in Sections 8-007 and 9-007 of the Ordinance.

12-203 Performance Standards for Signs in Residential Districts

1. Building-mounted signs must be installed flush against the wall and cannot extend above or beyond the perimeter of the wall or roof of the building to which they are attached.

2. Freestanding signs cannot be located closer than 5 feet to any property line.

3. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

A. Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.

B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.

C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

4. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14.

12-204 Signs in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit, as accessory to land uses that are located in a commercial district, including the commercial area of a P district and/or commercial uses located in a mixed-use building or development; or in an industrial district:

1. Building-mounted signs are allowed as follows:

   A. For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances, signs are limited to 1½ square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage. However, no single sign may exceed 200 square feet in area.

   B. For buildings with more than a single tenant where each tenant has its own outside entrance(s), signs cannot exceed 1½ square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in Sect. 12-301 below. The maximum sign area for any single tenant cannot exceed 200 square feet.

      However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) occupying an area with more than one perimeter wall containing a main public entrance, may place up to a maximum of 200 square feet of total sign area on each such perimeter wall, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

   C. In addition to sign area allowed in accordance with Par. A or B above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign can exceed 50 square feet in area.

2. Freestanding signs are allowed as follows, unless further limited by Par. 3 below:

   A. In a commercial district, a use may have one freestanding sign up to 80 square feet in area and 20 feet in height. However, the use (1) must be located on a lot that has frontage on a primary highway or on a major thoroughfare and, (2) cannot be located on the same lot as a shopping center.

   B. In an industrial district, a single freestanding sign not to exceed 80 square feet in area and 20 feet in height may be erected for each building that has frontage on a major thoroughfare. However, if one tenant occupies a group of separate buildings with frontage on a major thoroughfare, that tenant is allowed only one freestanding sign.

   C. A hospital is allowed one freestanding sign at each entrance, and no such sign may exceed 80 square feet in area and 12 feet in height.

   D. Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area and 20 feet in height. If a shopping center has frontage on 2 or more major thoroughfares, however, it may have a second freestanding sign (for a total of 2 freestanding signs).

   E. For office and industrial parks:

      (1) One freestanding sign is allowed at each major entrance to the office or industrial park, not to exceed 40 square feet in area and a height of 20 feet.

      (2) One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial park, not to exceed 30 square feet and a height of 8 feet.

3. The following regulations only apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, they are in addition to and supersede, Par. 2 above:

   A. A single tenant or building on a lot may have one freestanding sign if, (1) the lot has frontage on a primary highway or major thoroughfare and, (2) the single tenant or building is not located within or on the same lot as a shopping center. The sign cannot exceed 40 square feet in area and a height of 20 feet.

   B. A shopping center is allowed one freestanding sign not to exceed 40 square feet in area and a height of 20 feet.

12-205 Performance Standards for Signs in Commercial and Industrial Districts

1. Building-mounted signs may be located anywhere on the surface of a wall but no part of the sign may extend above or beyond the perimeter of a wall, except when the sign is (1) erected at a right angle to the wall, (2) does not extend into the minimum required yard and, (3) is not located closer than 2 feet to any street line.

2. A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:

   A. The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall.

   B. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

3. Freestanding signs may not project beyond any property line or be located within 5 feet of the curb of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign is subject to Sect. 2-505 of this Ordinance.

4. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

   A. Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.

   B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.

   C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

   D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

5. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14.

12-206 Other Permitted Signs

1. The following signs are only allowed in a commercial or industrial district, or the commercial area of a P district, in addition to those sign types and amounts allowed in Sect. 12-204 above:

   A. Service stations or service station/mini-marts are permitted one additional square foot of sign area to be displayed on each gasoline pump.

   B. Motor vehicle fuel price signs required by Article 4 of Chapter 10 of The Code.

2. Each accessory service use permitted pursuant to Sect. 10-200 of this Ordinance is allowed a single building-mounted sign not to exceed 15 square feet in area to be calculated as part of the total allowable building-mounted sign area for the building.

PART 3 12-300 SPECIAL APPROVALS

12-301 Administrative Comprehensive Sign Plan

As an alternative to calculating building frontage in accordance with Par. 1B of Sect. 12-201 above, the Zoning Administrator may authorize a different allotment of sign area to the various tenants of a building or buildings by approval of an administrative comprehensive sign plan, as follows:

1. A request for an administrative comprehensive sign plan must include written authorization from the owner of the building(s), or an authorized agent, accompanying graphics showing the proposed size, height and location of all signs, and the required filing fee as set forth in Section 18-106.

2. The total area for all signs cannot exceed the maximum allowable sign area for the building as determined in accordance with Par. 1B of Sect. 12-201 above. The maximum sign area for any single tenant cannot exceed 200 square feet.

   However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) the tenant occupies an area with more than one perimeter wall containing a main public entrance, may place up to a maximum of 200 square feet of total sign area on each such perimeter wall, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

12-302 Special Permits

1. The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center when it determines that the application of this Article would cause a hardship due to issues of topography. However, such freestanding sign cannot extend to a height greater than 26 feet above the elevation of the center line of the nearest street.

2. The BZA may grant a special permit to allow additional sign area and/or height, or a different arrangement of sign area distribution for a regional shopping center when it determines that the application of this Article would cause a hardship due to issues of topography or location of the regional shopping center. However, the total combined sign area for the regional shopping center cannot exceed 125 percent of the sign area otherwise allowed by the provisions of this Article.

3. In cases where an individual or grouping of enterprises within a shopping center are located so that the building frontage is not visible from a street, the BZA may grant a special permit to allow building-mounted sign(s) for such enterprises to be erected at the entrances, arcades or interior malls. However, the total combined sign area for the shopping center cannot exceed 125 percent of the sign area otherwise permitted.

12-303 Special Exceptions

1. In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with Sect. 9-308.

2. In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with Sect. 9-620.

12-304 Uses in P District

The provisions set forth in the preceding Sections apply to signs accessory to uses in P districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following is applicable to signs in P districts:

1. Signs may be permitted in a P district in accordance with a comprehensive sign plan subject to approval by the Planning Commission following a public hearing conducted in accordance with Sect. 18-109. The comprehensive sign plan will show the location, size, height and extent of all proposed signs within the specified area of the P district.

2. An application for a comprehensive sign plan may be submitted by any property owner, owner of an easement, lessee, contract purchaser or their agent. The application must be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as set forth in Sect. 18-106.

3. Any comprehensive sign plan must be in accordance with the standards for all planned developments as set forth in Part 1 of Article 16. All proposed signs must be in scale and harmonious with the development and so located and sized to ensure convenience to users of the development, while not adding to street clutter or otherwise detracting from architectural and urban design elements of the development.

ARTICLE 13

LANDSCAPING AND SCREENING

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ARTICLE 13

LANDSCAPING AND SCREENING

PART 1 13-100 GENERAL PROVISIONS

13-101 Purpose and Intent

The purpose and intent of this Article is to preserve and promote the health, safety and general welfare of the public; to facilitate the creation of a convenient, attractive and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preventing harmful effects of potentially dissimilar uses; and to encourage the appropriate use of land. More specifically this Article is intended to minimize the impact of dissimilar uses on adjoining or nearby uses by requiring a screen or buffer between the uses in order to lessen the impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this Article is intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water resources and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the appearance of parking lots.

13-102 Applicability

The provisions of this Article shall apply to all development subject to the provisions of Article 17, except the following:

1. Site plans filed pursuant to a special permit, special exception or variance approved prior to December 10, 1977, or

2. Site plans filed pursuant to proffered conditions or a development plan approved by the Board of Supervisors prior to December 10, 1977.

13-103 Administration

The Director shall be responsible for the administration of this Article.

13-104 Standards

The following standards shall apply to the preservation, installation and maintenance of all landscaping, screening and barriers required by the provisions of this Article.

1. The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of the Public Facilities Manual.

2. All trees required by the provisions of this Article shall be a minimum of five (5) feet in overall height at the time of planting.

3. Generally, planting required by this Ordinance should be in an irregular line and spaced at random.

4. Existing vegetation which is suitable for use in compliance with the requirements of this Article, and which is protected according to the provisions of the Public Facilities Manual, when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Article, may and should be used as required planting. Existing vegetation in a Resource Protection Area may be used to meet the requirements of this Article upon the approval of the Director. Any addition or removal of vegetation in a Resource Protection Area shall be subject to the provisions of Chapter 118 of The Code. The addition of vegetation in a Resource Protection Area shall be indigenous or adaptable to the site without extraordinary measures and shall be approved by the Director.

13-105 Landscaping Plan and Planting Requirements

1. A landscaping plan shall be submitted as required by the provisions of Article 17 and may be required for a minor site plan as determined by the Director.

2. Such landscaping plans shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials in accordance with the Public Facilities Manual and the requirements of this Article.

3. The landscaping measures required by this Article shall be shown on such plan, and shall be completed according to specifications prior to approval of any Residential or Non-Residential Use Permit in accordance with the provisions of Sect. 18-704.

13-106 Maintenance

1. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this Article.

2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, due to poor health or unsafe conditions, and kept free of refuse and debris.

3. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Director for accessibility to an area for necessary maintenance.

4. When tree conservation required by Sect. 401 below is provided on individual lots in residential districts, the homeowner, subsequent to Residential Use Permit issuance, shall not be precluded from adding, removing or relocating such landscaping

5. All landscaping shall be installed and maintained to be in substantial conformance with any proffered conditions or with any approved conceptual/final development plan,

general development plan, development plan, PRC plan, special exception, special permit or variance as determined by the Zoning Administrator. Any removal or replacement of such required landscaping shall require approval by the Director after coordination with the Zoning Administrator.

6. The removal or replacement of any landscaping depicted on an approved site plan that is not subject to any of the approvals listed in Par. 5 above shall require Director approval.

7. Any landscaping required by Paragraphs 5 and 6 above that is removed or replaced without the written permission of the Director shall be replaced at the owner's expense with new landscaping of the appropriate species that is equal to or larger in caliper, height, or canopy proportions to the required landscaping that was removed. If the required landscaping that is removed has been planted for more than ten (10) years, the replacement plantings shall be in accordance with the Public Facilities Manual and shall provide a ten (10) year canopy at the time of planting, as determined by the Director.

13-107 (Deleted by Amendment #92-232, Adopted December 14, 1992, Effective December 14, 1992)

PART 2 13-200 PARKING LOT LANDSCAPING

13-201 Purpose and Intent

The purpose and intent of this Part is to contribute toward compliance with the Federal Clean Air Act by helping to ameliorate atmospheric heat island production and other negative effects on the air quality and ozone levels produced by accelerated fuel evaporation from vehicles parked on non-shaded pavement. Additionally, this Part is intended to minimize parking lot noise, glare from headlights and water and air pollution; provide adequate planting areas for healthy development of parking lot trees; provide pervious areas within parking lots that will permit the return of precipitation to the ground water strata; contribute toward natural and efficient storm drainage; and promote high quality site design.

13-202 Interior Parking Lot Landscaping

1. Any parking lot of twenty (20) or more spaces shall be provided with interior landscaping covering not less than five (5) percent of the total area of the parking lot. Such landscaping shall be in addition to any planting or landscaping within six (6) feet of a building, any planting or landscaping required as peripheral planting by Sect. 203 below, and any transitional screening as may be required by Sections 302 and 303 below.

2. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping.

3. The landscaping areas shall be reasonably dispersed throughout the parking lot.

4. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein in conformance with the Public Facilities Manual.

5. The Director may waive or modify the requirements of this Section for any use in an I district wherein vehicles are parked or stored, provided the use is screened from view of all adjacent property and all public streets.

6. The Board, in conjunction with the approval of a rezoning or special exception, may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved:

   A. For an interim use of a specified duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the parking lot; and

   B. Where such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties.

7. In a Commercial Revitalization District, interior parking lot landscaping shall be provided in accordance with the provisions of that district.

8. In the PTC District, interior parking lot landscaping shall be provided in accordance with the provisions of that district.

13-203 Peripheral Parking Lot Landscaping

If any parking lot contains twenty (20) or more spaces and transitional screening is not required by Sections 302 and 303 below, then peripheral parking lot landscaping shall be required as follows:

1. When the property line abuts land not in the right-of-way of a street:

   A. A landscaping strip four (4) feet in width shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
   B. At least one (1) tree for each fifty (50) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on fifty (50) foot centers.

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

   A. A landscaping strip ten (10) feet in width, which shall not include a sidewalk or trail, shall be located between the parking lot and the property line.

   B. At least one (1) tree for each forty (40) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on forty (40) foot centers.

   C. Where peripheral landscaping required by this Section conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter shall govern.

3. The Board, in conjunction with the approval of a rezoning or special exception, and the BZA, in conjunction with the approval of a special permit, may approve a waiver or modification of the requirements of this Section and the requirement to provide a ten (10) foot minimum distance between a front lot line and an off-street parking space set forth in Par. 8 of Sect. 11-102. Such waiver or modification may be approved:

   A. For an interim use of a specified duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the parking lot; and

   B. Where such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties.

4. In a Commercial Revitalization District, peripheral parking lot landscaping shall be provided in accordance with the provisions of that district.

5. In the PTC District, peripheral parking lot landscaping shall be provided in accordance with the provisions of that district.

PART 3 13-300 TRANSITIONAL SCREENING AND BARRIERS

13-301 Purpose and Intent

The purpose and intent of this Part is to promote the development of a harmonious community; to protect the neighborhood character by preserving existing vegetation and requiring the planting and maintenance of vegetative screening and other barriers to lessen the visual and noise impact of a more intensive use on nearby properties. The required vegetative buffer contributes toward attractive and enhanced development design and enhances air and water quality.

13-302 Transitional Screening and Barriers, General Provisions

1. Transitional screening and barriers shall be provided in accordance with the matrix presented at the end of this Article and in accordance with the provisions of this Section and Sections 303 and 304 below.

2. Transitional screening and barriers shall be provided within the zoning district and on the lot of the use indicated in the left column of the matrix where it is contiguous or across the street from land used or zoned for uses indicated across the top of the matrix.

3. Where the structure is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Director may allow the lesser requirements of the matrix upon a finding that the need for the more stringent requirements has been eliminated by the arrangement of the uses.

4. The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.

5. In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Director, using the matrix as a guide, shall determine whether or not and to what extent transitional screening and barriers shall be provided.

6. In addition to the standards set forth in Articles 8 and 9 for a particular use, all uses allowed by special permit or special exception in a given district shall be required to provide transitional screening and barriers as determined by the BZA or Board, as the case may be, using the matrix as a guide.

7. In affordable dwelling unit developments which contain a mixture of different dwelling unit types, transitional screening and barriers shall not be required between different dwelling unit types within the affordable dwelling unit development.

8. In a Commercial Revitalization District, transitional screening and barriers shall be provided in accordance with the provisions of that district.

9. In the PTC District, transitional screening and barriers shall be provided in accordance with the provisions of that district.

13-303 Transitional Screening Requirements

1. Barriers shall be generally located between the required transitional screening and the use or activity in connection with which they are required where they will most adequately screen such activities from the existing or proposed first floor level of adjoining development as determined by the Director. Any bracing, supports or posts shall be on the side of the barrier facing the use which must provide the barrier.

2. Where options are presented on the matrix for a type of barrier, such option shall be available to the developer unless otherwise qualified.

3. There shall be three (3) different transitional screening requirements as identified on the matrix, which shall be provided pursuant to Chapter 12 of the Public Facilities Manual and as follows:

   A. Transitional Screening 1 shall consist of an unbroken strip of open space a minimum of twenty-five (25) feet wide and planted with all of the following:

      (1) A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten (10) year tree canopy of seventy-five (75) percent or greater;

      (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and

      (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.

   B. Transitional Screening 2 shall consist of an unbroken strip of open space a minimum of thirty-five (35) feet wide and planted with all of the following:

      (1) A mixture of large and medium evergreen trees that achieves a minimum ten (10) year tree canopy of seventy-five (75) percent or greater;

      (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and

      (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.

   C. Transitional Screening 3 shall consist of an unbroken strip of open space a minimum of fifty (50) feet wide planted with all of the following:

(1) A mixture of large and medium evergreen trees and large deciduous trees that achieves a minimum ten (10) year tree canopy of seventy-five (75) percent or greater;

(2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and

(3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.

13-304 Barrier Requirements

1. Barriers shall be generally located between the required transitional screening and the use or activity in connection with which they are required where they will most adequately screen such activities from the existing or proposed first floor level of adjoining development as determined by the Director. Any bracing, supports or posts shall be on the side of the barrier facing the use which must provide the barrier.

2. Where options are presented on the matrix for a type of barrier, such option shall be available to the developer unless otherwise qualified.

3. In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Director may require the use of an earth berm or more specialized fence material in lieu of, or in combination with, any of the barrier types set forth below.

4. There shall be different barrier requirements as identified on the matrix, which shall be provided as follows:

   A. Barrier A shall consist of a 42-48 inch wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.

   B. Barrier B shall consist of a 42-48 inch solid wood or otherwise architecturally solid fence.

   C. Barrier C shall consist of an evergreen hedge with an ultimate height of at least 42-48 inches, planted size of 36 inches and planted 36 inches on center.

   D. Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs.

   E. Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.

F. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.

G. Barrier G shall consist of a 6 foot chain link fence and may be required by the Director to have inserts in the fence fabric or to be coated.

H. Barrier H shall consist of one row of 6 foot trees averaging 50 feet on centers, such trees being a variety of types. This requirement may be omitted in cases where the building is 6 feet or less from the property line.

13-305 Transitional Screening and Barrier Waivers and Modifications

Transitional screening and barriers may be waived or modified by the Director in any of the following circumstances. The Director may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this Part.

1. Transitional screening and barriers may be waived or modified between uses that are to be developed under a common development plan in the PDC or PRM Districts or a common development or site plan or series of development or site plans within a PRC District when compatibility between uses has been addressed through a combination of the location and arrangement of buildings or through architectural or landscaping treatments.

2. Where the strict provisions of this Part would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by the Director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

3. Transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

4. The transitional screening yard width and planting requirements may be reduced as much as two-thirds (2/3) where the developer chooses to construct a seven (7) foot brick or architectural block wall instead of the lesser barrier indicated by the matrix. This wall may be reduced to a height of six (6) feet where the Director deems such a height will satisfy the purpose and intent of this Part.

5. Transitional screening and barriers may be waived or modified where the adjoining land is designated in the adopted comprehensive plan for a use which would not require the provision of transitional screening between the land under site plan and the adjoining property.

6. Transitional screening and barriers may be waived or modified where the adjacent property is zoned to allow a use similar to that of the parcel under site plan.

7. Transitional screening and barriers may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.

8. Transitional screening and barriers may be waived or modified when the adjoining land is used for a sawmilling operation or for a wayside stand.

9. Transitional screening and barriers may be waived or modified where adjacent residential property is used for any use permitted by the Board of Zoning Appeals or the Board of Supervisors as a special permit or special exception use except nursery schools, day care centers, schools of general and special education.

10. Transitional screening may be waived or modified when the adjoining land is an R district and is used for off-street parking as permitted by the provisions of Sect. 9-609.

11. Transitional screening and barriers may be waived or modified where the subject property abuts a railroad, interstate highway right-of-way, the right-of-way of the Dulles International Airport Access Highway or the combined Dulles International Airport Access Highway and Dulles Toll Road.

12. The Director may waive or modify the barrier requirements where the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.

13. The Director may waive or modify the barrier requirements for single family attached dwelling units where a six (6) foot fence has been provided to enclose a privacy yard on all sides, and such fence is architecturally designed and coordinated with landscaping techniques to minimize adverse impact on adjacent properties.

14. Transitional screening and barriers may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

15. In affordable dwelling unit developments, where the strict application of the provisions of this Article would preclude compliance with the provisions of Part 8 of Article 2, transitional screening and/or barriers may be waived or modified.

PART 4 13-400 TREE CONSERVATION

13-401 Tree Conservation

Tree conservation shall be provided as required by Chapter 122 of The Code and the Public Facilities Manual.

TRANSITIONAL SCREENING AND BARRIER MATRIX

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1. Dwellings, detached																	
2. Dwellings, attached	1 B,A *																
3. Dwellings, multiple family Dwellings, mobile home	1 D,E or F	1															
4. Child care centers Churches, chapels Nursery schools Private schools Adult day care center	1 D,E or F	1 D,E or F	H														
5. Community uses (Group 4)	1 D,E or F	1 D,E or F	1 D,E or F	A,B or C	H				H								
6. Congregate living facilities Medical care facilities Continuing care facility	2 D,E or F	2 D,E or F	1 D,E or F														
7. Financial institutions Funeral chapels	1 D,E or F	1 D,E or F	1 B or C	H													
8. Business service & supply service establishments Funeral homes Garment cleaning establishments Kennels Offices Personal service establishments Repair service establishments Restaurants and Carryout restaurants Retail sales establishments w/out outside display Veterinary hospitals	2 D or F E*	2 D or F E*	1 D or F E*	1 A,B or C	H												
9. Bus, railroad stations Car washes Drive-in financial institutions Drive-through pharmacies Plant nurseries Restaurants with drive-through Retail sales establishments with outside display Retail sales establishments-large Service stations Service station/mini-marts Truck rental establishments Theatres, to include drive-in motion picture Vehicle light service estab. Vehicle sale & rental estab.	3 E,F or G	3 E,F or G	2 E,F or G	D,E or F	H												
10. Hotels, motels	2 E,F or	2 E,F or	1 E,F or	H	H												

TRANSITIONAL SCREENING AND BARRIER MATRIX

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	G	G	G														
11. Commercial recreation uses (Group 5)	2 D,E or F	2 D,E or F	1 D,E or F	D,E or F	H												
12. All other quasi-public uses (Category 3)	2 D,E or F	2 D,E or F	2 D,E or F	1 A,B or C	D,E or F												
13. Mini-warehousing estab. Production, processing estab. as permitted in I-3, I-4 Districts Scientific research & dev. estab. Wholesale trade estab.	2 D,E or F	2 D,E or F	2 D,E or F	D,E or F	H	H		H	H								
14. Light public utility uses (Category 1)	3 D,E or F	2 D,E or F	2 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	D,E or F	D,E or F								
15. Contractor's offices & shops Heavy equip. & spec. vehicle sale, rental & service estab. Heavy public utility uses (Category 2) Lumber & bldg. material yards Motor freight terminals New vehicle storage Storage yards Vehicle transportation service estab. Warehousing facilities	3 D,E or F	3 D,E or F	3 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	D,E or F	D,E or F								
16. Production, processing estab. as permitted in I-5, I-6 Districts Junk yards Motor vehicle storage & impoundment yards Recycling centers Vehicle major service estab.	3 D,E or F	3 D,E or F	2 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	1 A,B or C	D,E or F			1 A,B or C		
17. Heavy industrial uses (Category 5) Mixed waste reclamation facilities	3 D,E or F	3 D,E or F	2 D,E or F	1 D,E or F	1 A,B or C	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	1 A,B or C	1 A,B or C	D,E or F			1 D,E or F	1 D,E or F	

* As may be required by the Director

ARTICLE 14

PERFORMANCE STANDARDS

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ARTICLE 14

PERFORMANCE STANDARDS

PART 1 14-100 GENERAL PROVISIONS

14-101 Applicability

1. No permitted, special permit or special exception use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the applicable performance standards established by this Article, except as qualified in Sect. 102 below.

2. Any existing use that complies with the applicable performance standards of this Article on the effective date of this Ordinance shall continue to so comply. If, at such time, the operations of any lawful existing use violate any of the applicable performance standards of this Article, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

3. Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Article, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the specified standards, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

4. The fact that the operations of a lawful existing use violate the applicable performance standards of this Article shall not of itself make such use subject to the requirements of Article 15 relating to nonconformities.

14-102 Performance Standards Not Applicable

The performance standards presented in this Article shall not apply to Group 1 special permit uses regardless of the zoning district in which such uses may be located. Group 1, Extraction and Excavation Uses, shall be subject to compliance with the performance standards presented in Sect. 8-105.

14-103 Administration of Certain Performance Standards

For the purpose of administering the required performance standards relative to Vibration, the standard is presented in two (2) basic groups, namely: Group I and Group II. Table III sets forth the applicable performance standard that must be met in each zoning district.

PART 2 14-200 AIR POLLUTION STANDARD

Any activity, operation or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the State and the Fairfax County Air Pollution Control Ordinance.

PART 3 14-300 FIRE AND EXPLOSION HAZARD STANDARD

All operations, activities and uses shall be conducted so as to comply with the Fire Prevention Code (Chapter 62 of The Code).

PART 4 14-400 RADIATION HAZARD STANDARD

All operations, activities and uses shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 11e., z., and aa. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (z), and (aa)).

No activity, operation or use shall cause radiation emissions which are in violation of the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health established pursuant thereto.

PART 5 14-500 ELECTROMAGNETIC RADIATION AND INTERFERENCE STANDARD

No activity, operation or use shall cause electromagnetic radiation interference that (a) adversely affects persons or the operation of any equipment across lot lines and (b) is not in conformance with the regulations of the Federal Communications Commission.

PART 6 14-600 LIQUID AND SOLID WASTES STANDARD

Any activity, operation or device which causes or tends to cause the discharge or other release of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply with applicable laws, rules and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act; the Virginia Water Control Law; and the Fairfax County Code provisions on sewers and sewage disposal, pollution of state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse, and erosion and sediment control.

PART 7 14-700 NOISE STANDARDS

No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 108.1 of The Code.

PART 8 14-800 EARTHBORN VIBRATION STANDARDS

14-801 Required Performance Level

No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

14-802 Method of Measurement

1. Measurements shall be made at or beyond the adjacent lot line, nearest R district boundary line, or nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

2. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

3. For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

14-803 Group I Vibration Standards

1. Uses subject to Group I standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table I below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE I
MAXIMUM PERMITTED STEADY STATE VIBRATION LEVELS

Location (at Lot Line)	Maximum peak particle velocity inches per second
In a residential district	0.02
At or beyond adjacent lot lines, except a residential district	0.05

2. Impact vibrations shall be permitted at twice the values stated above.

3. Between the hours of 8 PM and 7 AM, all of the permissible vibration levels indicated above in Table I for R districts shall be reduced to one-half (½) the indicated values.

14-804 Group II Vibration Standards

1. Uses subject to Group II standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table II below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II
MAXIMUM PERMITTED STEADY STATE VIBRATION LEVELS

Location (at Lot Line)	**Maximum peak particle velocity inches per second**
In a residential district	0.02
At or beyond adjacent lot lines, except a residential district	0.10

2. Impact vibrations shall be permitted at twice the values stated above.

3. Between the hours of 8 PM and 7 AM, all of the permissible vibration levels indicated above in Table II for R districts shall be reduced to one-half (½) the indicated values.

4. When the frequency of impacts does not exceed one (1) per day, the maximum vibration level, measured across lot lines, shall not exceed 0.4 inches per second.

TABLE III
REQUIRED PERFORMANCE STANDARDS
(GROUP I OR GROUP II)

		ZONING DISTRICT			
	All R Districts	**C-1 through C-4**	**C-5 through C-8**	**I-I through I-4**	**I-5 and I-6**
VIBRATION	I	I	I	I	II

Note: Required performance standards for uses in P Districts shall equate to those standards for uses in the most similar R, C or I District, as determined by the Zoning Administrator.

PART 9 14-900 OUTDOOR LIGHTING STANDARDS

14-901 Purpose and Intent

The purpose and intent of this Part is to establish outdoor lighting standards that reduce the impacts of glare, light trespass and overlighting; promote safety and security; and encourage energy conservation.

14-902 Applicability and General Provisions

1. Except as provided in Sect. 905, Exemptions, below, this Part applies to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures. Replacement of a fixture means a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, does not constitute replacement and will be permitted provided such changes do not result in a higher lumen output or a color temperature that exceeds the provisions of Par. 4 below.

   Outdoor lighting fixtures lawfully existing prior to June 17, 2003, that do not conform to the provisions of this Part are deemed to be a lawful nonconforming use and may remain. For the purpose of the provisions in Par. 4 of Sect. 14-902 (correlated color temperature), Par. 5 of Sect. 14-905 (exemptions for motion activated light fixtures), and Par. 6 of Sect. 14-905 (exemptions for lots developed with single family dwellings), outdoor lighting fixtures lawfully existing prior to February 12, 2020, are deemed to be a lawful nonconforming use and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture is no longer deemed nonconforming, and must be in accordance with the provisions of this Part.

   Notwithstanding the above, for existing service stations, service station/mini-marts, vehicle sale, rental and ancillary service establishments and outdoor recreation/sports facilities that do not comply with the applicable maintained lighting levels specified in Sections 903 and 904 below, replacement of or the addition of new lighting fixtures may be permitted in accordance with the following:

   A. There may be a replacement of or the addition of new lighting fixtures to an existing service station or service station/mini mart canopy, display area of a vehicle sale, rental and ancillary service establishment or lighted playing field/court of an outdoor recreation/sports facility, only when the lighting fixture meets the provisions of this Part and such replacement or addition will not increase the noncompliance with the applicable maintained lighting level requirements of Sections 903 and 904 below.

   B. A new canopy, display area or lighted field/court may be added to an existing service station, service station/mini-mart, vehicle sale, rental and ancillary service establishment or outdoor recreation/sports facility, provided the lighting for such new canopy, display area or playing field/court is in conformance with all the requirements of this Part.

2. Except as provided in Sections 904 and 905 below, all outdoor lighting fixtures must comply with the following:

   A. Full cut-off lighting fixtures shall be mounted horizontal to the ground and shall be used for all walkway, parking lot, canopy and building/wall mounted lighting, and all lighting fixtures located within those portions of open-sided parking structures that are above ground. For the purposes of this provision, an open-sided parking structure shall be a parking structure which contains exterior walls that are not fully enclosed between the floor and ceiling. (Reference Plates 1 and 5 of Illustration 5 in Appendix 2)

   B. Except for internally illuminated signs, the use of lighting fixtures, which are enclosed in clear or translucent white, off-white or yellow casing, shall not be permitted on the roofs of buildings or on the sides of canopies.

   C. Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall be shielded to protect motorists and pedestrians from glare. (Reference Plates 2 and 3 of Illustration 5 in Appendix 2)

   D. Internally illuminated signs must have an opaque background and translucent text and symbols, or have a translucent background that is not white, off-white or yellow in color.

      All illuminated signage located on the sides of a canopy must be internally illuminated or backlit.

   E. In addition to the above and Sect. 10-104, on lots which abut property that is residentially zoned and developed, vacant or homeowner's association open space, all outdoor lighting, to include light poles located on top of any parking deck or structure, shall be:

      (1) Mounted at a height which is measured from grade to the bottom of the lighting fixture, including the height of the parking deck or structure when located on top of a parking deck or parking structure, and is equal to or less than the value 3 + (D/3), where D is equal to the horizontal distance in feet from the light source to the nearest residential lot line extended vertically; or

      (2) Equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.

      (Reference Plate 4 of Illustration 5 in Appendix 2)

   F. On all nonresidentially developed lots which contain a minimum of four (4) parking lot light poles, parking lot lighting levels for ground surface parking lots

and the top levels of parking decks or parking structures shall be reduced by a least fifty (50) percent of full operational levels within thirty (30) minutes after the close of business. This reduced lighting level shall be achieved by extinguishing at least fifty (50) percent of the total number of pole mounted lamps, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or by some combination thereof; provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 footcandles as measured horizontally at the surface on which the light pole is mounted.

G. Lighting used for construction sites shall consist of the following:

(1) All construction site lighting, with the exception of lighting that is used to illuminate the interiors of buildings under construction which is provided for in the following paragraph, shall use full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light.

(2) Frosted light bulbs shall be used to light the ten (10) foot outermost perimeter area of the interiors of the buildings under construction which contain five (5) or more stories.

For the purposes of this provision, a building is no longer considered under construction once exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of light for the building.

H. All outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. (Reference Plate 5 of Illustration 5 in Appendix 2)

3. High intensity light beams in the form of outdoor search lights, lasers or strobe lights shall not be permitted.

4. All light sources may not exceed a maximum Correlated Color Temperature (CCT) of 3,000K unless otherwise approved by the Director. However, sports fields or courts that are subject to a sports illumination plan may have a maximum CCT of up to 5,700K.

14-903 Lighting Standards for Certain Commercial Uses

In addition to Sect. 902 above, outdoor lighting fixtures associated with service stations, service station/mini-marts and vehicle sale, rental and ancillary service establishments shall be subject to the following:

1. Service station and service station/mini-mart canopy lighting shall not exceed a maintained lighting level of thirty (30) footcandles under the canopy as measured horizontally at grade. However, a higher or lower maintained lighting level, not to exceed fifty (50) footcandles, may be specified by the Board in conjunction with the approval of a special exception, development plan or proffered rezoning. All underside canopy lighting shall consist of full cut-off lighting fixtures.

2. Outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment shall not exceed a maintained lighting level of thirty (30) footcandles as measured horizontally at grade. However, a higher or lower maintained lighting level, not to exceed fifty (50) footcandles, may be specifically approved by the Board in conjunction with the approval of a special exception, development plan or proffered rezoning. For the purposes of this Part, outdoor display areas shall include all display/storage areas for vehicles offered for sale or rent and the associated travel lanes.

3. A photometric plan shall be required for these uses in accordance with one of the following:

   A. As part of the submission of a Category 5 or 6 special exception, development plan or rezoning application for a service station, service station/mini-mart, or vehicle sale, rental and ancillary service establishment. A photometric plan shall be subject to approval by the Board in conjunction with a special exception, development plan or proffered rezoning and a photometric plan approved by the Board shall be submitted as part of a site plan submission for such use. Upon written request with justification, the Zoning Administrator may modify a submission requirement of Par. 4 below for a special exception, development plan or rezoning application if it is determined that the requirement is not necessary for an adequate review of the photometric plan.

   B. As part of a site plan submission or as a separate submission, when site plan approval is not required. Upon written request with justification, the Director may modify a submission requirement of Par. 4 below if it is determined that the requirement is not necessary for an adequate review of the photometric plan. Such photometric plan shall be subject to review and approval by the Director.

4. A photometric plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a State licensed professional engineer, architect, landscape architect or land surveyor and shall contain the following information:

   A. Location and limits of the canopy or outdoor display area at a scale of not less than 1 inch equals fifty feet (1" = 50').

   B. Location and height of all canopy lighting for service stations and service station/mini-marts and all pole, building or ground mounted lighting fixtures for an outdoor display area at a vehicle sale, rental and ancillary service establishments.

   C. A photometric diagram showing predicted maintained lighting levels produced by the proposed lighting fixture facilities.

5. When site plan approval is not required and the plan is submitted as a separate submission, five (5) copies of a photometric plan shall be submitted to the Director for review and approval and shall be subject to a fee as provided for in Article 17.

14-904 Outdoor Recreation/Sports Facility Lighting Requirements

When an outdoor recreation/sports facility has illuminated playing fields/courts that, individually or cumulatively, exceed 10,000 square feet in area, and/or associated light poles that exceed 20 feet in height, the playing fields/courts shall be subject to the provisions of this Section. Other components of such facilities, to include, but not limited to, parking lots, administrative offices, restrooms, ticket sales, concession stands and bleachers or other spectator viewing areas, shall not be subject to this Section, but shall be subject to the provisions of Sect. 902 above. An outdoor recreation/sports facility that has illuminated playing fields/courts, either individually or cumulatively, that are 10,000 square feet or less in area and/or contain associated light poles 20 feet or less in height, shall not be subject to this Section. For the purposes of this Section, the perimeter area defined in Par. 2B below shall be included in the area of the playing field/court.

1. A sports illumination plan shall be required in accordance with one of the following:

   A. As part of the submission of a Group 4, 5 or 6 special permit, Category 3 or 5 special exception, development plan or rezoning application for outdoor recreation/sports facilities. A sports illumination plan shall be subject to approval by either the BZA in conjunction with a special permit or the Board in conjunction with a special exception, development plan or proffered rezoning and a sports illumination plan approved by the BZA or Board shall be submitted as part of a site plan submission for such use. Upon a written request with justification, the Zoning Administrator may modify a submission requirement of Par. 2 below for a special permit, special exception, development plan or rezoning application if it is determined that the requirement is not necessary for an adequate review of the sports illumination plan.

   B. For an outdoor recreation/sports facility that is permitted by right in the zoning district in which located, as part of the site plan submission or as a separate submission, when site plan approval is not required. Upon a written request with justification, the Director may modify a submission requirement of Par. 2 below if it is determined that the requirement is not necessary for an adequate review of the sports illumination plan. Such sports illumination plan shall be subject to review and approval by the Director.

2. A sports illumination plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP) or a State licensed professional engineer, architect, landscape architect or land surveyor and shall contain the following information:

   A. The boundaries, dimensions and total land area of the outdoor recreation/sports facility property at a designated scale of not less than one inch equals fifty feet (1" = 50'). For proposed uses on large tracts of land where the lighted playing field/court occupies a small portion of the site, the boundaries, dimensions and total land area of just the lighted playing field/court with perimeter areas, as required by Par. 2B below, shall be provided, at a designated scale of not less than one inch equals fifty feet (1" = 50'), with a graphic that depicts the location of the fields/courts in relation to the perimeter lot lines of the entire property.

B. Location and limits of playing fields/courts, to include a perimeter area which must be located entirely on the same lot. For baseball/softball fields, the perimeter area extends 40 feet in a direction perpendicular to the foul lines and away from the field. The perimeter area for rectangular playing fields, such as soccer, football, lacrosse and field hockey, extends 20 feet from the side lines and 30 feet from the end lines. The perimeter area for all other playing fields/courts extends 10 feet beyond the playing field/court boundary.

C. Location, height and illustration of each style of all pole, building, and ground mounted lighting fixtures for the playing field/court.

D. A photometric diagram showing predicted maintained lighting levels for the proposed playing field/court and associated perimeter area lighting.

3. The lighting for playing field/courts and associated perimeter areas shall comply with the maximum footcandle levels indicated for the specific uses listed in Table IV below, unless a lesser limit is specifically approved by the BZA in conjunction with the approval of a special permit, or by the board in conjunction with the approval of a special exception, development plan or proffered rezoning. Footcandle measurements shall be measured horizontally three (3) feet above grade level and shall represent maintained lighting levels. The Zoning Administrator shall determine maximum permitted lighting levels for outdoor recreation/sports facilities which are not listed in Table IV.

4. All playing field/court lighting fixtures shall use full cut-off or directionally shielded lighting fixtures, aimed toward the playing field/court and shielded in directions away from the playing field/court so as to minimize glare and light trespass onto adjacent properties.

5. Time limits for lighting of outdoor playing fields or courts that are subject to a sports illumination plan, unless other hours are specifically approved by the BZA in conjunction with the approval of a special permit, or by the Board in conjunction with the approval of a special exception, development plan, or proffered rezoning:

A. For properties that are both zoned to a residential district and developed with a single family residential use, lighting is not allowed between the hours of 10:00 PM and 7:00 AM; and

B. For all other properties including but not limited to public athletic field sites, lighting is not allowed between the hours of 11:00 PM and 7:00 AM.

6. When site plan approval is not required and the plan is submitted as a separate submission, five (5) copies of the plan shall be submitted to the Director for review and approval and shall be subject to a fee as provided for in Article 17.

TABLE IV
MAXIMUM PERMITTED LEVELS OF ILLUMINATION
FOR OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELD/COURT

Recreation/Sport Facility Use	Specific Lighted Area	Footcandles*
Archery Ranges		10
Baseball/Softball	Infield	60
	Outfield	40
Baseball (Professional)	Infield	150
	Outfield	100
Baseball Hitting Ranges		50
Basketball, Volleyball		30
Field Hockey, Football, Soccer, Lacrosse, Track & Field		50
Go-Cart Tracks		30
Golf Courses	Tee Boxes, Greens	5
Fairways		3
Golf Driving Ranges	Tee Boxes	20
	Fairways	3
	Greens	5
Golf (Miniature)		20
Horse Riding Rings/Show Areas		30
Ice Skating, Ice Hockey, Roller Skating Rinks		50
Swimming Pools	Pool Surface	10
	Pool Deck	30
Tennis Courts (College/High School)		60
Tennis Courts (Recreational)		40

*Maintained Lighting Level

14-905 Exemptions

The following shall be exempt from the provisions of this Part, provided that such fixtures, except for those set forth in Paragraphs 1 and 2 below, do not cause disability glare:

1. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state or county agencies, to include street lights within the public right-of-way.

2. Outdoor lighting fixtures required by law enforcement, fire and rescue, the Virginia Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

3. Holiday lighting fixtures.

4. Neon lighting used to outline a structure.

5. Motion activated light fixtures located as follows:

   A. On lots developed with single family dwellings, when such lighting fixtures: (1) emit initial lighting levels of 4000 lumens or less; (2) are extinguished within five minutes upon cessation of motion; and (3) are aimed such that the illumination is directed with the property boundary.

   B. On all other lots when such lighting fixtures are aimed such that the illumination is directed within the property boundary.

6. On lots developed with single family dwellings, outdoor lighting fixtures with initial light outputs of 1,500 lumens or less shall not be subject to the provisions of Paragraphs 2A or 2E of Sect. 902 above.

ARTICLE 15

NONCONFORMITIES

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PART 2 **(Deleted by Amendment #87-141, Adopted April 27, 1987)**

ARTICLE 15

NONCONFORMITIES

PART 1 15-100 NONCONFORMING USES

15-101 Qualification of Nonconforming Uses

1. Notwithstanding the definition of nonconforming building or use presented in Article 20, a building or use shall not be deemed a nonconforming use if such was a conforming building or use prior to the effective date of this Ordinance, and such building or use would otherwise be a conforming use prior to the effective date of this Ordinance, and such building or use would otherwise be a conforming use under the provisions of this Ordinance except that it does not meet the minimum district, lot size, minimum yard, shape factor, or building height requirements of the zoning district in which located.

   Such a use may be continued and may be enlarged, provided that any such enlargement complies with all of the regulations of the zoning district in which located except the lot size or shape factor requirements. In addition, if a single family detached dwelling is destroyed or damaged by any casualty that is not intentionally caused by the owner or owner's agents, it may be reconstructed provided that:

   A. The reconstructed dwelling is constructed pursuant to a Building Permit that has been approved within two (2) years after the damage or destruction; and

   B. No additional stories from that which existed prior to the casualty shall be permitted for any portion of a reconstructed dwelling within any portion of the building footprint that did not comply with the current minimum yard requirements of the district in which located at the time of the casualty; and

   C. A dwelling reconstructed under this Section shall not result in any yard that is less than the yard in existence immediately prior to the casualty or the current minimum required yard, whichever is applicable.

   However, in accordance with Sect. 9-623, the Board may approve a special exception to allow a reduction of the yard requirements for certain single family detached dwellings that are destroyed by casualty.

2. Any use which was existing prior to the effective date of this Ordinance, which is allowed within a particular zoning district as a special permit or a special exception use by the provisions of this Ordinance, may continue and shall not be deemed to be a nonconforming use in such district. However, except as qualified below, any subsequent replacement or enlargement of such use or of any building in which the same is conducted or the construction of any additional building for such use beyond the extent which existed prior to the effective date of this Ordinance, shall be subject to a special permit or special exception obtained in accordance with the provisions of this Ordinance. Such special permit or special exception shall be approved only if the resulting use complies with the standards set forth in Articles 8 or 9 for the particular use in question.

   Minor modifications to include additions or expansions may be permitted without the requirement for approval of a special permit or special exception for churches, chapels, temples, synagogues or other such places of worship (hereinafter places of

worship) and places of worship with a child care center, nursery school or private school of general or special education when:

A. It is determined by the Zoning Administrator that such modifications shall not:

(1) Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the existing amount; or

(2) Reduce the effectiveness of existing transitional screening, buffering, landscaping or open space; or

(3) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or

(4) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:

(a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet gross floor area, or five (5) percent of the existing gross floor area up to a maximum of 2500 square feet of gross floor area; and

(b) the maximum permitted FAR for the zoning district shall not be exceeded.

B. Any request for an addition to a place of worship shall require the provision of written notice by the requester in accordance with the following:

(1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and

(2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not allowed under the above provisions, such modification shall require the submission and approval of a special permit or special exception application in accordance with the provisions of Articles 8 or 9.

Notwithstanding the above, modifications to an existing structure or use to provide an accessibility improvement shall be permitted and shall not require approval of a special permit or special exception.

3. Any single family dwelling or addition thereto permitted under Part 3 of Article 6, for which a Building Permit was approved prior to April 2, 1979 and which does not comply with the minimum yard requirement set forth in Par. 2B of Sect. 6-307 shall not be deemed a nonconforming use.

4. Any structure existing in the Airport Noise Impact Overlay District for which a Building Permit was issued prior to April 8, 1997 and which does not comply with the applicable interior noise level standard shall not be deemed a nonconforming use.

15-102 Nonconforming Uses Which May be Continued and Enlarged

1. The following nonconforming uses may be continued, and upon obtaining a special exception from the Board in accordance with the provisions of Article 9, such use may be enlarged subject to the conditions set forth in Paragraphs 2 through 4 below:

   A. Single family detached dwelling in a C or I district or an R district where such a dwelling is not permitted by the provisions of this Ordinance.

   B. A commercial use, allowed as a permitted, special permit or special exception use in a C district of one class under the provisions of this Ordinance, but located in a C district of another class where such use is not allowed.

2. Such uses as set forth in Par. 1 may be enlarged to a total aggregate extent not to exceed twenty-five (25) percent of the area of land occupied by such nonconforming use, and to a total aggregate extent not to exceed twenty-five (25) percent of the gross floor area of the building in which such nonconforming use is conducted; provided that such enlargement shall never exceed the maximum floor area ratio prescribed for the zoning district in which located.

3. Structural alterations may be made in a building housing a nonconforming use set forth in Par. 1 above, but only to a total aggregate extent not to exceed fifty (50) percent of its current appraised value according to the records of the Department of Tax Administration.

4. Whereas a single family detached dwelling may be remodeled, extended, expanded or enlarged in accordance with the provisions of this Section, in no instance shall such structure be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

5. Notwithstanding the above, any modification to an existing nonconforming building or use to provide an accessibility improvement shall be permitted and shall not require approval of a special exception.

15-103 Regulations Controlling Other Nonconforming Uses

1. Any nonconforming use, other than those specified in Sect. 102 above, may be continued but shall not be enlarged or extended, nor shall any structural alteration be made in any building in which such use is conducted, except (a) as may be permitted by the Board in accordance with Sect. 9-619, or (b) as shall be permitted where any modification to an existing nonconforming building or use is to provide an accessibility improvement.

2. Any nonconforming use may be extended to occupy any part of a building that was manifestly arranged or designed for such use at the time of the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such building. Except as provided in Sect. 102 above, no nonconforming use shall be extended to occupy a greater area of land than that occupied by such use prior to the effective date of this Ordinance.

3. Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming building or a building in which a nonconforming use is conducted, but no such building that is declared by any authorized County official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt.

4. If a building in which a nonconforming use is conducted is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the regulations specified by this Ordinance for the zoning district in which such building is located.

5. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of land on which such building was located and the subsequent location and use of any building thereon shall be in conformity with the regulations specified by this Ordinance for the zoning district in which such land is located.

6. A nonconforming building that is destroyed or damaged by any casualty other than a natural disaster or an act of God; or a building in which a nonconforming use is conducted that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its current appraised value according to the records of the Department of Tax Administration, exclusive of foundations, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Sect. 102 above. If any such building is so destroyed or damaged to an extent exceeding fifty (50) percent of its value as above, it shall not be reconstructed except:

   A. For a conforming use.

   B. If the building is used for agricultural purposes and the floors and foundation walls are of concrete and/or other masonry and are not practical to move.

   C. If the nonconforming location is necessary to meet any requirement or regulation of the Health Department.

   D. If the nonconforming building is a single family detached dwelling, in which event it may be reconstructed within two (2) years after the aforesaid destruction or

damage so as to occupy the same space that it occupied prior to such destruction or damage or any part thereof.

E. If a building or use in the C-5, C-6, C-7, or C-8 District was a conforming use immediately prior to December 12, 1989, the effective date of Zoning Ordinance Amendment #89-185, and was made nonconforming by Zoning Ordinance Amendment #89-185 solely on the basis of one or more of the following conditions, or if a building or use was constructed pursuant to a site plan, approved building permit, approved special permit or approved special exception grandfathered from Zoning Ordinance Amendment #89-185, and such building or use is made nonconforming by Zoning Ordinance Amendment #89-185 solely on the basis of one or more of the following conditions, such building or use may be reconstructed provided that construction is commenced and diligently prosecuted within four (4) years after the aforesaid destruction or damage; provided, such period may be extended by the Zoning Administrator if it is determined that the owner has made a good faith attempt to commence construction within four (4) years after the aforesaid destruction or damage:

(1) The building is nonconforming on the basis of floor area ratio; or

(2) The use is an office in a C-5, C-6, C-7 or C-8 District and fails to comply with the use limitations for office uses set forth in the district.

The building height and floor area ratio of the reconstructed use shall not exceed that which existed at the time of destruction or damage.

7. Pursuant to Sect. 15.2-2307 of the Code of Virginia, a nonconforming building that is destroyed or damaged by a natural disaster or other act of God may be repaired, rebuilt or replaced to its original nonconformity or to a reduced nonconforming condition, within two (2) years of the date of the natural disaster or other act of God. However, if the nonconforming building is located 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 the building may be restored to its original nonconforming condition or to a reduced nonconforming condition within four (4) years of such disaster. An 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. 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.

8. If any nonconforming use ceases for any reason for a continuous period of two (2) years or more other than for reasons beyond the control of the owner of the property, except for provisions of Par. 6 above, or is changed to or replaced by a conforming use, the land and building theretofore devoted to such nonconforming use shall thereupon be subject to all the regulations as to use for the zoning district in which such land and building are located as if such nonconforming use had never existed.

9. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

10. The rights pertaining to a nonconforming use or building shall be deemed to pertain to the use or building itself, regardless of the ownership of the land or building on or in which such nonconforming use is conducted or of such nonconforming building or the nature of the tenure of the occupancy thereof.

11. All of the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing on the effective date of this Ordinance and to all uses and buildings that become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established or building erected in violation of law, regardless of the time of establishment or erection.

PART 2 **(Deleted by Amendment #87-141, Adopted April 27, 1987)**

ARTICLE 16

DEVELOPMENT PLANS

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ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.

2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.

3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC, and PCC Districts the bulk regulations and landscaping and screening provisions must generally conform to the provisions of that conventional

zoning district which most closely characterizes the particular type of development under consideration. In a rezoning application to the PDC, PRM or PCC District that is located in a Commercial Revitalization District or in an area that is designated as a Community Business Center, Commercial Revitalization Area or Transit Station Area in the adopted comprehensive plan, this provision has general applicability and applies only at the periphery of the Commercial Revitalization District, Community Business Center, Commercial Revitalization Area, or Transit Station Area, as necessary to achieve the objectives of the comprehensive plan. In the PTC District, such provisions have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

PART 2 16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

16-201 Comprehensive Plan Approval

1. A PRC District may only be established in an area designated on the adopted comprehensive plan for a planned residential community. Therefore, before the initial establishment of a PRC District, the applicant shall propose an amendment to the adopted comprehensive plan to permit a planned residential community, which shall contain not less than 750 contiguous acres owned and/or controlled by a single individual or entity.

2. Such comprehensive plan amendment shall be presented in at least the same level of detail as the adopted comprehensive plan for the area under consideration. In particular, the amendment shall be prepared in accordance with the provisions of Sect. 301 below.

3. In conjunction with the submission of a proposed comprehensive plan amendment, the applicant shall submit a general development schedule showing the approximate time frame of the development.

4. Ten (10) copies of the proposed comprehensive plan and development schedule shall be submitted to the Director of the Department of Planning and Development (DPD) along with a written request for the consideration of an amendment to the adopted comprehensive plan.

5. Upon receipt, the Director of DPD, in accordance with adopted procedures for consideration of comprehensive plan amendments, shall cause a thorough review of the proposed amendment by all appropriate agencies. Upon a finding that additional information may be needed to complete the review, the Director of DPD shall request same of the applicant.

6. As part of the review, the Director of DPD shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.

7. Upon completion of such review, the plan amendment shall be submitted to the Planning Commission.

8. The Planning Commission shall hold a public hearing to consider the comprehensive plan amendment and shall forward its recommendation for approval, approval with modifications, or disapproval to the Board. The Board shall hold a public hearing thereon and shall approve, approve with modifications, or disapprove the proposed amendment.

9. When approved, the comprehensive plan for a planned residential community shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time. Any revision to the adopted comprehensive plan initiated by an applicant, other than the Planning Commission or the Board, shall be

subject to the same procedures as the original amendment and the requirements of Sect. 301 below.

10. Additional land may be added to a planned residential community if it represents a logical extension of the planned residential community under the adopted comprehensive plan and is adjacent thereto. Any addition of land to a planned residential community shown on the adopted comprehensive plan shall be subject to the same requirements and procedures as the original amendment except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-202 Rezoning to a PRC District

1. Following Board approval of the comprehensive plan for a planned residential community, the Board may approve an application for rezoning to a PRC District subject to the provisions of this Part and Part 2 of Article 18. The initial rezoning to establish a PRC District shall contain a minimum land area of 750 contiguous acres owned and/or controlled by a single individual or entity.

2. The rezoning application shall include, in addition to the requirements presented in Sect. 18-202, a development plan. Such rezoning application and development plan shall be in accordance with the adopted comprehensive plan for the planned residential community, the standards set forth in Part 1 above and the PRC District regulations and objectives.

3. The rezoning application and development plan shall be filed with the Zoning Administrator and shall contain the information required by Sect. 302 below. A development plan not filed with the initial submission of the application shall be submitted to the Zoning Administrator within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, and may be due cause to dismiss the application in accordance with Sect. 18-209.

4. Upon a determination by the Zoning Administrator that the rezoning application and the development plan are complete in accordance with the requirements of Sect. 302 below, the application and plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the application and plan shall be submitted to the Planning Commission.

5. The Planning Commission shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon. Subsequent to the public hearing, the Commission shall transmit the rezoning application and development plan to the Board with its recommendation to approve, approve with modifications or disapprove.

6. The Board shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon.

7. In the event the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the development plan. Such

conditions or modifications may be established by the Board to assure compliance with the standards of Part 1 above and the district regulations. Further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

8. In the event that the Board shall disapprove the rezoning application, the development plan shall thereby be deemed to be denied.

9. Once a development plan has been approved, all subsequent approvals, uses and structures must be in substantial conformance with the approved development plan and any development conditions associated with such approval. Should there be cause for amendment of the development plan or any portion thereof, such amendment will be processed as a new submission. A development plan amendment may cover all or a portion of the property subject to an approved development plan. In its review of a request that does not cover all of the property subject to an approved development plan, the Board should consider whether the request would have an adverse impact on the remainder of the property in terms of (a) the approved use, (b) fulfillment of conditions, (c) vehicular and pedestrian circulation, connectivity, landscaping and streetscape, and (d) the approved density or intensity. The portion of the development plan and previously approved conditions which are not subject to the amendment request will remain in full force and effect.

10. Additional land may be added to a PRC District by a rezoning application if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-203 PRC Plan Approval

1. Subsequent to the approval of a rezoning application, a PRC plan is required for those uses as set forth in Par. 2 below. The Board may approve a PRC plan subject to the provisions of this Part and Sect. 18-110. A PRC plan may not be approved by the Board until the rezoning application and development plan have been approved by the Board. However, a PRC plan may be filed with and included in the processing of the rezoning application and development plan.

   All PRC plans must be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District and the provisions of Sect. 303 below.

2. A PRC plan is required for all uses, except the following:

   A. Single family detached dwellings, provided the general street and lot layout are shown on the approved development plan.

   B. Additions to existing single family attached or detached dwellings or accessory structures related to such existing single family dwellings.

C. Additions to existing buildings or uses other than single family dwellings, when such additions do not exceed 2000 square feet or ten (10) percent of the gross floor area of the existing building or use, whichever is less.

D. Additions or changes to non-structural site elements such as transitional screening and parking and loading provided the area of such addition or change does not exceed ten (10) percent of the existing area occupied by such site element. Parking redesignation plans and parking tabulation revisions are also exempt from the requirement for a PRC plan regardless of the area of such change.

E. Minor accessory structures and uses in open space areas such as benches, gazebos, playground equipment, and bus shelters.

F. Those special permit uses and special exception uses which do not require a site plan as set forth in Article 8 or Article 9, respectively.

G. Any permitted use on a temporary basis for a period not to exceed one (1) year.

A PRC plan is not required for additions and alterations to provide an accessibility improvement.

3. A PRC plan may be prepared and submitted for the entire planned development at one time or for the various segments thereof, and each such plan must be submitted in twenty-three (23) copies to the Zoning Administrator.

4. Upon determination by the Zoning Administrator that the content of the PRC plan is complete in accordance with the requirements of Sect. 303 below, the plan will be accepted and submitted for comment and review to appropriate departments and agencies. Upon completion of such administrative review, the plan will be submitted to the Planning Commission.

5. The Planning Commission will consider the PRC plan in accordance with the standards set forth in Par. 1 above, and will hold a public hearing thereon. In the event the PRC plan is not filed with and included in the processing of the rezoning application, the Planning Commission will hold a public hearing no later than six (6) months from the date the plan has been accepted. Subsequent to the public hearing, the Commission will transmit the PRC plan to the Board with its recommendation to approve, approve with modifications or disapprove.

6. The Board will consider the PRC plan in accordance with the standards set forth in Par. 1 above, and will hold a public hearing. The Board may approve, approve with modifications or disapprove the PRC plan.

7. Once the PRC plan has been approved, all subsequent approvals, uses and structures must be in substantial conformance with the approved PRC plan and any development conditions associated with such approval.

8. Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan when it is determined by the Zoning Administrator that they substantially

conform to the approved rezoning and development plan and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering, and design.

Minor modifications may not:

A. Remove any land from or add any land to the area subject to the rezoning or development plan;

B. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

C. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under Paragraphs 4D and 4K below;

D. Permit a more intensive use than that approved in the proffered conditions, except that places of worship or places of worship with a child care center, nursery school, private school of general or special education, may increase the number of seats, parking spaces, and/or students up to ten (10) percent of the proffered amount, if not expressly prohibited by the rezoning or development plan;

E. Permit uses other than those approved pursuant to the rezoning or development plan except that accessory uses may be permitted;

F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;

G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:

(1) Modifications that reduce proffered yards up to 10% may be considered, provided that they do not adversely impact adjacent property; and

(2) Increases in building height up to 10 feet and increases in percentages of rooftop coverage may be permitted to exempt solar collectors and other innovative energy and environmental technologies.

H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;

I. Expand hours of operation;

J. Expand the area or type of signage approved, although changes to color and typeface may be considered;

K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:

(1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.

(2) One (1) percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet or more.

(3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area approved is 10,000 square feet or less.

(4) The maximum allowable density or FAR in the zoning district, however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR.

Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof, to the last known address, as shown in the real estate assessment files of the Department of Tax Administration.

The notice must be delivered by hand or sent by certified mail, return receipt requested and include the letter of request submitted to the Zoning Administrator with all attachments, a statement that the request has been submitted, and where to call for additional information.

An affidavit from the requester must be sent to the Zoning Administrator affirming: that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and, the Tax Map references for all parcels notified. The Zoning Administrator will not consider any request for an addition that omits this affidavit.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved rezoning or development plan, such modification will require the resubmission and amendment of the development plan in accordance with Sect. 202 above.

9. When the Board approves a minor variation to a proffered condition in accordance with Sect. 18-204, the variation is deemed to apply to any approved development plan or PRC plan and does not require approval of a separate amendment.

10. Any modification to provide an accessibility improvement is permitted without requiring approval of a development plan amendment.

11. Once a PRC plan has been approved, any proposed amendment is subject to Board of Supervisors approval in accordance with the provisions of this section.

12. Preliminary site plans approved prior to December 6, 1994 and preliminary site plans approved pursuant to the grandfather provisions for Zoning Ordinance Amendment #94-263 are deemed to be approved PRC plans. Additionally, PRC plans processed and approved prior to March 27, 2007 are deemed to be approved PRC plans and are valid for three (3) years from the date of approval. However, if a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area will remain valid for the life of the site plan.

16-204 Site Plan/Subdivision Plat Preparation

1. Site plan and/or subdivision plat approval shall be required subsequent to the approval of the rezoning and development plan and a PRC plan, if required under Sect. 203 above. Submission and approval of such site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the approved rezoning and development plan and the PRC plan, if applicable, and in accordance with the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District, and the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance.

2. Minor modifications to the approved development plan or approved PRC plan may be permitted in a site plan or subdivision plat in accordance with Paragraphs 8 and 9 of Sect. 203 above. When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan or approved PRC plan, such modification shall require the resubmission and amendment of the development plan or PRC plan in accordance with the applicable procedures set forth above.

3. No Building Permit shall be issued for any construction which requires site plan approval unless a site plan has been approved for same in accordance with the procedures established in Article 17.

PART 3 16-300 SUBMISSION REQUIREMENTS FOR A PRC DISTRICT

16-301 Comprehensive Plan Amendment

The submission of a proposed amendment to the adopted comprehensive plan of the County to permit a planned residential community as required by Sect. 201 above shall be filed with the Director of the Department of Planning and Development (DPD) in ten (10) copies and shall include the information set forth below. All submission requirements shall become the property of the County. Once established, the submission requirements for any amendment to the adopted planned residential community comprehensive plan initiated by an applicant, other than the Planning Commission or Board, shall be those requirements deemed necessary for a review of such amendment, as determined by the Director of DPD.

1. The current Fairfax County Zoning Map Section Sheets outlining the application area, at a scale of one inch equals five hundred feet (1" = 500') and a listing of the tax map reference numbers.

2. A statement explaining the relationship of the planned residential community to the adopted comprehensive plan of the County.

3. The proposed densities of population and the proposed number of dwelling units in low density, medium density and high density residential areas.

4. The general location and intensity of proposed neighborhood convenience centers, village centers, town centers and convention/conference centers.

5. The general location of proposed major open space and recreation areas, including the nature of proposed recreational facilities and parks.

6. The general location of public or community uses including schools and places of worship.

7. The general location and character of the proposed major roads, public transportation, trails, public utility and storm drainage systems.

8. A statement setting forth the proposed general development schedule.

9. A statement of the public facilities, roadway improvements, and public utilities that will be required to serve the planned residential community.

10. Any additional information as deemed necessary by the Director of DPD.

16-302 Development Plan

In addition to the requirements set forth in Sect. 18-202 that must accompany an application for a rezoning, a development plan, including any resubmissions and supporting graphics, must be filed with the Zoning Administrator in 23 copies and must include the information set forth below. The Planning Commission or Board of Supervisors, in its review of the development plan, may request additional information in order to evaluate the impact of the proposed development on the surrounding area. All maps or plans submitted as part of a development

plan must be presented on a sheet having a maximum size of 24" x 36". If presented on more than one sheet, match lines must clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the development plan and supporting graphics must also be submitted. All submission requirements will become the property of the County.

The sheet size and scale of a development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. In addition, the submission requirements for any amendment to an approved development plan must be those requirements deemed necessary for a review of such amendment, as determined by the Zoning Administrator. Further, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the archaeological survey requirement of Par. 10 below, if it is determined that the requirement is clearly not necessary for the review of the application.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

2. A statement which confirms the ownership or control of the subject property, and the nature of the applicant's interest in the same.

3. A map of the existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

4. A plan at a scale of not less than 1" = 100', showing:

   A. Scale and north arrow, with north, to the extent feasible, oriented to top of the plan and on all supporting graphics.

   B. The general location of all proposed land uses, including neighborhood convenience, village, convention/conference and town centers.

   C. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.

   D. All proposed major open space areas and the approximate location of all proposed community and public facilities.

   E. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished; the delineation of any Resource Protection Area and Resource Management Area, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

   F. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

   G. A schedule showing the approximate number of parking spaces provided and the number required by the provisions of Article 11.

   H. A tabular statement setting forth the maximum number of dwelling units proposed by type, the corresponding population totals based on the computation factors set forth in Sect. 6-308, the maximum density calculation based on the provisions of

Sect. 2-308, and the range of approximate lot sizes for single family detached dwellings.

I. The maximum gross floor area and FAR proposed for all uses other than dwellings.

J. The maximum building height in feet for all structures.

K. The approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

L. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(1) A graphic depicting:

(a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

M. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

5. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

6. A statement of those special amenities that shall be provided within the planned development.

7. A report setting forth the proposed development schedule, indicating the general sequence of development of the various sections.

8. If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures shall be submitted.

9. A statement explaining the relationship of the general sequence of development of the planned residential community to the adopted Capital Improvement Program of the County.

10. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

11. The development plan for the initial establishment of a PRC District shall comply with the above submission requirements except that, at the applicant's option, the following revised provisions may apply:

    A. Par. 4C above may be modified to require the approximate location of the features specified for the traffic circulation plan.

    B. Par. 4H above may be modified to require the approximate number, type and density of dwelling units in the areas designated for residential use.

    C. Par. 4I above may be modified to require the approximate maximum gross floor area and FAR for all uses other than dwellings.

    D. Paragraphs 4G and 4J above shall not be required.

16-303 PRC Plan

A PRC plan must be filed with the Zoning Administrator in 23 copies, and must include the information set forth below. A PRC plan or portion thereof involving engineering, architecture, landscape architecture or land surveying must be respectively certified by an engineer, architect, landscape architect or land surveyor authorized by the State to practice as such. All maps, plans, sketches and illustrations submitted as part of a PRC plan must be presented on a sheet having a size of 24" x 36". If presented on more than one sheet, match lines must clearly indicate where several sheets join. One 8 ½" x 11" reduction of the PRC plan and supporting graphics must also be submitted. The submission requirements for any amendment to an approved PRC plan will be those requirements deemed necessary for a review of such amendment as determined by the Zoning Administrator. All submission requirements will become the property of the County.

1. A plan at a scale of not less than 1" = 100' showing:

    A. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

    B. A boundary survey of the property, with an error of closure within the limit of one (1) in twenty thousand (20,000) related to true meridian, and showing the location and type of boundary evidence. The survey may be related to the U.S.C. & G.S., State grid north, if the coordinates of two (2) adjacent corners are shown. Such information may be obtained from recorded plats in the case of lots and subdivisions recorded subsequent to September 1, 1947.

    C. Total area of the property.

    D. Scale and north arrow.

E. Existing topography with a maximum contour interval of two (2) feet.

F. The general location and arrangement of all existing or proposed buildings and uses on the site and, if known, on adjacent properties.

G. The approximate height in feet of all buildings and number of floors of all buildings other than single family dwellings on the site and, if known, on adjacent properties.

H. The approximate distances of all structures from the development boundaries as shown on the PRC plan and abutting streets.

I. The traffic circulation system showing the location of existing, platted and proposed streets and easements including names and route numbers, the approximate width and typical cross sections including acceleration, deceleration and turn lanes, service drives, entrances to parking areas and parking structures, the location and width of pedestrian walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.

J. The off-street parking and loading areas and structures with typical space and aisle dimensions.

K. The open space areas, identifying the proposed general treatment or improvement of all such areas, delineating those areas proposed for recreational facilities and delineating any Resource Protection Area and Resource Management Area.

L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County.

M. General location and anticipated types of recreational facilities.

N. A plan or statement showing how public utilities are or will be provided. In addition, the approximate location of existing and proposed storm and sanitary sewer lines shall be shown.

O. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(1) A graphic depicting:

(a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the

location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

P. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

Q. Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.

R. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

2. A statement in tabular form which sets forth the following data, when such data is applicable to a given PRC plan:

A. Total number of dwelling units by type to include the corresponding population totals and density type based on the computation factors set forth in Sect. 6-308 and the maximum density provisions of Sect. 2-308.

B. Approximate total gross floor area and FAR for all uses other than dwellings.

C. Approximate total area in open space.

D. A schedule showing the total number of parking and loading spaces provided and the number required by the provisions of Article 11.

3. A map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

4. A statement of the architectural concepts and typical bulk of the proposed structures, and if available, schematic architectural sketches.

5. A statement indicating the landscaping concepts, proposed screening measures and compliance with the tree conservation provisions of the Public Facilities Manual.

6. When the development is to be constructed in sections, a proposed sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

7. Identification of the necessity for floodplain studies, drainage studies, soil reports and for easements and/or letters of permission for off-site construction.

8. Where applicable, any other information as may be required by the provisions of Article 7.

PART 4 16-400 PROCEDURES FOR REVIEW AND APPROVAL OF ALL P DISTRICTS EXCEPT THE PRC DISTRICT

All proposed developments of a P district as permitted under Article 6, except for the PRC District, shall be subject to the following procedures for review and approval.

16-401 Conceptual Development Plan Approval

1. An application for rezoning to a P district other than the PRC District shall include twenty-three (23) copies of a conceptual development plan. A conceptual development plan not filed with the initial submission of the application shall be submitted within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, may be due cause to delay the processing of the application in accordance with Sect. 18-107, and may be due cause to dismiss the application in accordance with the provisions of Sect. 18-209.

2. In addition to the rezoning application requirements presented in Sect. 18-202, the conceptual development plan shall contain the information required by Sect. 501 below, together with such supplementary data for a particular development that may be deemed necessary by the Zoning Administrator.

3. Upon determination by the Zoning Administrator that the content of the conceptual development plan is complete in accordance with the requirements of Sect. 501 below, the plan and the application shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan and application shall be submitted to the Planning Commission.

4. The Planning Commission shall promptly consider the conceptual development plan and the rezoning application in accordance with the applicable zoning district regulations and shall hold a public hearing thereon.

5. Subsequent to the public hearing, the Planning Commission shall transmit the conceptual development plan and application to the Board, together with its recommendations as to approval or disapproval. The Planning Commission transmittal shall contain specific recommendations on the submission requirements set forth in Sect. 501 below.

6. The Board shall consider the conceptual development plan and application for rezoning in accordance with the applicable zoning district regulations and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the conceptual development plan.

7. In approving a conceptual development plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the subject district; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

8. In approving a conceptual development plan, the Board may authorize a modification of the strict application of specific zoning district regulations whenever:

   A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and

   B. Such modification would promote and comply with the standards set forth in Part 1 above

   In no case, however, may the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC, PRM, PTC, and PCC Districts be modified.

9. In the event the Board shall disapprove the rezoning application, the conceptual development plan shall thereby be deemed to be denied.

10. In the event that the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the conceptual development plan.

11. Once a conceptual development plan has been approved, all subsequent approvals, uses and structures must be in substantial conformance with the approved conceptual development plan and any development conditions associated with such approval. Should there be cause for amendment of the conceptual development plan or any portion thereof, such amendment will be processed as a new submission; provided, however, that the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the conceptual development plan amendment application. A conceptual development plan amendment application may cover all or a portion of the property subject to an approved conceptual development plan. In its review of a request that does not cover all of the property subject to an approved conceptual development plan, the Board should consider whether the request would have an adverse impact on the remainder of the property in terms of (a) the approved use, (b) fulfillment of conditions, (c) vehicular and pedestrian circulation, connectivity, landscaping and streetscape, and (d) the approved density or intensity. The portion of the conceptual development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.

12. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

16-402 Final Development Plan Approval

1. The granting of a rezoning application to a P district, and the approval of its accompanying conceptual development plan by the Board, shall constitute authority for the applicant to prepare a final development plan; however, a final development plan may be filed with and included in the processing of the rezoning application and conceptual development plan. All final development plans shall be prepared in accordance with the approved conceptual development plan, any conditions as may have been adopted by the Board, and the provisions of Sect. 502 below.

2. A final development plan may be prepared and submitted for the entire planned development at one time or for sections of the planned development, and each such plan shall be submitted to the Zoning Administrator in twenty-three (23) copies.

3. Upon determination by the Zoning Administrator that the content of the final development plan is complete in accordance with the requirements of Sect. 502 below, the plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan shall be submitted to the Planning Commission.

4. The Planning Commission shall hold a public hearing on the final development plan no later than six (6) months from the date the Zoning Administrator determined that such plan was complete in accordance with the requirements of Sect. 502 below. The Commission shall consider the final development plan in accordance with the approved conceptual development plan, and shall determine if said plan does comply with the applicable zoning district regulations. Upon the determination that the final development plan is in accordance and does comply, the Planning Commission shall approve, or approve with modifications, the final development plan. Such approval shall be deemed to be the final approval, subject only to appeal to the Board as provided for in Par. 9 below.

5. In approving a final development plan, the Planning Commission may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Further, the Planning Commission may recommend to the Board the waiver of any zoning and subdivision requirements otherwise applicable to the development where it is found that such waiver would be in conformance with said standards and regulations.

6. In the event that the Planning Commission finds that the final development plan is not in accordance with the approved conceptual development plan, or does not comply with the applicable zoning district regulations, it shall recommend the disapproval of the final development plan and forward such recommendation to the Board.

7. The Board shall hold a public hearing on the final development plan and shall approve, approve with modifications, or disapprove the final development plan. In approving the final development plan, the Board may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Zoning and subdivision requirements otherwise applicable to the development may be waived by the Board where it finds that such waiver would be in conformance with said standards and regulations.

8. In the event that the Board shall uphold a recommendation of the Planning Commission to disapprove the final development plan, such action shall be cause for the applicant to prepare a revised development plan unless the provisions of Par. 9 below are applied.

9. In the event that an aggrieved party wishes to appeal a Planning Commission decision for approval or approval with modifications of a final development plan, such appeal shall be filed with the Board within ten (10) days after the decision of the Commission. The

appeal shall be by written petition to the Board setting forth the reasons for the appeal. The basis for an appeal shall be that the final development plan is or is not in substantial conformity with the approved conceptual development plan.

10. Once a final development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved final development plan and any development conditions associated with such approval. Should there be cause for amendment of the final development plan, such amendment shall be processed as follows:

    A. Upon a determination by the Zoning Administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed in accordance with the provisions of this Section.

    B. Upon a determination by the Zoning Administrator that the amendment will cause the final development plan to be not in accordance with the approved conceptual development plan, then an amendment to the conceptual development plan shall be required in accordance with the provisions of Par. 11 of Sect. 401 above. The amendment to the final development plan shall also be the subject of review by the Planning Commission in accordance with the provisions of this Section.

    C. The Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the final development plan amendment application.

    D. A final development plan amendment application may be filed on a portion of the property subject to an approved final development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the final development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the final development plan and conditions applicable to the area not incorporated into the amendment application, (c) would not adversely affect the vehicular and pedestrian circulation, connectivity, landscaping and streetscape applicable to the area not incorporated into the amendment application, and (d) would not increase the overall approved density/intensity for the development. The portion of the final development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.

11. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

16-403 Site Plan/Subdivision Plat Preparation, Building Permit, Residential Use Permit and Non-Residential Use Permit

Approval of a final development plan is a prerequisite and constitutes authority for the applicant to prepare a site plan or a subdivision plat. Approval of site plans or subdivision plats and the issuance of Building Permits, Residential and/or Non-Residential Use Permits must be in

substantial conformance with the final development plan, and in accordance with the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, and the following:

1. Separate site plans or subdivision plats must be submitted for each section of the planned development in accordance with the approved final development plan. For development within the PTC District subject to a phasing plan, each site plan or subdivision plat must provide a statement in tabular form indicating the amount of gross floor area, FAR and/or number of dwelling units approved for each specific phase and the overall development subject to the rezoning to the PTC District and must also include the amount of gross floor area, FAR and/or number of dwelling units constructed within each phase and for the overall development as of the date of the submission of the site plan or subdivision plat.

2. Except in the PTC District, when a planned development is to be constructed in sections, the total area of open space provided at any stage of development must bear substantially the same relationship to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.

3. Minor deviations from the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, may be permitted, but only where the deviations are indicated on the approved final development plan.

4. Minor modifications to a final development plan are allowed when the Zoning Administrator determines that they substantially conform to the approved final development plan and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

   Minor modifications may not:

   A. Remove any land from or add any land to the area subject to the proffered conditions;

   B. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

   C. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under Par. 4D and 4K below;

   D. Permit a more intensive use than that approved in the proffered conditions, except that Places of Worship or Places of Worship with a Child Care Center, Nursery School, Private School of General or Special Education, may increase the number of seats, parking spaces, and/or students up to ten (10) percent of the proffered amount, if not expressly prohibited by the proffered conditions;

   E. Permit uses other than those approved pursuant to the final development plan except that accessory uses may be permitted;

F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;

G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:

(1) Modifications that reduce proffered yards up to 10% may be considered, provided that they do not adversely impact adjacent property; and

(2) Increases in building height up to 10 feet and increases in percentages of rooftop coverage may be permitted to exempt solar collectors and other innovative technologies.

H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;

I. Expand hours of operation;

J. Expand the area or type of signage approved, although changes to color and typeface may be considered;

K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:

(1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.

(2) One (1) percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet.

(3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area approved is 10,000 square feet or less.

(4) Exceed the maximum allowable density or FAR in the zoning district, however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR.

Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof, to the last known address, as shown in the real estate assessment files of the Department of Tax Administration.

The notice must be delivered by hand or sent by certified mail, return receipt requested and include the letter of request submitted to the Zoning Administrator

with all attachments, a statement that the request has been submitted, and where to call for additional information.

An affidavit from the requester must be sent to the Zoning Administrator affirming: that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and, the Tax Map references for all parcels notified. The Zoning Administrator will not consider any request for an addition that omits this affidavit.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved final development plan, such modification requires the resubmission and amendment of the final development plan in accordance with Sect. 402 above.

5. When the Board approves a minor variation to a proffered condition in accordance with Section 18-204, the variation is deemed to apply to any approved final development plan or final development plan condition and not require approval of a separate amendment to that plan.

6. Any modification to an approved final development plan to provide an accessibility improvement shall be permitted and not require approval of an amendment to the final development plan.

7. Notwithstanding the above, any alteration to a single family dwelling unit shall be governed by the regulations of that R zoning district which most closely characterizes the given development as determined by the Zoning Administrator. If, however, the desired alteration is not in substantial conformance with the approved final development plan, it will be allowed only after amendment of the final development plan in accordance with the provisions set forth in Sect. 402 above.

16-404 Required Recreational Facilities in PDH, Planned Development Housing, PDC, Planned Development Commercial, PRM, Planned Residential Mixed Use and PTC, Planned Tysons Corner Urban Districts

Required recreational facilities shall include either active recreation facilities such as tennis courts, swimming pools, children playgrounds, tot lots or ballfields, or passive recreation and site amenities such as gazebos, picnic areas, trails and nature walks, but not including landscape plantings, trails identified on the adopted comprehensive plan or sidewalks required by the Public Facilities Manual.

1. For recreational facilities to be constructed on-site by the developer, the facilities shall be shown on the site plan or subdivision/construction plan, as applicable, in substantial conformance with the approved final development plan and the following shall apply, unless otherwise modified by the Board at the time of zoning approval:

   A. For single section developments, or multiple section developments where required recreational facilities are to be provided in the first section of the development, such facilities shall have an executed security package prior to:

      (1) final subdivision plat approval for single family dwelling developments; or

(2) issuance of construction permits for multiple family dwelling developments; single family attached dwelling developments not subject to subdivision approval; or combination single family attached dwellings subject to subdivision approval and multiple family dwelling developments.

B. For multiple section developments where the required recreational facilities are not to be constructed in the first section of the development and the estimated cost of the approved recreational facilities exceeds $50,000, prior to issuance of Building Permits for more than fifty (50) percent of the total number of dwelling units, there shall either be:

(1) an executed security package for the recreational facilities, or

(2) a future construction escrow posted in the amount equivalent to the pro rata share (of the facilities shown on the approved final development plan) for the total number of units for which Building Permits have been issued and are being sought. Upon execution of the security package for the recreational facilities, the construction escrow with interest shall be paid to the developer.

Approved recreational facilities of $50,000 or less shall be constructed or have an executed security package prior to site plan or final subdivision plat approval of the final section.

2. At the time of zoning, the Board may approve the provision of recreational facilities off-site on land in proximity to the proposed development, which land is titled to or is to be dedicated to the County, the Fairfax County Park Authority or on land under the control of an adjacent homeowners' association. The applicant shall submit a written justification for such off-site location and evidence that the future residents of the development shall have the right to use the recreational facilities at such off-site location. The Board may approve such a request upon a determination that it would be infeasible or impractical to provide the required recreational facilities on-site or that the off-site location would better serve the residents of the development.

At the designated off-site location, the applicant, upon Board approval, may either design and construct the recreational facilities or make a cash contribution to the County, the Fairfax County Park Authority or the homeowners' association, which shall be in accordance with the approved per dwelling unit expenditure. Additionally, the following shall apply:

A. If the requirement for the proposed development is to be satisfied off-site on land owned by an adjacent homeowners' association, then a document, subject to County Attorney review and approval, which grants the right of future residents of the proposed development to use such off-site facilities shall be recorded among the Fairfax County land records prior to final subdivision plat approval or site plan approval, as applicable.

B. If the recreational facilities are to be constructed off-site, the applicant shall submit documentation, which shall be subject to County Attorney review and approval, that there will be the right to construct the facilities at the selected off-site location

and that the future residents of the proposed development shall have the right to use such facilities. The timing of such off-site construction shall be proposed by the applicant and approved by the Board at the time of zoning approval.

C. If a cash contribution is to be made, it shall be in accordance with the following:

(1) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made to either the County, the Fairfax County Park Authority or to an adjacent homeowners' association, as applicable, for the expressed purpose of providing additional recreational facilities, and/or renovating or increasing the user capacity of existing facilities. At the time of zoning, the applicant shall have established that the County, the Fairfax County Park Authority or homeowners' association, as applicable, has agreed to and has the right to receive such a cash contribution and, if the cash contribution is to be made to an adjacent homeowners' association, the proposed use of the cash contribution shall be specified.

(2) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made prior to the issuance of a Building Permit for each dwelling unit in the proposed development.

PART 5 16-500 SUBMISSION REQUIREMENTS FOR ALL P DISTRICTS EXCEPT THE PRC DISTRICT

16-501 Conceptual Development Plan

In addition to those requirements set forth in Sect. 18-202 that accompany an application for a rezoning, a conceptual development plan, certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, including any resubmissions and supporting graphics, must be filed with the Zoning Administrator in 23 copies and must include the following information. All maps or plans submitted as part of a conceptual development plan must be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines must clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the conceptual development plan and supporting graphics must also be submitted. All submission requirements become the property of the County. The sheet size and scale of a conceptual development plan may be modified by the Zoning Administrator, based on the nature or size of the application. In addition, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the Phase I Archaeological Survey requirement set forth below, if it is determined that the requirement is clearly not necessary for the review of the application. For a rezoning to the PDH, PDC, PRM, and PCC Districts, Par. 1 applies and for a rezoning to the PTC District, Par. 2 applies.

1. For a rezoning to the PDH, PDC, PRM, and PCC Districts, the following must accompany such application:

   A. A plan, at a scale of not less than 1" = 100', showing:

      (1) A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

      (2) A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.

      (3) Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is air survey or field run.

      (4) Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

      (5) Except for single family detached dwellings, the approximate location and arrangement of all proposed structures and uses to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the angle of bulk plane, if applicable.

      (6) The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.

      (7) All proposed major open space areas and the approximate location of all proposed community and public facilities.

(8) A schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

(9) Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

(10) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan.

(11) A delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

(12) Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

(13) The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

(14) A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

(15) Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

(16) A statement explaining the relationship of the planned development to the adopted comprehensive plan of the County.

(17) A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.

(18) A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.

(19) A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.

(20) A statement or presentation setting forth the maximum number of dwelling units proposed, to include the density calculations based on the provisions of Sect. 2-308, those units obtained by the use of bonus provisions, and a breakdown of the approximate number of units by type and the range of approximate lot sizes for single family detached dwellings.

(21) A statement or presentation of the open space calculations based on the provisions of Sect. 2-309.

(22) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and effectiveness of such measures shall be submitted.

(23) A statement of those special amenities that shall be provided within the planned development.

(24) A statement setting forth the proposed approximate development schedule.

(25) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

B. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

C. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

D. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

E. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

2. For a rezoning to the PTC District, the following must accompany such application:

A. A plan, at a scale of not less than 1" = 100', showing:

(1) A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

(2) A statement that confirms the ownership of the subject property, and the nature of the applicant's interest in same.

(3) Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two (2) feet; except where existing ground is on a slope of less than two (2) percent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

(4) Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

(5) The approximate location and arrangement of all proposed structures and uses, including the proposed build-to lines, the distances of all structures from the development boundaries and streets, the streetscape and landscape treatments to be provided and the maximum height in feet of all structures and penthouses.

(6) The on-site vehicular and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas, parking structures and loading areas, walkways, bicycle paths, and all trails required by the adopted comprehensive plan. Connections with off-site streets and trails that are existing or are required by the adopted comprehensive plan, including the grid of streets and streetscape.

(7) All proposed open space areas and the approximate location of all proposed community and public facilities.

(8) A statement in tabular form showing the number of parking spaces provided and the number required by the provisions of Sect. 6-509.

(9) All proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

(10) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County; the delineation of any Resource Protection Area; the delineation of any environmental quality corridor as defined in the adopted comprehensive plan; and the minimum distance of any existing and proposed structures from the floodplain, Resource Protection Area and/or environmental quality corridor.

(11) A delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

(12) Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

(13) The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

(14) A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

(15) Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

(16) A visual presentation, including plans and sections, of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.

(17) A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.

(18) A statement in tabular form setting forth the maximum gross floor area and FAR proposed for all uses, including the amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

(19) A statement in tabular form setting forth the minimum and maximum number of dwelling units proposed by type, to include the density calculations based on the provisions of Sect. 2-308, those units obtained by the use of bonus provisions, and a breakdown of the approximate number of units by type and the range of approximate lot sizes for single family detached dwellings.

(20) A statement in tabular form of the open space calculations by type, including off-site open space and the area in developed recreational open space in accordance with the adopted comprehensive plan and generally based on the provisions of Sect. 2-309.

(21) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and effectiveness of such measures shall be submitted.

(22) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

B. As part of the statement of justification pursuant to Sect. 18-202, a listing of the proposed special amenities within the planned development and an analysis explaining the relationship of the planned development to the adopted comprehensive plan of the County.

C. Five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

D. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

E. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

F. A statement as to whether any of the development is located within the TOD and/or Non-TOD Districts, and if within the TOD Districts, the delineation of the one eighth (1/8), one quarter (1/4) and one half (1/2) mile distance from the Metro Station entrance, as applicable, as set forth in the adopted comprehensive plan.

G. A phasing plan, if applicable, which identifies each phase and the anticipated order of the proposed development. Such plan shall at a minimum specify for each phase of the development the location and the mix of uses, including interim uses; the streetscape and landscape treatments to be provided; the amount and location of all parking, stacking and loading spaces; the anticipated phasing for construction and a statement as to how each phase of development will provide the necessary infrastructure and on and off-site public improvements, such as parking, grid of streets and public facilities, necessary to achieve the redevelopment option set forth in the adopted comprehensive plan.

H. A parking plan as set forth in Sect. 6-509.

I. A shadow analysis demonstrating how projected shadows from the proposed development will affect adjacent buildings and properties in terms of the loss of received sunlight.

J. Graphics and/or photo simulations that depict the proposed structures as viewed from adjacent sidewalks, streets, properties and other sensitive viewing areas.

K. When an applicant elects to submit a final development plan concurrent with a conceptual development plan for either the entire planned development or for sections of the planned development, the following additional items shall be included on the plan required in Par. 2A, above, or shall accompany the application, as applicable:

(1) Names and route number of boundary streets and the width of existing right(s)-of-way.

(2) The specific location and arrangement of all proposed uses and structures.

(3) The maximum height in feet, to include penthouses, of all buildings, and the estimated number of levels both above and below or partially below finished grade.

(4) The open space areas, to include any off-site open space, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.

(5) A plan or statement showing how public utilities are, or will be, provided.

(6) Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy

of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(a) A graphic depicting:

(i) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(ii) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(iii) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(iv) The approximate location or locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(v) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(vi) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(b) A preliminary stormwater management narrative setting forth the following:

(i) Description of how the detention and best management practice requirements will be met.

(ii) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(iii) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest

upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(iv) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

(7) Detailed building design plans to include architectural sketches and/or elevations of structures; information on the type, location and height of all rooftop structures and features and the percent of roof area covered by such structures; information on building materials and signs.

(8) A statement and graphic depiction of the types, sizes and locations of the urban design amenities to be provided within the PTC District including pedestrian linkages, plazas, courtyards, bicycle trails, outdoor recreation facilities, ponds, fountains, public parks and any seating, lighting or special paving.

(9) Detailed streetscape and landscape plans in accordance with the urban design guidelines set forth and referenced in the adopted comprehensive plan. Additionally, a landscape plan showing the limits of clearing, location and design of all screening measures, if applicable, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

(10) A statement in tabular form that sets forth the amount of gross floor area, FAR and/or number of dwelling units approved for the land area subject to the rezoning to the PTC District and the amount of gross floor area, FAR and/or number of dwelling units constructed as of the date of the submission of the final development plan application, if applicable.

16-502 Final Development Plan

A final development plan prepared in accordance with the approved conceptual development plan and certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State must be filed with the Zoning Administrator in 23 copies, including any resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations submitted as part of a final development plan must be presented on a sheet having a maximum size of 24" x 36". If presented on more than one sheet, match lines must clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the final development plan and supporting graphics must also be submitted. The sheet size and scale of a final development plan may be modified by the Zoning Administrator, based on the nature or size of the application. In addition, upon receipt of a written request with justification, the Zoning Administrator may modify or waive the Phase I Archaeological Survey requirement set forth below, if it is determined that the requirement is clearly not necessary for the review of the application. All submission requirements become the property of the County. Such plan must contain the following information:

1. For a rezoning to the PDH, PDC, PRM and PCC Districts, the following must accompany such application:

   A. A final plan, at a scale of not less than 1" = 100', showing:

      (1) A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

      (2) Bearings and distances of the perimeter property lines.

      (3) Total area of property presented in square feet or acres.

      (4) Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

      (5) Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

      (6) Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two (2) feet; except where existing ground is on a slope of less than two (2) percent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

      (7) The location and arrangement of all proposed uses, including a preliminary subdivision layout, if subdivision is proposed.

      (8) For other than single family dwellings, the maximum height in feet, to include penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.

      (9) The distances of all structures from the development boundaries and streets.

      (10) A graphic depiction of the angle of bulk plane, if applicable.

      (11) The traffic circulation system and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.

      (12) The off-street parking and loading areas and structures.

      (13) The open space areas, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.

(14) A landscape plan showing the limits of clearing, location and design of all screening measures, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

(15) Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.

(16) A plan or statement showing how public utilities are, or will be, provided.

(17) Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(a) A graphic depicting:

(i) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(ii) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(iii) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(iv) The approximate location or locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(v) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(vi) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy

dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(b) A preliminary stormwater management narrative setting forth the following:

(i) Description of how the detention and best management practice requirements will be met.

(ii) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(iii) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(iv) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

(18) The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

(19) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

(20) When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

(21) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated

impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

B. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(1) Total number of dwelling units by type.

(2) Residential density in units per acre.

(3) Total floor area and floor area ratio for each type of use, except residential uses.

(4) Total area in open space.

(5) Total area in developed recreational open space.

(6) Total number of off-street parking and loading spaces provided and the number required by the provisions of Article 11.

(7) Amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

C. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

D. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs.

E. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

F. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

G. When a final development plan is not submitted in conjunction with a conceptual development plan, an affidavit is required, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized,

including a statement indicating whether or not a member of the Board or Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.

H. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

2. For a rezoning to the PTC District, the following must accompany such application:

A. A plan, at a scale of not less than 1" = 100', showing:

(1) A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

(2) Bearings and distances of the perimeter property lines.

(3) Total area of property presented in square feet or acres.

(4) Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

(5) Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

(6) Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two (2) feet; except where existing ground is on a slope of less than two (2) percent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

(7) The specific location and arrangement of all proposed uses and structures

(8) The maximum height in feet, to include penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.

(9) The distances of all structures from the development boundaries and streets.

(10) The on-site vehicular and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas, parking structures and loading areas, walkways, bicycle paths, and all trails required by the adopted comprehensive plan. Connections with off-site streets and trails that are existing or are required by the adopted comprehensive plan, including the grid of streets and streetscape.

(11) The open space areas, to include any off-site open space, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.

(12) Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.

(13) A plan or statement showing how public utilities are, or will be, provided.

(14) Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:

(a) A graphic depicting:

(i) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

(ii) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(iii) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(iv) The approximate location or locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(v) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(vi) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(b) A preliminary stormwater management narrative setting forth the following:

(i) Description of how the detention and best management practice requirements will be met.

(ii) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(iii) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(iv) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

(15) The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

(16) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

(17) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream

of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

B. A final statement in tabular form that sets forth the following data, when such data is applicable to a given development plan:

(1) Total number of dwelling units by type.

(2) Total floor area and floor area ratio for each type of use.

(3) Total area in open space, including off-site open space.

(4) Total area in developed recreational open space.

(5) Total number of off-street parking and loading spaces provided and the number required by the provisions of Sect. 6-509.

(6) Amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

(7) Amount of gross floor area, FAR and/or number of dwelling units approved for the land area subject to the rezoning to the PTC District and the amount of gross floor area, FAR and/or number of dwelling units constructed as of the date of the submission of the final development plan application.

C. Five (5) copies of a map identifying classification of soil types of the application property at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.

D. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

E. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver or modification is sought by the applicant, such shall be specifically noted with the justification for such request.

F. Detailed building design plans to include architectural sketches and/or elevations of structures; information on the type, location and height of all rooftop structures and

features and the percent of roof area covered by such structures; information on building materials and signs.

G. A statement and graphic depiction of the types, sizes and locations of the urban design amenities to be provided within the PTC District including pedestrian linkages, plazas, courtyards, bicycle trails, outdoor recreation facilities, ponds, fountains, public parks and any seating, lighting or special paving.

H. Detailed streetscape and landscape plans in accordance with the urban design guidelines set forth and referenced in the adopted comprehensive plan. Additionally, a landscape plan showing the limits of clearing, location and design of all screening measures, if applicable, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

I. When a final development plan is not submitted in conjunction with a conceptual development plan, an affidavit is required, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the Board or Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

J. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

ARTICLE 17

SITE PLANS

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ARTICLE 17

SITE PLANS

PART 1 17-100 GENERAL REQUIREMENTS

17-101 Purpose and Intent

This Article is to further the purposes of this Ordinance as set forth in Part 2 of Article 1, to assist County administrative officials in the review of certain uses, which uses may also require applications for Building Permits, and to assure compliance with all applicable requirements of this Ordinance, other Chapters of The Code and the Public Facilities Manual.

17-102 Administration

The Director shall be responsible for the administration of this Article and may be assisted by the Zoning Administrator and other County officials.

17-103 Uses Requiring a Site Plan or a Minor Site Plan

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

1. All permitted uses in the R districts.

2. All permitted uses in the C districts.

3. All permitted uses in the I districts.

4. All permitted uses in the P districts.

5. Those special permit uses which are subject to a site plan as set forth in Article 8.

6. Those special exception uses which are subject to a site plan as set forth in Article 9.

Notwithstanding the above, the Director may approve a partial Building Permit prior to site plan or minor site plan approval in accordance with the provisions of the Virginia Uniform Statewide Building Code, provided, however, that such approval shall not guarantee the approval of a site plan or subsequent Building Permits.

17-104 Uses Exempt from a Site Plan or a Minor Site Plan

Unless otherwise required by proffered conditions or development conditions of an approved rezoning, special permit, special exception or variance, the following uses shall not be subject to the requirement for a site plan or a minor site plan. Such uses, however, will still be subject to all other applicable provisions of this Ordinance, the Public Facilities Manual and The Code.

1. Single family detached dwellings and their related accessory uses and structures.

2. Additions to single family attached dwellings and mobile homes, and related accessory uses and structures.

3. Installation of new mobile homes on existing pads within an existing mobile home park.

4. Agriculture.

5. Accessory uses and structures such as statues, flagpoles, fences and walls; additions of ornamental features such as bay windows, chimneys, awnings, canopies or other facade improvements; and accessory storage structures for recycling or waste disposal.

6. In existing open space areas or public parkland, recreational amenities which do not exceed a total of 2500 square feet of disturbed area, such as gazebos, benches and playground equipment; provided however, that this shall not include features such as swimming pools, paved tennis or play courts.

7. Accessory service uses and changes in use to a use which has the same or lesser parking requirement than the previous use.

8. Accessory service uses and changes in use to a use which has a greater parking requirement than the previous use shall require submission and approval of a parking tabulation to demonstrate that the number of existing parking spaces on site meets the minimum off-street parking requirements for all uses. Parking tabulations shall be submitted on forms provided by the Director, certified by an engineer or land surveyor authorized by the State to practice as such and shall include the written consent of the property owner. For condominiums, written consent shall be provided in accordance with the provisions of Sect. 2-518

9. Parking redesignation plans prepared in accordance with the provisions of Article 11.

10. Signs.

11. Home occupation uses in accordance with Part 3 of Article 10.

12. Bus shelters.

13. Public commuter park-and-ride lots which utilize existing off-street parking spaces accessory to another use.

14. Temporary public uses not to exceed 875 square feet of gross floor area for a maximum time period of two (2) continuous years, and quasi-public athletic fields in the C-1 thru C-8 and I-1 thru I-6 Districts as an interim use.

15. Temporary uses and structures such as stands for retail sales of seasonal items and tents for temporary events, for a maximum time period of twenty-one (21) days or less and further provided there is a minimum of thirty (30) days between such temporary uses on a site.

16. Antennas and satellite earth stations; accessory outdoor storage and display; and additions and alterations to existing uses and site modifications which may include, but are not limited to, changes or additions to decks, patios, concrete slabs, vestibules, loading docks, mechanical equipment, storage structures, generators, walkways, landscaping, paving, and light poles/lighting fixtures. All such uses or activities must not:

    A. Exceed 500 square feet of gross floor area or 2500 square feet of disturbed land area as defined in Chapter 104 of The Code;

    B. Exceed 750 square feet of gross floor area or 2500 square feet of disturbed land area as defined in Chapter 104 of The Code for additions and alterations to provide an accessibility improvement;

    C. Exceed the maximum floor area ratio of the district in which located or the maximum floor area ratio permitted by any proffered or development conditions;

    D. Reduce required landscaping, open space, parking, travel aisles or driveways, and transitional screening or barriers; and

    E. Necessitate the installation or relocation of storm sewer, public water or public sewer.

    Any additions or alterations to existing uses that increase the number of required off-street parking spaces requires the submission of a parking tabulation in accordance with Par. 8 above, and any changes to the parking layout requires the submission of a parking redesignation plan in accordance with Par. 9 above.

17-105 Minor Site Plans

1. A minor site plan may be submitted by the property owner or by an agent of the property owner in lieu of a site plan for the uses set forth below, when the Director shall have established that the use will not require the improvements set forth in Part 2 below or that the improvements exist, or that such improvements may be made without a formal site plan or that the improvements are not required in accordance with the Commercial Revitalization District provisions:

    A. Additions to existing buildings or uses when such addition does not exceed 2000 square feet or one-third (1/3) of the gross floor area of existing buildings, whichever is greater.

    B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

    C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 104 above.

D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

2. A minor site plan must be submitted on a form provided by the Director and must be accompanied by a plan depicting the existing and proposed uses and improvements. The required number of copies of the form and plan will be determined by the Director. The Director may provide for the submission of the required form and plan electronically in lieu of prints. Minor site plans are subject to the fees set forth in Sect. 109 below and each plan must be accompanied by a receipt evidencing the payment of all such required fees. Minor site plans must include, when applicable, the following information:

A. Name of applicant/firm and address; relationship of applicant to property owner.

B. Tax map, parcel number, street address and Magisterial District of the site.

C. Name of current and previous property owner; existing and previous use of property.

D. All proffered conditions and all development conditions of an approved rezoning, special permit, special exception or variance.

E. Sufficient information to verify compliance with applicable provisions of the Zoning Ordinance and Public Facilities Manual, such as the zoning district of the property, the existing and proposed floor area ratio of the proposed development and any existing, proposed and required parking and transitional screening.

F. Type, number, date of approval, date of expiration and conditions of any requested/approved modifications or waivers of required improvements on the property.

G. Location of any street lights, trails, walkways, service drives or travel lanes on or adjacent to the property.

H. Delineation of any Resource Protection Area and Resource Management Area, buildable areas on each lot, description of existing/proposed outfall system and how stormwater quality, quantity and detention will be accommodated in accordance with the Public Facilities Manual, Chapter 118 and Chapter 124 of The Code.

I. The location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated or to be dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.

J. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan.

K. Any other such information as may be required by the Director in order to evaluate the plan.

3. The submission of a minor site plan shall not relieve the applicant from any other applicable requirements of any other County agencies, such as the Fire Marshal and the Water Authority.

4. The Director will check the minor site plan for completeness and compliance with such administrative requirements as are established. The Director will ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the minor site plan within 60 days from receipt of a complete submission thereof, except under abnormal circumstances. The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review has been conducted: (a) review the dam break inundation zone map on file with the county for the affected impounding structure; (b) notify the dam owner; and (c) within 10 days forward a request to the Department of Conservation and Recreation (DCR) to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the county of its determination within 45 days of the receipt of the request. Upon receipt of the determination from DCR, the county will complete review of the plan. If the Director has not received a determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the county will complete its review.

5. The provisions of Par. 3 of Sect. 108 below shall apply to minor site plans. In addition to other conditions which the Director may impose as may be necessary to ensure the public interest and the purpose and intent of this Article, the Director may require, as a condition of any approval of a minor site plan, such dedication or construction of improvements, or agreement to dedicate or construct in accordance with Sect. 112 below, as may be necessary to adequately provide for such improvements.

6. If a minor site plan is disapproved, the reasons for such disapproval shall be shown on the plan or in a separate document. The reasons for disapproval shall identify all deficiencies in the plan which cause the disapproval by reference to specific ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

7. Notwithstanding the above, the County Executive, after a recommendation from the Director, may authorize the submission to and approval by the Director of a minor site plan for uses or modifications which are not in accordance with Par. 1 above, upon a determination that the approval will not adversely affect compliance with all other applicable requirements or the provision of any required improvements.

8. Once a minor site plan is approved, any Building Permit, Residential or Non-Residential Use Permit or other permits shall only be issued in accordance with such approved plan. Once the uses or structures approved by such minor site plan are established, the uses and structures shall continue to be subject to the provisions of approval and any modifications or alterations to the site or any additional uses and structures shall only be permitted in accordance with the provisions of this Article.

17-106 Required Information on Site Plans

All site plans must contain a cover sheet as prescribed by the Director and the following information, where applicable, unless the Director determines, based upon written justification submitted with the plan, that the information is unnecessary for a complete review of the site plan. Site plans must also be prepared in accordance with the provisions of the Public Facilities Manual and must be submitted in English measurements, unless otherwise approved by the Director.

1. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be respectively certified by an engineer, architect, landscape architect or land surveyor authorized by the State to practice as such. Site plans or any portion thereof submitted under the County's Plans Examiner Program pursuant to Chapter 117 of The Code, Expedited Land Development Review, shall include a statement which certifies that the plan or portion thereof has been reviewed and recommended for submission by a Designated Plans Examiner.

2. Site plans shall be prepared to a scale of one inch equals fifty feet (1”=50’) or larger and all lettering shall be not less than 1/10” in height. The sheet(s) shall be 24” by 36” and, if prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets adjoin.

3. Location of the site shown on a vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000') and such information as the names and numbers of adjoining streets, streams and bodies of water, railroads, subdivisions and towns or other landmarks sufficient to clearly identify the location of the property.

4. Every site plan shall show the name and address of the owner and developer, the Magisterial District, County, State, north point, date and scale of drawing, number of sheets and tax map reference. In addition, a blank space, three (3) inches wide and five (5) inches high, shall be reserved for the use of the approving authority.

5. A boundary survey of the site, with a maximum permissible error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83 (with appropriate reference frames and necessary velocities)) North Zones. Two (2) adjacent corners or two (2) points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft. = 1200/3937 E+00 meters. Plans may be related to true north or meridian of record for properties located more than 1.24 miles (2.0 kilometers) from one (1) or both of the two (2) nearest VCS 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary. Plans referenced to VCS 83 shall be annotated as follows: “The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary, and horizontal and vertical control survey that ties this boundary to the Fairfax County Survey Monument (insert number and name of monument and show the combined scale (grid factor multiplied by the elevation factor) or NOAA/NGS Survey Monument (insert Parcel Identification Number and designation) with the combined scale factor (grid factor multiplied by the elevation factor).” If using a GPS Static, Virtual or Continuously

Operating Reference System for deriving horizontal and/or vertical control, coordinates must be stated in VCS 83 (with appropriate reference frames and necessary velocities), North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum and so stated in above format.

6. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the site and the place of record of the last instrument in the chain of title.

7. A map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon the County of Fairfax Soils Identification Maps or, if not mapped, based upon soils identified by a professional authorized by the State to provide such information.

8. Horizontal dimensions shown on the site plan shall be shown in feet and decimal fractions of a foot accurate to the closet one-hundredth of a foot (.00). All bearings in degrees, minutes and seconds shall be shown to a minimum accuracy of ten (10) seconds.

9. Existing topography with a maximum contour interval of two (2) foot, except that where existing ground is on a slope of less than two (2) percent, either one (1) foot contour or spot elevations shall be provided where necessary, but no more than fifty (50) feet apart in both directions.

10. Proposed finished grading by contours, supplemented where necessary by spot elevations and in particular at those locations along lot lines where the angle of bulk plane is established.

11. All existing and proposed streets and easements, their names, widths and street route numbers; existing and proposed utilities; watercourses and their names; owners, zoning and present use of all adjoining properties.

12. The proposed location, general use, number of floors, height and the net and gross floor area for each building, to include outside display and storage areas; the proposed floor area ratio; the number, size and type of dwelling units; and the amount of required and provided open space.

13. Location, type, size and height of any fencing and retaining walls.

14. All off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces required by the provisions of Article 11 for each use and the total number of spaces provided.

15. Horizontal location of all proposed trails and vertical location of any trail which is proposed to exceed an eight (8) percent grade.

16. Location of solid waste and recycling storage containers in accordance with Chapter 109.1 of The Code and the Public Facilities Manual. In addition, a solid waste and recycling system plan statement shall be included on the cover sheet of all site plans.

17. The angle of bulk plane for each building and the angle required by the provisions of the zoning district in which located.

18. Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed development of record on adjacent properties.

19. Proposed street light pole locations, including distances from face of pole to face of curb, bracket length and luminaire size (in lumens), in accordance with the Public Facilities Manual.

20. Location and height of all light poles, including parking lot and walkway light poles, illustrations of each style of freestanding lighting fixture that demonstrate that such fixture is either a full cut-off or directionally shielded lighting fixture, as required by Part 9 of Article 14 and a statement by the owner/developer certifying that all outdoor lighting provisions of Part 9 of Article 14 shall be met.

    For outdoor recreation/sports facility playing fields/courts, a sports illumination plan shall be submitted as required by Part 9 of Article 14, and for service stations, service station/mini-marts and vehicle sale, rental and ancillary service establishments, a photometric plan shall be submitted as required by Part 9 of Article 14. For those facilities that had a sports illumination plan or photometric plan approved by the BZA in conjunction with the approval of a special permit or by the Board in conjunction with the approval of a special exception, development plan or proffered rezoning, the approved plan shall be included in the site plan.

21. Any plan incorporating private streets shall contain the statement "privately owned, privately maintained" to advise that the streets will not be maintained by either the State or the County. If the private streets are to be constructed to Virginia Department of Transportation standards, the plan shall contain the following statement: "The private streets in this development are not intended for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Fairfax County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board." Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board. If the private streets are not to be constructed to Virginia Department of Transportation standards, the plan shall contain the following statement: "The private streets in this development do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Fairfax County, and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board."

22. Identification of any grave, object, or structure marking a place of burial on the site and if none, a statement to that effect shall be included on the site plan.

23. Provisions for elements required to provide an accessibility improvement.

24. Land within an adopted Pro Rata Road Reimbursement District shall be so designated, with the pro rata road reimbursement payment calculations for each proposed use and the sum total of payments to be reimbursed.

25. For all sites, a statement by the owner/developer certifying that all wetlands permits required by law shall be obtained prior to commencing land disturbing activities in any areas requiring such permits.

26. The plan shall include all proffered conditions and all development conditions of an approved rezoning, special permit, special exception, or variance and a narrative indicating how these conditions are addressed by the plan.

27. A tree conservation plan that addresses the tree conservation and vegetation preservation requirements of Chapters 104 and 122 of The Code and the policies and requirements of the Public Facilities Manual.

28. A landscape plan as specified in the Public Facilities Manual, drawn to scale, showing existing vegetation to be preserved and any of the following proposed landscape materials required to be installed:

    A. Parking lot landscaping, transitional screening and tree conservation as required by the provisions of Article 13, to include the location, type and height of barriers.

    B. Replacement vegetation in accordance with the policies and requirements of the Public Facilities Manual.

    C. Plantings required by a proffered condition or development condition of an approved rezoning, special permit, special exception or variance.

29. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or to another utility system.

30. Provisions for the adequate disposition of natural and stormwater in accordance with Chapter 124 of The Code and the Public Facilities Manual, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage systems, existing and proposed storm drainage easements, and on-site stormwater detention and water quality control facilities where deemed appropriate and necessary by the Director.

31. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction as required by the Public Facilities Manual.

32. A soils report in accordance with Chapter 107 of The Code and the Public Facilities Manual.

33. Delineation of Resource Protection Areas and Resource Management Areas, buildable areas on each lot, site specific determination of water bodies with perennial flow, and a Water Quality Impact Assessment and required measures in accordance with Chapter 118 of The Code and the Public Facilities Manual.

34. The location of any stream valleys and floodplains.

35. Such additional information as may be required by other County agencies, such as the Fire Marshal and the Water Authority.

36. Any other information as may be required by the provisions of this Ordinance, The Code or the Public Facilities Manual.

37. The location of all existing transmission pipelines and their respective easements in accordance with the Public Facilities Manual.

38. Identification that the development is subject to the Affordable Dwelling Unit Program provisions of Part 8 of Article 2, with the specific lots or dwelling units which are affordable dwelling units designated on the site plan, provided, however, in the case of a multiple family development which is under single ownership and is a rental project, the affordable dwelling units need not be specifically identified, but the number of affordable dwelling units by bedroom count and the number of market rate dwelling units by bedroom count shall be noted on the site plan. For multiple section developments where not all the required affordable dwellings units are to be provided in the first section of the development, the site plan for the first section and all subsequent sections shall contain a notation identifying in which section(s) the affordable dwelling units will be or have been provided and a total of all affordable dwelling units for which such site plan(s) have been approved.

    Additionally, at the time of site plan submission, the owner and/or applicant shall submit an affidavit which shall include:

    A. The names of the owners of each parcel of the sites or portions thereof, as such term is defined in Par. 1 of Sect. 2-802; and

    B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

39. Provisions for common or shared utility easements in accordance with Sect. 15.2-2241(6) of the Code of Virginia and the Public Facilities Manual. In addition, a note shall be included on all plans stating that any future easement or authorization for electric, cable, telephone or gas services to be furnished to the property must comply with the provisions of Sect.15.2-2241(6) of the Code of Virginia.

40. The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan.

17-107 Notice Required

1. Except as qualified below, any person who submits a site plan or site plan revision shall submit written proof of notification to all owners of property wholly or partially within 500 feet of the subject property and at least one homeowners' or civic association within the immediate vicinity, as approved by the Director. Such notice shall include notice to owners of properties wholly or partially within 500 feet of the subject property which lie in an adjoining county or municipality. If there are fewer than twenty-five (25) different owners of property wholly or partially within 500 feet of the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to not less than twenty-five (25) different property owners.

   Notice shall be sent to the last known address of the owner(s) as shown in the current real estate assessment files and shall be sent by certified mail, return receipt requested. Notice to homeowners' or civic associations shall be sent to the address kept on file by the County Office of Public Affairs, or if none is on file, to the registered address kept on file with the State Corporation Commission. All written notice required by this Paragraph shall include the following information:

   A. Tax map reference number and street address.

   B. Plan name.

   C. Site plan number.

   D. Address and telephone number of the County office where the site plan may be reviewed or to which questions may be directed.

   E. Description of the proposed development including the type of use, number of dwelling units, gross floor area and floor area ratio for non-residential uses, area in acres, density for residential uses and the amount of open space provided.

   F. Description of the location of the proposed development including the name of the nearest road, the side of the road on which the project is located, identification of the nearest existing road intersection, and the estimated distance from that intersection.

   G. A statement that the proposed construction may alter storm drainage from the site.

   H. Name, address and telephone number of a representative of the applicant.

   I. A reduction of the plan or plat showing the proposed development at a scale of one inch equals five hundred feet (1" = 500'), or larger on 8 ½" x 11" sheet(s).

   Such notices shall state that: (a) changes and corrections to the site plan may occur prior to approval; (b) any person wishing to comment on the plan should submit comments to the County office identified in the notice; (c) any person wishing to be notified of the approval of the plan should submit a written request to that effect to the County office identified in the notice; and (d) the site plan is subject to approval thirty (30) days after the postmark date of the notice, unless releases are executed by all property owners required to be notified, in which case the plan may be approved sooner

than thirty (30) days after the postmark date. A copy of such notice shall also be sent by the Director to the Board Member in whose district the subject property is located at the time of the plan submission.

No site plan shall be approved within thirty (30) days following the postmark date on the white receipts for the certified mailings, unless releases are executed by all property owners required to be notified, in which case the plan may be approved sooner than thirty (30) days after the postmark date on the white receipts for the certified mailings. The original executed releases shall be submitted to the Director on standard forms available from the Director.

2. In addition, any person who submits a minor site plan, site plan or site plan revision which proposes land disturbing activities within an off-site utility easement shall send a written notice to the owner of the property containing the easement. Such notice shall contain the information required by Paragraphs 1 and 5, and shall also state the nature of the land disturbing activity proposed within the easement. No minor site plan, site plan or site plan revision shall be approved within thirty (30) days of the postmark date on the white receipt for the certified mailing unless a release is executed by the property owners required to receive notice by this paragraph, in which case the plan may be approved sooner than thirty (30) days after the postmark date. The original executed releases shall be submitted to the Director on standard forms available from the Director.

3. In addition to the above, any person who submits a minor site plan, site plan or site plan revision which proposes land disturbing activities within fifty (50) feet of or within a major underground utility easement located on the property shall send a written notice and a copy of the plan to the owner of the major underground utility easement. Such plan and notice shall be sent by certified mail, return receipt requested, postmarked no later than five (5) days after the initial submission of the plan to the Director, to the owner's current registered agent on file with the State Corporation Commission. The notice shall contain the information required by Paragraphs 1 and 5, except that the notice shall state that the plan is subject to approval forty-five (45) days (in lieu of thirty (30) days) after the postmark date of the notice, unless releases are executed by all major underground utility easement owners required to be notified, in which case the plan may be approved sooner than forty-five (45) days after the postmark date. A copy of the notice and plan with the corresponding postmarked white receipt shall be submitted to the Director. No plan subject to this paragraph shall be approved within forty-five (45) days following the postmark date on the white receipt for the certified mailing, unless releases are executed by all major underground utility easement owners required to be notified, in which case the plan may be approved sooner than forty-five (45) days after the postmark date. The original executed releases shall be submitted to the Director on standard forms available from the Director.

4. For site plan revisions, the written notice requirements of this Section need not be met upon a determination by the Director that: the revision is a minor correction or adjustment to a feature shown on the previously approved plan; the revision does not reduce the effectiveness of approved transitional screening, landscaping or open space; and the revision does not permit changes to the bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent properties.

5. Notice as hereinafter provided shall be posted on such site by the Director within forty-four (44) days from receipt of a site plan, and no site plan shall be approved within fourteen (14) days of such posting. The notification shall present the following information:

   A. Notice that a site plan has been submitted for approval.

   B. Address and telephone number of the County office where a copy of the site plan may be reviewed.

   C. Site plan number.

   D. Type of use.

   E. Tax map reference number; street address and/or location of property.

   F. Date submitted.

   G. Date posted.

   H. Date site plan is subject to approval.

17-108 Site Plan Procedure

1. All site plans must be submitted by the property owner, or by an agent of the property owner or by a condominium in accordance with the provisions of Sect 2-518 to the Director. The required number of copies of the site plan will be determined by the Director. The Director may provide for the submission of the plan electronically in lieu of prints. Each site plan must be accompanied by a receipt evidencing the payment of all required fees for processing and approval as set forth in Sect. 109 below.

2. The Director will check the site plan for completeness and compliance with such administrative requirements as are established. The Director will ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the site plan within 60 days from receipt of a complete submission thereof, except under abnormal circumstances. Provided, however, that site plans proposing the development or construction of affordable dwelling units in accordance with Part 8 of Article 2 must be processed within 280 days from the receipt thereof, provided such plan substantially complies with all ordinance requirements when submitted. The calculation of the review period will include only that time the site plan is in for County review, and will not include such time as may be required for revisions or modifications in order to comply with ordinance requirements. The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review has been conducted: (a) review the dam break inundation zone map on file with the county for the affected impounding structure; (b) notify the dam owner; and (c) within 10 days forward a request to the Department of Conservation and Recreation (DCR) to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the county of its determination within 45 days of the receipt of the request. Upon receipt of the determination from DCR, the county will complete review of the plan. If the Director has not received a

determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the county will complete its review.

3. All site plans which are appropriately submitted and conform to standards and requirements set forth in this Article will be approved by the Director after having been reviewed and recommended for approval by the appropriate departments of the County relative to items such as, but not limited to, the following:

   A. Location and design of vehicular and pedestrian access points and proposed road improvements, to include concurrence from the Virginia Department of Transportation.

   B. Location and adequacy of parking areas.

   C. Design of traffic circulation and control within the site and with adjoining properties.

   D. Compliance with all of the applicable requirements of this Ordinance, proffered conditions or development conditions of an approved rezoning, special permit, special exception, or variance.

   E. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.

   F. Compliance with applicable established design criteria, construction standards and specifications for all improvements as set forth in the Public Facilities Manual.

   G. Provision of adequate erosion and sedimentation control measures of both a temporary and permanent nature.

   H. Compliance with Chapter 118 of The Code. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

   I. Adequate analysis and measures to address problem soils where required by Chapter 107 of The Code or the Public Facilities Manual. Review and approval of plans, specifications, and reports by the County, with or without recommendations of the Geotechnical Review Board, shall in no way relieve the developer of the responsibility for the design, construction, and performance of the structures, pavement, and slopes on the project and damage to surrounding properties.

   J. When a mapped dam break inundation zone of a state-regulated impounding structure on file with the county is present on the site, the following requirements must be met:

      (1) If DCR determines that the spillway design flood of an existing impounding structure would change based on the proposed development, the developer must revise the plan of development so it does not alter the spillway design flood standard of the impounding structure or make a payment towards the necessary upgrades to the affected impounding structure. The developer must pay one-half of the estimated construction costs of the upgrade plus

administrative fees not to exceed one percent of the total amount of payment required or $1,000, whichever is less. Payment will be made to the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.19:1 of the *Code of Virginia*.

(2) If the developer does not revise the plan of development, he must submit an engineering study in conformance with the Virginia Dam Safety Act (§ 10.1-604 et seq.) and the Virginia Impounding Structure Regulations (4VAC 50-20) to DCR and the Director to determine the necessary upgrades to the affected impounding structure. The study must include a contract-ready cost estimate for upgrading the impounding structure. The cost estimate does not include maintenance, repairs or upgrades to the impounding structure not made necessary by the proposed subdivision. DCR must verify that the study conforms to state requirements. Following receipt of a study, DCR has 15 days to determine whether the study is complete. DCR must notify the developer of any specific deficiencies that cause the study to be determined to be incomplete. Following a determination that a submission is complete, DCR must notify the developer of its approval or denial within 45 days. Any decision must be communicated in writing and state the reasons for the disapproval.

(3) Following completion of the development, the developer must provide the dam owner and the Director with the information necessary for the dam owner to update the dam break inundation zone map to reflect any new development within the dam break inundation zone.

(4) The above requirements do not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan.

4. If a site plan is disapproved, the reasons for such disapproval shall be shown on the plan or in a separate document. The reasons for disapproval shall identify all deficiencies in the plan which cause the disapproval by reference to specific ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

5. Any approved site plan may be revised, prior to bond or security release, in the same manner as originally approved and in accordance with the Public Facilities Manual. Approval of such revision shall not be deemed to alter the expiration date of the site plan, as established in Sections 110 and 111 below. Following release of the owner's or developer's agreement package provided in accordance with Sect. 112 below, any proposed change shall be subject to the provisions of this Article.

6. Once a site plan is approved, any Building Permit, Residential or Non-Residential Use Permit or other permits shall only be issued in accordance with such approved plan. Once the uses or structures approved by such site plan are established, the uses and structures shall continue to be subject to the provisions of approval and any modifications or alterations to the site or any additional uses and structures shall only be permitted in accordance with the provisions of this Article.

17-109 Fees

Applicable fees, at such times and amounts as stated in Appendix Q of the Code, shall be paid to the County for the examination and approval of site plans, minor site plans, and other required studies and reports, the inspection of all required improvements shown on such plans, and the processing of site plan or minor site plan agreements.

17-110 Site Plan and Minor Site Plan Approval

1. In accordance with Sect. 15.2-2261 of the Code of Virginia, approved site plans valid as of January 1, 1992 or site plans and minor site plans approved thereafter shall be valid for a period of five (5) years from the date of approval or for such longer period as the Director may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed approved when the only requirement remaining to be satisfied in order to obtain a Building Permit is the execution of any agreements and posting of any securities and escrows. A minor site plan shall be deemed to be approved on the date of such approval by the Director. Thereafter, when a Building Permit has been obtained for construction in accordance with an approved site plan or minor site plan, such plan approval, or part thereof for which a Building Permit has been obtained, shall be extended beyond the period of five (5) years or such longer period as the Director may have approved for the life of the Building Permit.

   While the site plan or minor site plan remains valid in accordance with this paragraph, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of such plan shall adversely affect the right of the developer or successor in interest to commence and complete the approved development in accordance with the lawful terms of the plan, unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare. Nothing contained in this paragraph shall be construed to affect the application to individual parcels of land subject to final site plans or minor site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act, the federal Clean Water Act, Sect. 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

2. Residential site plans approved prior to 12:01 AM, June 18, 1991, for which a Building Permit for a residential structure shown on the approved site plan has been issued and such structure is built pursuant to such Building Permit, shall remain valid until completion of all structures shown on such site plan, provided that:

   A. Such site plan is also an approved construction plan under the Subdivision Ordinance and such construction plan included the required information for a site plan, as set forth in Sect. 106 above, to include location of all structures and minimum yards;

   B. Bonded improvements shown on the approved construction plan either have been built or are subject to a valid improvement bond;

C. The approval of the construction plan is followed by the recordation of a final subdivision plat within the specified time frames set forth in the Subdivision Ordinance; and

D. Completion of construction of the recorded subdivision is diligently pursued.

3. The provisions of Par. 1 above shall not apply to approved minor site plans for those temporary uses as permitted by Par. 1B of Sect. 105 above.

17-111 Site Plan and Minor Site Plan Extensions

The approval of a site plan or a minor site plan, except for temporary uses as set forth in Par. 1B of Sect. 105 above, approved pursuant to Par. 1 of Sect. 110 above may be extended by the Director for one or more periods, as the Director may at the time the extension is granted determine to be reasonable, taking into consideration the size and phasing of the proposed development and the provisions of this Section.

A request for an extension shall be filed in writing with the Director within forty-five (45) days prior to the expiration date of the approved site plan or minor site plan. Failure to apply for an extension prior to the expiration date shall cause the site plan or minor site plan approval to expire without notice on the expiration date. If the request is timely filed, the plan shall remain valid until the request for an extension is acted upon by the Director; provided, however, that after the initial plan or extension expiration date, no Building Permit shall be approved until the request for an extension of plan approval is acted upon by the Director.

The Director may approve an extension request upon a determination that:

1. The bonded improvements shown on the approved plan either have been built or are subject to a current agreement or extension thereto; and

2. The approved plan complies with all current provisions of the Zoning Ordinance, Public Facilities Manual, Subdivision Ordinance or other applicable ordinances; unless the Board specifically provided that an amendment adopted subsequent to the approval of the site plan or minor site plan is not applicable to site plan or minor site plan extensions.

17-112 Agreements and Security

1. Except as provided below, prior to the issuance of a construction permit for clearing and grading or for the installation of the physical improvements and facilities shown on an approved site plan or minor site plan, there shall be executed by the owner or developer and submitted with the application for a construction permit an agreement to construct such physical improvements as are shown on such approved plan. Such agreement shall be accompanied by a fee in accordance with Sect. 109 above and a security package acceptable to the County in the amount of the estimated cost of those physical improvements which (a) are located within public rights-of-way or easements and the construction of which is not otherwise secured in its entirety with the Virginia Department of Transportation or (b) are for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes and for storm water management facilities or (c) are required by a proffered condition in accordance with the provisions of Par. 8 of Sect. 18-204 or required to be bonded by a development condition of an approved special permit, special exception or variance in accordance

with the provisions of Sections 8-007, 9-007 and 18-405, respectively. The submission of agreements and security packages for such plans for which approvals are conditions of record plat approvals shall be required pursuant to Chapter 101 of The Code, The Subdivision Ordinance.

2. The aforesaid agreement and security package shall be provided for guaranteeing completion of all work covered thereby within the time to be approved by the Director, which time may be extended by the Board upon payment of the extension fee and written application by the owner or developer, signed by all parties, including the sureties, to the original agreement.

3. The adequacy, conditions and acceptability of any security package hereunder shall be determined by the Board or any official of the County as may be designated by resolution of the Board.

4. In any case where any such official has rejected an agreement or security package, the owner or developer shall have the right to appeal such determination to the Board, provided the owner or developer has paid to the County the required fee for the examination and approval of the site plan or minor site plan and inspection of all required improvements shown on such plans.

5. Periodic partial and final release of any security shall be in accordance with the provisions of Part 8 of Article 2 and the Public Facilities Manual.

6. For the purposes of this Section, an owner of a condominium shall include, a declarant, unit owners ' association or unit owner, as provided for in Sect. 2-518.

PART 2 17-200 REQUIRED IMPROVEMENTS

17-201 Improvements to Be Provided

In furtherance of the purposes of this Ordinance and to assure the public safety and general welfare and except as provided for in the Commercial Revitalization District provisions, no site plan or minor site plan shall be approved unless the Director is assured that the following improvements either exist or will be made or the Director has established that the requirement for the improvements may be modified or waived, based on information provided by the applicant, and a determination by the Director that such improvements are unnecessary, and such modification or waiver will not adversely affect other required improvements and compliance with all other applicable requirements. The Director may attach conditions to any such modification or waiver to assure that the results of the modification or waiver will be in accordance with the purpose and intent of this Part:

1. Construction of pedestrian walkways so that occupants/patrons may walk on the same from building to building or store to store within the site and to adjacent sites. Wherever possible, connection shall be made to walkways in adjacent developments.

2. Construction of trails or walkways in accordance with the general location shown on the adopted comprehensive plan together with such other connecting trails or walkways within the limits of the site plan. When such trails or walkways are to be constructed, fee title or easements shall be conveyed to the Board, Fairfax County Park Authority or Northern Virginia Regional Park Authority. The final location and design of trails or walkways are to be determined by the Director after review by the Fairfax County Department of Planning and Development and/or the Fairfax County Park Authority and/or the Northern Virginia Regional Park Authority.

3. Construction of vehicular travel lanes, service drives, driveways or other access connections, which will permit vehicular travel on the site and to and from adjacent properties in accordance with the following:

   A. Adjacent to any primary highway, and generally parallel thereto, a service drive shall be constructed, and wherever possible, it shall connect with a service drive on adjacent properties. Such service drive shall be designed to be dedicated to the Virginia Department of Transportation, shall be dedicated for public use as a public road and the underlying land shall be conveyed to the Board of Supervisors.

   B. Adjacent to any minor arterial or collector street, a travel lane not less than twenty-two (22) feet in width shall be constructed to afford access to adjoining properties.

   C. Notwithstanding Paragraphs A and B above, service drives shall not be required adjacent to any street designated as a Virginia by-way by the Commonwealth of Virginia Transportation Board or adjacent to the Dulles Toll Road (Route 267). In addition, the service drive requirement may be waived by the Board in conjunction with proffered condition, development plan or special exception approval when it can be demonstrated that the provisions of Paragraphs D(1) and

D(2) or Paragraphs D(1) and D(3) below can be satisfied.

D. The Director may waive the requirement for constructing a travel lane as is set forth in Par. B above when:

(1) There is no existing or proposed vehicular travel lane abutting the subject property on either side, and

(2) The adjoining property(s) is used or zoned for single family detached dwellings, or

(3) The adjoining property(s) is occupied by a given use, which by its nature would suggest that there will be a limited desire for travel between such use and the one proposed.

4. Dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan or as may be required by the Director for a specified purpose; however, proposed roads shown on the adopted comprehensive plan as freeways or expressways need not be constructed. In addition, dedication and construction of sufficient vehicular and pedestrian access shall be required to provide for safe and convenient ingress and egress.

5. Construction of curb and gutter around all medians that separate travel lanes and service drives from existing streets and which separate off-street parking areas from streets, service drives, and travel lanes; however, the Director may waive the construction of an inside curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without such curb and gutter.

6. Dedication of easements or rights-of-way for all facilities to be publicly maintained. Such easement or right-of-way shall be clearly defined for the purposes intended.

7. Installation of adequate signs along travel lanes or service drives to prohibit parking on same. Such signs must be located on each curbed side, no more than fifty (50) feet apart.

8. Installation of an adequate drainage system for the disposition of storm and natural water in accordance with the provisions of Chapter 124 of The Code and the Public Facilities Manual. Appeals of decisions made pursuant to Chapter 124 of The Code which are appealable shall be processed in accordance with Article 7 of Chapter 124.

9. Installation of adequate temporary and permanent erosion and sedimentation control measures in accordance with the provisions of Chapter 104 of The Code and the Public Facilities Manual.

10. All utilities provided by the developer shall be installed underground in accordance with adopted County standards and Chapter 63 of The Code. All other utilities shall be installed underground in accordance with standards of utility practice for underground construction, which such standards and any amendments thereto shall be furnished to the

County by the utility company, and in accordance with standards furnished to and regulations issued by the applicable regulatory authority; provided, however, that:

A. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

B. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

C. Temporary overhead facilities required for construction purposes shall be permitted;

D. It shall not be required that utilities to be installed by someone other than the developer or his contractor be shown on plats, plans or profiles, as a prerequisite to the approval of such plats, plans or profiles.

11. Vegetation removal and replacement in conformance with the requirements of Par. 9 above and the policies and requirements of the Public Facilities Manual.

12. All other improvements required by the provisions of this Ordinance and proffered conditions to include but not to be limited to off-street parking and loading facilities, driveways and private streets as required by Article 11, and landscaping and screening as required by Article 13.

13. All other improvements as are required by the provisions of other ordinances of the County or as may be required by the Virginia Department of Transportation.

14. Installation of street lights in accordance with the provisions of the Public Facilities Manual.

17-202 Construction Standards, Inspection, and Supervision

1. Unless otherwise specifically provided in this Ordinance, the construction standards for all on-site and off-site improvements required by this Part shall conform to the provisions of the Public Facilities Manual. The Director shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.

2. Inspections during the installation of the required on-site and off-site improvements shall be made by the Director as required to certify compliance with the approved site plan and applicable County standards.

3. The owner shall notify the Director in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan. The submission of cut-sheets shall serve to accomplish the purpose of this requirement.

4. The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with

one set of approved plans, profiles and specifications available at the site at all times when work is being performed.

5. The installation of improvements as required in this Part shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

PART 3 17-300 AS-BUILT SITE PLANS

17-301 General Provisions

1. Upon satisfactory completion, four (4) copies of an as-built site plan and the corresponding filing fee as provided for in Sect. 109 above, shall be submitted to the Director for review and approval for conformance with the approved site plan. Such plan shall be prepared in accordance with the provisions set forth in the Public Facilities Manual.

2. As-built site plans may be submitted and approved for any appropriately completed part of the total area of an approved site plan, with such part to be known as a section.

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ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

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ARTICLE 18

ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

PART 1 18-100 ADMINISTRATION

18-101 Enforcement of Ordinance

1. Unless otherwise specifically qualified, the provisions of this Ordinance shall be enforced by the Zoning Administrator, who shall serve at the pleasure of the Board of Supervisors.

2. In the administration of the provisions of this Ordinance, the Zoning Administrator may be assisted by the following officers, departments, committees, agencies and boards:

   A. Land Development Services and the Department of Code Compliance.

   B. The boards, commissions, and committees as established in Article 19 or others as may be created by the Board.

   C. Such additional officers, departments, agencies, committees, and boards of the County, State and Federal governments as shall be specified and referred to under the various Sections of this Ordinance.

3. The Zoning Administrator shall have all necessary authority on behalf of the Board to administer and enforce the provisions of this Ordinance. Such authority shall include the ability to make findings of fact, and conclusions of law with the concurrence of the Office of the County Attorney, in connection with determination of rights regarding nonconforming uses, and further, the ability to order, in writing, the remedy of any condition found in violation of this Ordinance and the ability to bring legal action to insure compliance with the provisions, including injunction, abatement, or other appropriate action or proceeding.

18-102 Duties of the Zoning Administrator

In the administration of the provisions of this Ordinance, the Zoning Administrator shall have the following specific duties and responsibilities:

1. The receipt, review for completeness and substantial compliance, official acceptance, and maintenance of current and permanent files and records for the following:

   A. Proposed and adopted amendments to the Zoning Ordinance, to include the Zoning Map.

   B. Applications for special permits and temporary special permits.

   C. Applications for special exceptions.

   D. Appeals of a decision or interpretation.

E. Applications for a variance.

F. Generalized development plans, conceptual development plans and final development plans and amendments thereto.

G. Applications for Building Permits, Residential and/or Non-Residential Use Permits.

H. All other applications required by this Ordinance unless otherwise qualified by specific provisions.

2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

3. Make an annual report to the Planning Commission on the status and effectiveness of the Zoning Ordinance, to include a listing of suggested amendments thereto.

4. Prepare and have available in book, pamphlet and/or map form annually:

A. The compiled text of the Zoning Ordinance and all amendments adopted through the preceding year, and

B. A zoning map or maps, showing the zoning districts, divisions and classifications in effect during the preceding year.

5. Ensure that there is a supply of copies for public distribution of the zoning map(s), the compiled text of the Zoning Ordinance, and the rules of the BZA and Planning Commission.

6. Make a determination in the case of an alleged conflict between the requirements of this Ordinance and the specifics of a proffered condition accepted by the Board of Supervisors pursuant of Sect. 15.2-2303 of Va. Code Ann. prior to the effective date of this Ordinance. If the Zoning Administrator determines that a conflict exists, the specifics of the proffered condition shall govern; if there is no conflict, the requirements of this Ordinance shall govern. Any such determination shall be appealable as provided for in Par. 10 of Sect. 204 below.

7. Perform such other duties and functions as are required by the provisions of this Ordinance.

18-103 Questions of Interpretation

The Zoning Administrator shall administer and interpret the Zoning Ordinance. Every question involving the interpretation of any provision of this Ordinance shall be presented to the Zoning Administrator for decision. An appeal of any decision of the Zoning Administrator may be taken to the BZA as provided for in Part 3 of this Article, except an appeal of a decision which relates to a proffered condition shall be taken to the Board as provided for in Par. 10 of Sect. 204 below.

18-104 Forms for Appeals and Applications

All appeals and applications as provided for in this Ordinance shall be submitted in writing on forms prescribed by the responsible official, body or committee and approved by the County Executive. Each appeal or application shall contain that specific information as may be required by the various provisions of this Ordinance.

18-105 Filing of Applications

Every application required under the provisions of this Ordinance shall be filed with the Zoning Administrator. No application shall be accepted unless it is in accordance with the applicable provisions of this Ordinance and no application shall be officially on file with the County unless and until the application and all required accompanying submissions, with the exception of a development plan, conceptual development plan or generalized development plan, as otherwise provided for in this Ordinance, are submitted to and accepted by the Zoning Administrator. Upon acceptance, an application shall be transmitted to the officer, body or agency having jurisdiction to act on the same, and such official shall promptly notify the Zoning Administrator of the action taken on the application.

18-106 Application and Zoning Compliance Letter Fees

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters must be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee is required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees must be made payable to the County of Fairfax. Receipts therefore will be issued in duplicate, one copy of which receipt will be maintained on file with the Department of Planning and Development.

1. Application for a variance, appeal, special permit or special exception:

   Application for a variance

   - Increase in maximum fence and/or wall height in residential districts — $435
   - Increase in maximum fence and/or wall height in non-residential districts — $2500
   - Residential minimum yard variance; modification of location regulations or use limitations for residential accessory structures or uses; modification of grade or increase in building height for single family detached dwellings — $910
   - All other variances — $8180

   Appeal under Sections 18-204 and 18-301 — $600

   Application for a:

   Group 1 special permit — $16375

Group 2 special permit	$16375
Group 3 special permit	
• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	$11025
• Home child care facilities	$435
• All other uses	$1100
Group 4 special permit	$4085
Group 5 special permit	$16375
Group 6 special permit	
• Riding and boarding stables	$8180
• All other uses	$16375
Group 7 special permit	$16375
Group 8 special permit	
• Temporary portable storage containers approved by the Zoning Administrator	$0
• All other uses approved by the Zoning Administrator	$205
• Temporary portable storage containers approved by the BZA	$0
• Community gardens approved by the BZA	$435
• Farmers markets and community gardens biennial renewal	$50
• All other uses approved by the BZA	$16375
Group 9 special permit	
• Accessory dwelling unit; modification to the limitations on the keeping of animals	$435
• Increase in fence and/or wall height in any front yard on a single family dwelling lot	$435
• Increase in fence and/or wall height in any front yard on all other uses	$2500
• Modification to minimum yard requirements for R-C lots	$185
• Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum	$910

required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers on a single residential lot; modification of grade for single family detached dwellings; increase in the percentage of minimum required rear yard coverage for single family detached dwellings	
• Reduction of certain yard requirements on all other uses	$8180
• All other uses	$16375
Application for a:	
Category 1 special exception	$16375
Note: Category 1 uses that are standard process projects under Sect. 15.2-2316.3 of the Code of Virginia are subject to Par. 15 below.	
Category 2 special exception	$16375
Category 3 special exception	
• Adult day care centers, child care centers, nursery schools and private schools with an enrollment of less than 100 persons daily; churches, chapels, temples, synagogues and other such places of worship with an adult day care center, child care center, nursery school or private school which has an enrollment of less than 100 persons daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction	$1100
• Home child care facilities	$435
• Churches, chapels, temples, synagogues and other such places of worship with an adult day care center, child care center, nursery school or private school which has an enrollment of 100 or more persons daily	$11025
• All other uses	$16375
Category 4 special exception	$16375
Category 5 special exception	
• Bed and Breakfast	$8180
• All other uses	$16375
Category 6 special exception	
• Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty	$0
• Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single	$910

family detached dwellings	
• Expansion of an existing or establishment of a new farm winery, limited brewery, or limited distillery in an R-C District for any agricultural building or structure that does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	$1000
• Expansion of an existing or establishment of a new farm winery, limited brewery, or limited distillery in an R-C District with no construction of buildings or structures over 400 square feet in gross floor area or no land disturbance over 2,500 square feet; or modification of the number of attendees, frequency and/or duration of events or activities at a farm winery, limited brewery or limited distillery in the R-A, R-P, R-C, R-E and R-1 District	$4090
• Modification of shape factor limitations; waiver of minimum lot width requirements in a residential district; expansion of an existing or establishment of a new farm winery, limited brewery, or limited distillery in an R-C District with construction of buildings or structures over 400 square feet in gross floor area or land disturbance over 2,500 square feet	$8180
• All other uses	$16375

Extensions and amendments of the above application types:

• Extension of time for a special permit or special exception pursuant to Sections 8-012 and 9-012	1/8 of prevailing fee
• Amendment to a pending application for a special permit, variance or special exception	1/10 of prevailing fee
• Amendment to a previously approved and currently valid special permit limited to a change in permittee	$500 or 1/2 of prevailing fee, whichever is less
• Amendment to a previously approved and currently valid special permit, variance or special exception with new construction	Prevailing fee for new application
• Amendment to a previously approved and currently valid special permit, variance or special exception with no new construction	1/2 of prevailing fee

Note: Additional fees may be required for certain special permit and special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit or special exception application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the

highest of the fee required for the individual uses. This shall also apply to an application for two (2) or more special exceptions or two (2) or more variances or a combination of two (2) or more special permits and/or variances filed by one applicant on the same lot.

The fee for an amendment to a pending application for a special permit, variance, or special exception is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.

2. Application for an amendment to the Zoning Map:

District Requested	**Filing Fee**
All R Districts	$27280 plus $570 per acre
All C, I and Overlay Districts	$27280 plus $910 per acre
PRC District	$27280 plus $910 per acre
• Application with concurrent filing of a PRC plan	$27280 plus $1345 per acre
• PRC plan	$13640 plus $435 per acre
• PRC plan concurrent with filing of a special permit and/or special exception	$16375 plus $435 per acre
PDH, PDC, PRM, PTC and PCC Districts	
• Application with conceptual development plan	$27280 plus $910 per acre
• Application with concurrent filing of conceptual and final development plans	$27280 plus $1345 per acre
• Final development plan	$13640 plus $435 per acre
Amendments to the above application types:	
• Amendment to a pending application for an amendment to the Zoning Map in all Districts	$4545 plus applicable per acre fee for acreage affected by the amendment
• Amendment to a pending application for a final development plan or development plan amendment or PRC plan	$4130
• Amendments to a previously approved proffered	

condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:

○ Increase in fence and/or wall height on a single family lot; or	$435
○ A reduction of certain yard requirements on a single family lot; or	$910
○ Increase in coverage limitation for minimum required rear yards; or	$910
○ Increase in fence and/or wall height on all other uses; or	$2500
○ A reduction of certain yard requirements on all other uses; or	$8180
○ The addition of or modification to an independent living facility for low income tenants.	$1100

• Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with new construction	1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment
• Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with no new construction	1/2 of prevailing fee

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.

3. Comprehensive sign plan: $8260

   Amendment to a comprehensive sign plan: $4130

4. Refund of fees for withdrawal of applications shall be in accordance with the provisions of Sections 112, 208 and 308. There shall be no refund of fees for applications that have been dismissed in accordance with the provisions of Sections 113 and 209.

5. Fees for food trucks, small cell facilities, home occupations, short-term lodging and site plans as specified in Articles 2, 10, and 17, respectively.

6. Zoning compliance letter:

   Single family: $ 115 for each lot requested
   All other uses: $320 for each lot requested

7. Modification to the Affordable Dwelling Unit Program: $2755

8. Non-Residential Use Permit: $70

9. Interpretation of approved zoning application or minor variation to proffered conditions: $520

10. Public hearing deferrals after public notice has been given under Sect. 110 above and which are related solely to affidavit errors:

    Planning Commission: $260 plus cost of actual advertising, not to exceed $1000
    Board of Supervisors: $260 plus cost of actual advertising, not to exceed $1000

11. Temporary Family Health Care Structure: $100

12. Reviews required to comply with Sect. 15.2-2232 of the Code of Virginia, as provided for in this Ordinance:

    2232 Review with public hearing: $1500
    2232 Feature Shown without public hearing: $750
    2232 Review with other rezoning, special permit or special exception: $0
    2232 Feature Shown for Distributed Antenna Systems (DAS): $750

    Note: For purposes of computing fees for DAS, there will be a $750 fee for the first node, a $100 fee for each node thereafter, and a maximum of 20 nodes per single application**.**

    For public facilities requiring review under Sect. 15.2-2232 that are also subject to Sect. 15.2-2316.4:1 of the Code of Virginia, only Par. 15 below applies.

13. Reviews required to determine compliance with Sect. 6409 of the Spectrum Act: $500

14. Sign Permits and Administrative Comprehensive Sign Plans: $95

15. Reviews required to comply with Sect. 15.2-2316.4:1 of the Code of Virginia, as provided for in this Ordinance, and Sect. 15.2-2232 of the Code of Virginia:

    Administrative Review-Eligible Project: $500
    Standard Process Project: $6200

18-107 Processing of Applications

1. Except as qualified by Par. 2 below, all applications and appeals shall, in general, be scheduled and considered in the order in which they are accepted, except that the public hearing date for an application or appeal may be changed by an order of the respective hearing body for a good cause shown. The clerks of the respective hearing bodies shall keep a calendar of cases to be heard in their proper priority.

2. All applications for an amendment to the Zoning Map shall, in general, be scheduled and considered in the order in which the required development plan is submitted. All applications shall be heard and a decision made within twelve (12) months from the date of acceptance of the application, unless:

   A. The application is the subject of an amendment involving a change in the zoning district requested, a change in the land area or other substantial revision, in which case the application shall be subject to the provisions of Sect. 207 below;

   B. The required development plan is not submitted within sixty (60) days of the acceptance of the application, in which case, there shall be a revised acceptance date for the application. The revised acceptance date shall be the date of the initial acceptance of the application plus the number of days that the development plan was submitted subsequent to the sixty (60) day deadline, and hearing and decision on the application shall be within twelve (12) months from that revised acceptance date;

   C. An extended period is mutually agreed to by the applicant and the Board; or

   D. The applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

18-108 Limitation on Rehearing

1. With the exception of an application for an amendment to the Zoning Map, which is regulated by the provisions of Sect. 211 below, if an appeal or application is denied or dismissed by the approving body, no new appeal or application concerning any or all of the same property for the same general use as appealed or applied for originally shall be heard by said approving body for a period less than twelve (12) months from the date of action by the approving body on the original appeal or application unless otherwise waived by the approving body.

   Unless otherwise waived by the Board, a special permit application for a church, chapel, temple, synagogue or other such place of worship with a child care center, nursery school or private school of general or special education which is withdrawn by the applicant after commencement of the public hearing before the BZA, or which has been denied, dismissed or approved by the BZA may not be heard by the Board as a special exception for any or all of the same property for the same general use within twelve (12) months of the date of withdrawal, denial, dismissal or approval. Further, unless otherwise waived by the Board, a special exception application for this use which has been withdrawn by the applicant after commencement of the public hearing before the Planning Commission, or which has been denied, dismissed or approved by the Board may not be heard by the BZA as a special permit for any or all of the same property for

the same general use within twelve (12) months of the date of withdrawal, denial, dismissal or approval.

2. If an application is withdrawn prior to commencement of the public hearing before the BZA or Planning Commission, there shall be no limitation on a rehearing. If an application is withdrawn after commencement of the public hearing before the BZA or Planning Commission, the limitation on rehearing as set forth in Par. 1 above shall apply.

18-109 Conduct of Public Hearings

All public hearings as required by this Ordinance, whether they be conducted by an authorized committee, the Board, the BZA or the Planning Commission, shall be conducted in accordance with the following provisions:

1. No public hearing shall be held unless the required notice for same has been satisfied in accordance with the provisions of Sect. 110 below.

2. All hearings shall be open to the public. Any person may appear and testify at such hearing, either in person or by an authorized agent or attorney.

3. The hearing body shall by general rule prescribe procedures for the conduct of hearings.

4. The Chairman, upon a vote of the majority of members, may continue or defer a hearing.

   If a hearing has been opened and public testimony has been received and there is cause for continuation of the hearing, no formal notice as required by Sect. 110 below shall be required if the hearing is continued to a date certain.

   If a hearing is concluded, but action is deferred until a future date, no formal notice as set forth in Sect. 110 below shall be required prior to action being taken.

   If a hearing has not been opened, and there is cause for deferral of the hearing, written notice to adjacent property owners as required by Par. 4 of Sect. 110 below shall be remailed, except such notice shall be mailed not less than five (5) days in advance of the public hearing. If such notice is sent by the hearing body, it may be sent by first class mail, provided that a representative of the hearing body makes affidavit that the mailing has been made and files the affidavit with the application.

5. Where deemed necessary, it shall be in order to conduct joint public hearings after public notice as set forth in Sect. 110 below. If such joint hearing is held, then public notice need be given by only one (1) hearing body, which shall be the Board in those instances where it is one of the hearing bodies.

6. An action may be reconsidered only upon motion of a member voting with the prevailing side on the original vote. A motion to reconsider must be made at the same or immediately subsequent regular meeting and may be seconded by any member except that the BZA may not entertain a motion for reconsideration.

18-110 Required Notice for Public Hearings

No public hearing as required by the provisions of this Ordinance shall be held unless documented evidence can be presented that the following notice requirements have been satisfied.

The subject of the public hearing need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and shall contain a reference to the place or places within the County where copies of the subject of public hearing may be examined.

1. Publication: Public notice of any hearing held shall be published once a week for two (2) successive weeks in a local newspaper having general circulation in the County. Such notice shall be published not less than six (6) days nor more than twenty-one (21) days before the date of the hearing, and there shall be a minimum of six (6) days between the first and second publication. The notice shall specify the time and place of the hearing and the nature of the matter before the hearing body. For zoning map amendments, such notice shall also include the information required by Sect. 15.2-2285 of the Code of Virginia. In addition, any amendment which imposes or increases levies or fees shall provide the information as may be required by Sect. 15.2-107 of the Code of Virginia. The public notice shall be the responsibility of the hearing body.

2. Written Notice to Applicant/Appellant: For an application for amendment to the Zoning Map, PRC plan, final development plan, special exception, special permit, variance, or appeal as set forth in Part 3 of this Article, the hearing body shall send written notice of the public hearing to the applicant/appellant. Such written notice shall be sent by either first class or certified mail postmarked a minimum of twenty (20) days before the day of the hearing.

3. Posting:

   A. The Zoning Administrator shall, at least fifteen (15) days before the date of the first hearing, post on the land or building involved in any application or appeal as provided for in Part 3 of this Article a notice of the public hearing. Said notice(s) shall be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain. In no instance shall such notice(s) remain for more than seven (7) weeks from the date of the original posting.

   B. Said notice shall be posted at reasonable intervals along every street abutting the subject property, or, if there is no abutting street, then along the exterior boundary lines of the subject property and within a distance of 300 feet along every street providing access thereto.

   C. Said notice shall contain the date, location and time of the public hearing, the nature of the proposed request, the property affected, such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained.

   D. Said notice may be placed on private property if such is necessary to provide adequate posting.

   E. For the purpose of distinguishing between hearing bodies, said notices shall be printed on posters of differing colors and posted on yellow signboards in accordance with the following schedule:

Color	**Hearing Body**
Yellow	Board of Supervisors
Orange	Planning Commission - Any application filed pursuant to the provisions of the Zoning Ordinance
Green	Planning Commission - Site approval for public facility and utility under Sect. 15.2-2232 of the Code of Virginia
Blue	Board of Zoning Appeals

F. Posting shall not be required when (a) the hearing involves an application for an amendment to the Zoning Map initiated by resolution of intention by the Planning Commission or Board, special exception, special permit, variance, or appeal as provided for in Part 3 of this Article, when such application or appeal involves twenty-six (26) or more parcels of land, or (b) the hearing involves an appeal, as provided for in Part 3 of this Article, concerning no specific property, or (c) the hearing body specifically waives or modifies such requirement.

4. Written Notice to Property Owners: Written notice to property owners and adjacent property owners shall be sent in accordance with the following provisions.

A. Application for a Zoning Map amendment which involves a change in the zoning classification or a PRC plan or a final development plan:

(1) The applicant shall send written notice to the property owner(s) of each parcel involved in the application; and

(2) The applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of property abutting and immediately across the street which lie in an adjoining city or county. If such notice does not result in the notification of twenty-five (25) different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than twenty-five (25) properties.

B. Application for a special exception:

(1) The applicant shall send written notice to the property owner(s), if different from the applicant, of each parcel involved in the application; and

(2) The applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or city. If such notice does not result in the notification of twenty-five (25) different property owners, then

additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than twenty-five (25) properties.

C. Application for special permit, variance, or appeal as provided in Part 3 of this Article:

(1) The applicant shall send written notice to the property owner(s), if different from the applicant, of each parcel involved in the application; and

(2) The applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or city. If such notice does not result in the notification of ten (10) different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than ten (10) properties.

D. For all of the above, the following shall also apply; however in all instances, the minimum number of written notices shall be sent as required by Paragraphs 4A through 4C above:

(1) If the application property is an individual condominium or cooperative unit within a condominium or cooperative building, written notice shall be provided to:

(a) The condominium unit owners' association or proprietary lessees' association; and

(b) Unit owners immediately abutting the application property or on the same floor of the building as the application unit and those unit owners immediately above and below the application unit.

(2) When the application property is abutting or immediately across the street from a condominium or cooperative property, written notice shall be provided in accordance with the following:

(a) When the application property abuts or is immediately across the street from open space or common ground of a condominium or cooperative, the condominium unit owners' association or proprietary lessees' association shall be notified in lieu of the individual unit owners; and

(b) Where individual condominium or cooperative units or lots abut or are immediately across the street from the application property, written notice shall be sent to the owner of each such unit.

E. For Zoning Map amendment applications, PRC plan, final development plan, special exception and special permit applications which propose a change in use or

an increase greater than fifty (50) percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions or special permits, when the application property, or part thereof, is located within one-half mile of a boundary of an adjoining county or municipality of the Commonwealth, then in addition to the above, written notice shall also be given by the hearing body, or its representative, at least fifteen (15) days before the hearing to the chief administrative officer, or designee, of such adjoining county or municipality.

F. In addition to the above, for an amendment application filed on a portion of a property subject to rezoning, PRC plan, final development plan, special exception or special permit approval, written notice shall be provided to all owners of property subject to the rezoning, final development plan, special exception or special permit approval unless the Zoning Administrator determines that such additional notice is not necessary as the proposed change is to one component or one lot which does not affect the rest of the development. Such written notice shall comply with the requirements of this Paragraph with regard to content and timeliness.

G. For Zoning Map amendment, development plan, PRC plan, special exception and special permit applications when the application property, or part thereof, is located within 3000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public use airport, written notice shall also be given by the hearing body, or its representative, at least 10 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public use airport. The notice shall advise the military commander or owner of such public use airport of the opportunity to submit comments or recommendations. For the purposes of this paragraph, military installations shall include, but not limited to, military camps, forts or bases. In addition, public use airports shall include those licensed airports contained on the list of public use airports that is maintained by the Virginia Department of Aviation.

All written notice required by this Paragraph shall state the date, time, place and subject matter of the hearing, and the name of the applicant. Such notice shall be sent to the last known address of the owner(s) as shown in the current real estate assessment files and, except as qualified below, shall be sent by certified mail, return receipt requested, and postmarked not less than fifteen (15) days prior to the hearing. Notices sent by a staff agent of the hearing body may be sent by first class mail, provided that the staff agent makes affidavit that the mailing has been made and files the affidavit with the application.

A party's actual notice of, or actual participation in, the proceedings for which the written notice provided by this Paragraph is required shall waive the right of that party to challenge the validity of the proceedings due to the failure of the party to receive the written notice required by this Paragraph. In addition, any person entitled to notice under this Paragraph may waive the right to such notice in writing.

18-111 Amendment of Applications

1. With the exception of an application for an amendment to the Zoning Map, which is regulated by the provisions of Sect. 207 below, any application may itself be amended if filed prior to forty (40) days before the first public hearing. Such request for amendment shall be made in writing to the Zoning Administrator.

2. Within forty (40) days of the first public hearing, an amendment to an application may be requested and, based on the nature and extent of the amendment, such request may be due cause to reschedule the public hearing. Such request for amendment shall be made in writing to the Zoning Administrator.

18-112 Withdrawal of Application

1. With the exception of an application for an amendment to the Zoning Map, which is regulated by the provisions of Sect. 208 below, an application may be withdrawn at any time by the applicant or his agent by giving notice in writing to the Zoning Administrator. No fee or part thereof shall be refunded for an application withdrawn by the applicant.

   An application may also be administratively withdrawn by the Zoning Administrator if it is determined that the application was accepted in error. In such cases, there shall be a full refund of the fee paid for filing the application.

2. If an application is withdrawn, there shall be a limitation on rehearing as set forth in Sect. 108 above.

18-113 Dismissal of Applications

If an applicant refuses or neglects to prosecute an application, the Zoning Administrator may, not less than fifteen (15) days after notice of intention to do so, declare an application dismissed. Notice sent by certified mail, return receipt requested, to the applicant at the last known address shall be deemed adequate compliance with this requirement. If an application is dismissed, there shall be no refund of the filing fee.

18-114 Permits Not To Be Issued for Structures Which Would Violate Ordinance

No officer, board, agency or employee of the County shall issue, grant or approve any permit, license, certificate or other authorization for the erection of any building or for any use of any land or building that would not be in full compliance with the provisions of this Ordinance. Any such permit, license, certificate or other authorization issued, granted or approved in violation of any of the provisions of this Ordinance shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or authorization shall be unlawful. No action shall be taken by any officer, board, agency or employee of the County, including the BZA, purporting to validate any such violation.

PART 2 18-200 AMENDMENTS

18-201 Initiation of Amendments

The text of this Ordinance and any zoning district boundary shown on the Zoning Map may be amended by the Board, provided the amendment is initiated in the following manner:

1. Adoption by the Planning Commission of a resolution of intention to propose an amendment; or

2. Adoption by the Board of a resolution of intention to amend, which resolution, upon adoption, is referred to the Planning Commission; or

3. Filing with the Zoning Administrator an application submitted by the owners, contract purchasers, or a condominium in accordance with the provisions of Sect. 2-518, or their agents, of the land proposed to be rezoned, which application must be sworn to under oath or affirmation and acknowledged before a notary public.

18-202 Submission Requirements

All applications for amendments to the Zoning Map, initiated under Par. 3 of Sect. 201 above, except as qualified below, must include the following information:

1. One (1) original completed application signed by the applicant on forms provided by the County.

2. Four (4) copies of a certified plat of the subject property containing the following information:

   A. Boundaries of the entire property, with bearings and distances of the perimeter property lines, and of each existing and proposed zoning district.

   B. Total area of property and of each existing and proposed zoning district presented in square feet or acres.

   C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.

   D. Location of all existing buildings and structures.

   E. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.

   F. Seal and signature of person preparing the plat.

3. Four (4) copies of a legal description of the property, including metes and bounds of each zoning district proposed.

4. One (1) copy of the current Fairfax County Zoning Section Sheet(s) covering the area of the application, at a scale of one inch equals five hundred feet (1" = 500'), showing:

A. Boundaries of the subject property outlined in red.

B. Major thoroughfare access to the property and any known plans for future widening as indicated in the adopted comprehensive plan or a plan prepared by the Virginia Department of Transportation.

If more than one (1) Zoning Section Sheet is required to cover the subject property, the sheets must be attached so as to create an intelligible map.

5. For all applications proposing residential development, five (5) copies of a map identifying classification of soil types at a scale not less than one inch equals five hundred feet (1" = 500'), based upon the County of Fairfax Soils Identification Maps.

6. For all applications, except an application involving an amendment constituting the adoption of a comprehensive zoning plan, an ordinance applicable throughout the County, or an application initiated by the Board under Par. 2 of Sect. 201 above that involves more than ten (10) parcels that are owned by different individuals, trusts, corporations or other entities, an affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, must be completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the Board or Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant must reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.

Additionally, for developments which are subject to the provisions of Part 8 of Article 2, the owner and/or applicant must submit an affidavit which includes:

A. The names of the owners of each parcel of the sites or portions thereof at one location, as such terms are defined in Par. 1 of Sect. 2-802; and

B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

7. An application filed by an agent, contract purchaser or lessee must include a notarized written statement signed by the property owner indicating endorsement of the application. For a condominium, a notarized written statement by the property owner must be provided in accordance with the provisions of Sect. 2-518.

8. Six (6) copies of an environmental assessment/impact statement as required by the provisions of Part 5 below.

9. Four (4) copies of a written statement of justification, dated and signed.

10. A statement explaining the relationship of the development to and compliance with the development criteria of the adopted comprehensive plan of the County.

11. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

12. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, it must be specifically noted with the justification for the modification.

    If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures must be submitted.

13. Any additional information that the applicant may desire to proffer in the consideration of the application.

14. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

15. For a rezoning to a R, C, or I district, twenty-three (23) copies of a generalized development plan in accordance with Sect. 203 below; and for a rezoning to a P district, twenty-three (23) copies of a development plan as provided for in Article 16.

16. An application fee as provided for in Sect. 106 above.

17. All statements, plans, profiles, elevations, and other materials submitted become part of the record of the hearing on the application for an amendment to the Zoning Map.

18-203 Generalized Development Plan Regulations

Generalized development plans are subject to the following regulations:

1. A generalized development plan not filed with the initial submission of an application to amend the Zoning Map may be submitted within sixty (60) days of the acceptance date of the application. Failure to meet this requirement will change the acceptance date of the application pursuant to Sect. 107 above, may cause a delay in the processing of the application in accordance with Sect. 107 above, and may be cause for dismissal of the application in accordance with Sect. 209 below.

   The requirement for submission of the generalized development plan may be modified or waived by the Zoning Administrator when it has been determined that (a) the

plan is not necessary for the adequate review of the rezoning application, and (b) the development as proposed by the rezoning will not have a significant adverse impact upon the community or upon the public facilities available to the property.

2. A generalized development plan, including any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State. One 8 ½" x 11" reduction of the plan, any resubmissions and supporting graphics must also be submitted. All written statements, and all plans, profiles, elevations and other illustrative materials submitted with the generalized development plan must be filed in twenty-three (23) copies. Plans, profiles, elevations and other illustrative materials must be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines must clearly indicate where the several sheets join. The sheet size may be modified by the Zoning Administrator, based on the nature and/or size of the application.

3. A generalized development plan, at a scale of not less than 1" = 100', which scale may be modified by the Zoning Administrator based on the nature and/or size of the application, must show the following:

   A. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plan.

   B. Except for single family detached dwellings, the approximate location and dimensions of all proposed structures and uses, to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the angle of bulk plane, if applicable.

   C. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.

   D. All proposed major open space areas and the approximate location of all proposed community and public facilities.

   E. The proposed plan for all major sanitary sewer improvements.

   F. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan must include:

      (1) A graphic depicting:

         (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the

location of the emergency spillway outlet for each stormwater management facility.

(b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.

(c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.

(d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.

(e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.

(f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including the provision of energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

(2) A preliminary stormwater management narrative setting forth the following:

(a) Description of how the detention and best management practice requirements will be met.

(b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.

(c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area must include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.

(d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.

G. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

H. A schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

I. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.

J. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

K. A statement or visual presentation of how adjacent and neighboring properties will be protected from any adverse effects prompted by the proposed development, to include vehicular access plans and dimensions of all peripheral yards that will be provided.

L. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.

M. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.

N. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations based on the provisions of Sections 2-308 and 2-309.

O. A statement of those special amenities that are proposed within the development.

P. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

Q. A statement setting forth the proposed approximate development schedule.

R. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

S. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

T. A plan showing limits of clearing, proposed landscaping and screening in accordance with Article 13, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

U. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

V. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.

W. A delineation of the boundary of any existing dam break inundation zone and, when a state regulated impoundment is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone.

18-204 Proffered Condition Regulations

Proffered conditions may include any statement, plan and other materials which are submitted with a rezoning application and referenced in a written statement signed by the applicant, the owner and any contract purchaser(s), and accepted by the Board in conjunction with the approval of a rezoning. For condominiums, the written statement of proffers must be signed in accordance with Sect. 2-518.

Proffered conditions are subject to the following:

1. Once the public hearing has begun, no change or addition to any proffer is allowed without a second public hearing before the Board and, at the option of the Board, a second public hearing before the Planning Commission.

2. If an amendment to the Zoning Map is adopted subject to proffered conditions, the property must be annotated as such on the Zoning Map.

3. Proffered conditions become a part of the zoning regulations applicable to the rezoned property, unless changed by a subsequent amendment approved by the Board. These proffered conditions are in addition to the specific regulations set forth in the Ordinance for the zoning district in question. Once an application with proffered conditions is approved, any site plan, subdivision plat, or development plan submitted for the development of the property must be in substantial conformance with all proffered conditions and no County official may approve any development without such substantial conformance, except as may be permitted by Paragraphs 4, 5 and 6, below.

4. Minor modifications to the proffered conditions are allowed when the Zoning Administrator determines that they substantially conform to the proffered conditions and do not materially alter the character of the approved development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design. Minor modifications are not amendments or variations to the proffered conditions.

   Minor modifications may not conflict with a proffer or:

   A. Remove any land from or add any land to the area subject to the proffered conditions;

B. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

C. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under Paragraphs 4D and 4K below;

D. Permit a more intensive use than that approved in the proffered conditions, except that places of worship or places of worship with a child care center, nursery school, private school of general or special education, may increase the number of seats, parking spaces, and/or students up to ten (10) percent of the proffered amount, if not expressly prohibited by the proffered conditions;

E. Permit uses other than those approved pursuant to the proffered conditions except that accessory uses may be permitted;

F. Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space;

G. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:

(1) Modifications that reduce setback dimensions up to 10% from that shown on an approved development plan may be considered, provided that they do not adversely impact adjacent property; and

(2) Increases in building height up to 10 feet and increases in percentages of rooftop coverage may be permitted for solar collectors and other innovative energy and environmental technologies.

H. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;

I. Expand hours of operation;

J. Expand the area or type of signage approved, although changes to color and typeface may be considered;

K. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, provided that the total of all such structures or additions cannot exceed the following:

(1) 500 square feet or five (5) percent of the approved gross floor area up to 2500 square feet, whichever is greater, when the total gross floor area shown on the proffered development plan does not exceed 250,000 square feet.

(2) One (1) percent of the approved gross floor area when the total gross floor area shown on the proffered development plan exceeds 250,000 square feet.

(3) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the proffered development plan is 10,000 square feet or less.

(4) The maximum density or FAR allowed in the zoning district or the proffered conditions; however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR;

Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof, at the last known address, as shown in the real estate assessment files of the Department of Tax Administration.

The notice must be delivered by hand or sent by certified mail, return receipt requested and include the letter of request submitted to the Zoning Administrator with all attachments, a statement that the request has been submitted, and where to call for additional information.

An affidavit from the requester must be sent to the Zoning Administrator affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and, the Tax Map references for all parcels notified. The Zoning Administrator will not consider any request for an addition that omits this affidavit.

5. The Board may approve certain requests for minor variations to proffered conditions and the associated PRC development plan, generalized development plan, conceptual development plan and final development plan, including any approved conditions of such plans, without a public hearing in accordance with the following:

A. Such requests cannot materially affect proffered conditions of use, density, or intensity, and are permissible only in one or more of the following circumstances.

(1) To add or modify a use, provided that the proffered conditions do not specifically preclude such use and that the applicant demonstrates that the new use would have no materially greater land use impacts than the approved uses would, based on factors such as parking, trip generation, vehicular circulation, or hours of operation.

(2) To increase permitted building height provided that the resultant height increase does not:

(a) exceed 15 feet or 15% of the approved building height, whichever is less;

(b) cause the building to exceed the maximum height of the zoning district;

(c) have a materially adverse impact on adjacent properties.

(3) To modify minimum yard dimensions, building setbacks or distances from peripheral lot lines shown on an approved development plan, but only if the modified dimensions would not have a materially adverse impact on adjacent properties or other proffered conditions.

(4) To add, modify or delete active or passive recreation uses at the request of the property owner or the owners' association, if the request is consistent with the objectives of the original zoning approval; does not reduce the recreational uses or open space below the minimum required for the zoning district or otherwise required by the Zoning Ordinance; and, does not delete an approved but unbuilt facility.

(5) To modify proffer commitments related to technologies (such as computer business centers) or services (such as transportation shuttles) that are underutilized or have become ineffective or obsolete as circumstances have changed.

(6) To modify architectural design, character, color, features, or materials for buildings and signs provided such modifications are of equivalent quality and do not have a materially adverse impact on adjacent properties.

B. When the Board approves a minor variation that affects an approved development plan, the variation is deemed to apply to the development plan and not require a separate development plan amendment.

C. Anyone making such a request to the Board must send written notice in accordance with Par. 4 of Sect. 110 above and Virginia Code Sect. 15.2-2204(B).

D. The Board at its discretion may elect not to waive a public hearing under this section, in which case the application may be processed under Par. 6 below.

6. A request that cannot be accomplished as a minor modification or minor variation requires approval of a proffered condition amendment after a public hearing before the Board in accordance with Sect. 205 below.

A. An application for such an amendment may cover all or a portion of the property subject to 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 all of the property subject to proffered conditions, the Board should consider whether the request would have an adverse impact on the remainder of the property in terms of (a) the approved use, (b) fulfillment of proffered conditions, (c) vehicular and pedestrian circulation, connectivity, landscaping and streetscape, and (d) the approved density or intensity. After approval of an amendment, all other previously approved proffered conditions remain in full force and effect.

B. Any modification to a proffered condition to provide an accessibility improvement will be permitted and will not require approval of a proffered condition amendment.

7. The Zoning Administrator is vested with all necessary authority on behalf of the Board to administer and enforce proffered conditions. Such authority includes the ability to remedy, by written order, any noncompliance with a proffered condition and the ability to bring legal action to insure compliance, as provided for in Part 9 of this Article.

8. The Zoning Administrator, or designated agent, may require a guarantee, satisfactory to the Board, in an amount sufficient to cover the construction cost of any physical improvements required by the proffered conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount, which may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of the improvements has been completed in whole or in part.

9. 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 Residential and Non-Residential Use Permits, as the Zoning Administrator may deem appropriate.

10. Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal that decision to the Board. The appeal must be filed within thirty (30) days from the date of the decision being appealed by filing with the Clerk to the Board and the Zoning Administrator a notice of appeal specifying the grounds on which aggrieved. The notice of appeal filed with the Zoning Administrator must include a filing fee, as provided for in Sect.106, above.

18-205 Public Hearing Requirement

All applications or resolutions to amend the Zoning Ordinance or the Zoning Map shall be subject to a public hearing before the Planning Commission and Board of Supervisors in accordance with the provisions of Sections 15.2-107, 15.2-2204 and 15.2-2285 of the Code of Virginia.

18-206 Report by Planning Commission

1. After the conclusion of the Planning Commission public hearing and deliberations, the Planning Commission shall report to the Board its recommendation with appropriate explanatory material on the proposed amendment.

2. The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application/resolution. If the proposed amendment consists of a change in the text of the Ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and is in furtherance of the purposes of this Ordinance; provided that before recommending a larger extent of land or a rezoning to a less restrictive classification than was set forth in the application, the Commission shall hold a further

hearing on the matter, after notification has been made in accordance with the provisions of Sect. 110 above.

18-207 Amendment of Applications

1. Any application for an amendment to the Zoning Map may itself be amended by filing a written request for amendment and a fee as provided in Sect. 106 above with the Zoning Administrator.

2. If an amendment is concerned with a change in the zoning district requested, a change in the land area, or other substantial revision, the amendment may be due cause to reschedule the hearing and decision on the application; provided, however, that in no event shall hearing and decision by the Board be later than twelve (12) months from the date of the filing of an amendment unless an extended period is mutually agreed to by the applicant and the Board or unless an applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

18-208 Withdrawal of Applications

Any application for an amendment may be withdrawn at any time by the applicant or his agent by giving notice in writing to the Zoning Administrator. If the request for withdrawal is made prior to the submission of a development plan, generalized development plan or conceptual development plan, the Zoning Administrator shall refund all except twenty-five (25) percent of the fee paid for filing the application. No fee or part thereof shall be refunded once such development plan has been submitted.

An application may also be administratively withdrawn by the Zoning Administrator if it is determined that the application was accepted in error. In such cases, there shall be a full refund of the fee paid for filing the application.

18-209 Dismissal of Applications

If an applicant refuses or neglects to prosecute an application or fails to submit a development plan, generalized development plan or conceptual development plan in accordance with the requirements of this Ordinance, the Zoning Administrator may, not less than fifteen (15) days after notice of intention to do so, declare an application dismissed. Notice sent by certified mail, return receipt requested, to the applicant at the last known address shall be deemed adequate compliance with this requirement. If an application is dismissed, there shall be no refund of the filing fee.

18-210 Effective Date of Amendment

An amendment to the Zoning Ordinance or the Zoning Map shall become effective on the date of Board approval, unless otherwise specified by the Board.

18-211 Limitation on Rehearing

1. If an application for an amendment to the Zoning Map is denied or dismissed by the Board, no further application initiated pursuant to Par. 1 or 3 of Sect. 201 above, concerning any or all of the same property for amendment to the same general zoning classification as applied for in the original application shall be heard for a period of

twelve (12) months from the date of action by the Board on the original application unless otherwise waived by the Board.

2. If an application for an amendment to the Zoning Map is withdrawn prior to commencement of the public hearing before the Planning Commission, there shall be no limitation on a rehearing. If an application is withdrawn after commencement of the public hearing before the Planning Commission, the limitation on rehearing as set forth in Par. 1 above shall apply, unless the Board waives same.

3. The term 'general zoning classification' as used in this Section shall mean any one of the following classifications:

Classification 1	R-A through R-4 Districts and PDH-1 through PDH-4 Districts
Classification 2	R-5 through R-MHP Districts, PDH-5 through PDH-40 Districts and PRM District
Classification 3	All C Districts, PDC, PTC and PCC Districts
Classification 4	All I Districts
Classification 5	PRC District
Classification 6	All Overlay Districts

PART 3 18-300 APPEALS

18-301 Initiation

Any person aggrieved or any officer, department, board, commission or authority of the County affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance may appeal such decision to the BZA, except an appeal which relates to a proffered condition shall be taken to the Board as provided for in Par. 10 of Sect. 204 above.

18-302 Authorization

The Zoning Administrator shall administer and interpret the Zoning Ordinance. The BZA shall hear and decide all cases of appeal by persons as set forth in Sect. 301 above. The BZA shall also hear and decide applications for interpretation of any district boundary if uncertainty remains after application by the Zoning Administrator of the rules specified in Sect. 2-204.

18-303 Time Limit on Filing

1. Except as set forth below, all appeals shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator and the BZA.

2. Appeals for notices of violation involving the following violations must be filed within ten (10) days from the date of the notice with the Zoning Administrator and the BZA:

   A. Occupancy of a dwelling unit in violation of Sect. 2-502.

   B. Parking of inoperative motor vehicles, as defined in Chapter 110 of The Code, in violation of Par. 13 of Sect. 10-102.

   C. Parking a commercial vehicle in an R district in violation of Par. 16 of Sect. 10-102.

   D. Parking of vehicles on an unsurfaced area in the front yard of a single family detached dwelling in the R-1, R-2, R-3 or R-4 Districts in violation of Par. 8 of Sect. 11-102.

   E. Erection of prohibited signs on private property in violation of Par. 2 and Paragraphs 3A through 3E of Sect. 12-106.

   F. Erection, alteration, refacing or relocation of a sign on private property in violation of Par. 1 of Sect. 12-104.

   G. Other short-term, recurring violations similar to those listed in Paragraphs 2A through 2F above.

3. A notice of appeal filed pursuant to Paragraphs 1 and 2 above shall specify the grounds for such appeal, and shall be filed in accordance with the provisions of Sect. 304 below.

18-304 Submission Requirements

Every application to appeal shall contain all of the following information:

1. Four (4) copies of an application on forms provided by the County, completed and signed by the appellant. Such application shall not require the execution of an affidavit.

2. Four (4) copies of a statement signed by the appellant setting forth the following information:

   A. The order, requirement, decision or determination which is the subject of the appeal.

   B. The date upon which the decision was made.

   C. The appellant's grounds for the appeal and the reasons therefor. If the appellant is a County officer, department, board or bureau, the statement shall specify how the appellant is affected; otherwise, the statement shall specify how the appellant is an aggrieved person.

3. Such other supportive data as the appellant may desire in the record, including plats, plans, drawings, charts or related material.

4. An application fee as provided for in Sect. 106 above.

18-305 Processing

1. Upon receipt of an appeal, the Zoning Administrator shall immediately transmit a copy to the BZA.

2. Prior to the public hearing, the Zoning Administrator shall forward to the BZA copies of the application for appeal and all of the papers constituting the records upon which the decision being appealed was based.

3. The BZA shall process all applications for appeal in accordance with the provisions of Part 2 of Article 19.

18-306 Decision on Appeals

1. The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

2. The concurring vote of four (4) members of the BZA shall be required to reverse any order, requirement, decision or determination of the Zoning Administrator or any other administrative officer under this Ordinance.

3. The BZA shall render a decision on all applications for appeal within ninety (90) days from the date of acceptance of the application, unless an extended period is mutually agreed to by the appellant and the BZA.

18-307 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

18-308 Withdrawal of Application for Appeal

An application for appeal may be withdrawn at any time by the appellant or his agent by giving written notice to the Zoning Administrator. No fee or part thereof will be refunded for a withdrawn application.

PART 4 18-400 VARIANCES

18-401 Initiation

A property owner, tenant, government official, department, board, bureau or condominium, in accordance with the provisions of Sect. 2-518, may apply to the BZA for a variance of the strict application of the terms of this Ordinance; provided, however, application shall be made to the Board of Supervisors for a special exception pursuant to those provisions set forth in Part 6 of Article 9.

18-402 Authorization

1. Upon initiation as provided for above and upon a determination that the standards of Sect. 404 below are satisfied, the BZA may authorize in specific cases a variance from the strict application of a provision of this Ordinance except as qualified in Sect. 406 below. This authorization shall not be construed to grant the BZA the power to rezone property.

2. No variance shall be authorized until a public hearing has been held on same in accordance with the provisions of Sect. l09 above.

3. The concurring vote of four (4) members of the BZA shall be required to authorize a variance.

4. The BZA shall render a decision within ninety (90) days from the date of acceptance of the application, unless an extended period is mutually agreed to by the applicant and the BZA, or unless an applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

18-403 Submission Requirements

An application for a variance shall be filed in accordance with and shall be subject to the provisions of Part 1 above and shall contain the information set forth below. Upon receipt of a written request with justification, the Zoning Administrator may modify or waive a submission requirement of Par. 2 below or the Phase I Archaeological Survey requirement of Par. 10 below, if it is determined that the requirement is clearly not necessary for the review of the application.

1. Four (4) copies of an application filed on forms provided by the County, completed and signed by the applicant.

2. Ten (10) copies of a plat, except if the proposal involves a variance of the minimum lot width requirements, in which case twenty-two (22) copies are required, drawn to designated scale certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100', or larger may be used. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Notwithstanding the above, for a variance to the minimum yard requirements for a dwelling, ten (10) copies of a plat shall be submitted and presented on a sheet having a maximum size of 24" x 36", and one

8 ½" x 11" reduction. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development and such plat shall be certified as noted above.

All such plats shall contain all the following information:

A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

B. Total area of the property and of each zoning district in square feet or acres.

C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and any supporting graphics.

D. Location of all existing and proposed structures, with dimensions, including height in feet of any structure and penthouse.

E. All required minimum yards to include front, side, rear, and a graphic depiction of the angle of bulk plane, if applicable, transitional yards, and the distances from all existing and proposed structures to lot lines.

F. Public right(s)-of-way, indicating name, route number, and width, and where applicable, required and/or proposed improvements to public right(s)-of-way. This requirement shall not be applicable for application to vary the minimum yard requirements for dwellings.

G. Proposed ingress and egress to the property from a public street(s).

H. Location of parking spaces, existing and/or proposed, indicating minimum distance from nearest property line(s). This requirement shall not be applicable for applications to vary the minimum yard requirements for dwellings.

I. Location of well and/or septic field, or indication that the property is served by public water and/or sewer.

J. The location of all existing public utility easements having a width of twenty-five (25) feet or more, and all major underground utility easement regardless of width.

K. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site. This requirement shall not be applicable to applications to vary the minimum yard requirements for dwellings.

L. In addition to the above, if the proposal involves a variance of the minimum lot width requirements:

(1) Delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

(2) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan; and

(3) When there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

M. Seal and signature of professional person certifying the plat.

3. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the property which is the subject of the application, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.

4. Photographs of the property showing existing structures, terrain and vegetation.

5. A written statement detailing the specific provision or provisions of the Ordinance from which a variance is sought and the nature and extent of the variance sought. If the proposal includes the request for a variance of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures shall be submitted.

6. A written statement of justification which specifically addresses how the application complies with the required standards set forth in Sect. 404 below.

7. An affidavit, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the BZA or Planning Commission or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

   Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.

8. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. For a condominium, the provisions of Sect. 2-518 shall be applicable.

9. An application fee as provided for in Sect. 106 above.

10. An Archaeological Survey Data Form and a Phase I Archaeological Survey as may be required pursuant to Sect. 7-210 for applications resulting in land disturbing activity of 2500 square feet or more and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.

18-404 Required Standards for Variances

In furtherance of the requirements of §15.2-2309 of the Code of Virginia, to grant a variance, the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the property interest in the subject property for which the variance is being requested was acquired in good faith, and the applicant did not create any hardship for which relief is sought.

2. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

3. That the strict application of this Ordinance would unreasonably restrict the utilization of the subject property, or the granting of the variance would alleviate a hardship due to a physical condition relating to the subject property or improvements thereon at the time of the effective date of the Ordinance.

4. That such unreasonable restriction or hardship is not shared generally by other properties in the same zoning district and the same vicinity.

5. That the granting of the variance will not be of substantial detriment to adjacent property.

6. That the variance will be in harmony with the purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.

18-406 Unauthorized Variances

1. No variance shall be authorized that would modify any definition set forth in Article 20.

2. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in the zoning district under the specific provisions of this Ordinance.

3. No variance shall be authorized that would result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

4. No variance shall be authorized that would relate to nonconforming uses.

5. No variance shall be authorized that would reduce the amount of off-street parking space required by Article 11.

6. No variance may be authorized that would relate to signs.

7. No variance shall be authorized in cases where the applicant, subsequent to the effective date of this Ordinance, has purchased a portion of a larger parcel, which portion has an area or width less than required by the provisions of this Ordinance at the time of such purchase or which portion has unusual physical characteristics (that are set forth as the basis for the application for a variance), which would not exist if such portion had not been detached by such purchase from the larger parcel of which it was a part.

8. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in a floodplain.

9. No variance shall be authorized that would modify the minimum district size, lot area, lot width or open space requirements of a cluster subdivision in the R-2 District and a cluster subdivision in a R-3 or R-4 District which has a minimum district size of three and one-half (3.5) acres or greater.

18-407 Expiration of a Variance

1. Whenever a variance is approved by the BZA, the activity authorized thereby shall be established or any construction authorized shall be commenced and diligently prosecuted within such time as the BZA may have specified, or, if no such time has been specified, then within thirty (30) months from the approval date of such variance, unless additional time is approved by the BZA in accordance with Par. 2 below.

2. The BZA may approve a request for additional time, but only in accordance with all of the following:

   A. A request is filed in writing with the Zoning Administrator prior to the expiration date. Such request shall specify the basis for and the amount of additional time requested and shall include an explanation of why the activity authorized has not been established or construction commenced and diligently prosecuted in accordance with the time specified in the approval of the variance. Such explanation may include the occurrence of conditions unforeseen at the time of variance approval.

   B. It is determined by the BZA that the variance is in accordance with the required standards for variances, and that approval of additional time is consistent with the public interest.

3. If a request is timely filed, the variance shall remain valid until the request for additional time is acted upon by the BZA; however, during this period the activity authorized shall not be established nor shall construction commence.

4. If the activity or construction has not commenced in accordance with the above provisions, then the variance shall automatically expire without notice.

PART 5 18-500 ENVIRONMENTAL ASSESSMENT/IMPACT STATEMENTS

Note: Provisions are not presented for an environmental assessment/impact statement at this time, and until such provisions have been adopted by the Board of Supervisors, the submission of an assessment/impact statement as set forth in Par. 8 of Sect. 202 above will not be required.

PART 6 18-600 BUILDING PERMITS

18-601 Permit Required for Erection of Buildings and Structures

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

18-602 Application for a Permit

Applications for a Building Permit shall be on forms provided by the County and shall be approved by the Zoning Administrator prior to issuance. An application shall be accompanied by one of the following:

1. An approved site plan, when the building or structure is required to be shown on a site plan that has been approved under the provisions of Article 17 of this Ordinance, and an approved agreement and security package required pursuant to Sect. 17-112 to ensure completion of the physical improvements as shown on the approved site plan, including any revisions thereto, or such plans and agreements as may be required by the Director for the approval of a partial Building Permit pursuant to the Virginia Uniform Statewide Building Code, or

2. When the building or structure does not require site plan approval, four (4) copies of a plat certified by a land surveyor, engineer, landscape architect or architect authorized by the State to practice as such, except that plats submitted for additions to an existing single family detached or attached dwelling or accessory structures related to an existing single family detached or attached dwelling may be prepared by other than a land surveyor, engineer, landscape architect or architect. Each such plat shall indicate the following information:

   A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.

   B. Delineation of any major underground utility easements and the location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated or to be dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.

   C. The location, dimensions and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level and for accessory structures, the height of the highest point of the structure from finished ground level.

   D. The distance from all property lines and any floodplain to the proposed building, structure or addition, including any extensions from the vertical plane of the proposed building, structure, or addition, shown to the nearest one-tenth of a foot. For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the feature to all lot lines, the plat shall also include the specific dimension which qualifies the feature for the permitted

extension.

E. The proposed elevation of the first floor level and of the lowest floor level of any proposed new building. Such elevations shall not be required for additions unless the proposed elevation of the lowest floor level of such addition is below the lowest floor elevation of the structure to which it is added or is required to demonstrate compliance with the floodplain regulations set forth in Part 9 of Article 2.

F. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.

G. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.

H. The signature and certification number, if applicable, of the person preparing the plat.

I. Delineation of any Resource Protection Area and Resource Management Area.

J. Delineation of any mapped floodplain and floodplain easement.

K. Delineation of any access easement to contiguous properties.

L. Delineation of any conservation, restrictive planting or vegetative buffer easement.

M. Such other information, which may include photographs, with regard to the lot, existing and proposed buildings, and existing and proposed uses thereof and such other information with regard to contiguous lots as may be necessary for the proper review of the application.

N. When the Building Permit application is for a new single family detached dwelling, a statement, where applicable, that the lot is subject to the affordable dwelling unit development zoning district regulations.

3. Where applicable, any other information as may be required by the provisions of Article 7.

18-603 Limitations on Approval of Building Permits

1. No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

2. If required by Chapter 104 of The Code, no Building Permit shall be issued for any structure until a Conservation Plan has been approved by the Director in accordance with the provisions of Chapter 104 and the Public Facilities Manual.

3. No Building Permit shall be issued for the erection of any building or structure subject to site plan approval as required by the provisions of Article 17 except in strict conformance with such approved site plan and approval of any required agreements under Sect. 17-112. However, buildings or structures exempt from site plan approval in accordance with Sect. 17-104 shall be approved in accordance with the provisions of Sect. 602 above, and partial Building Permits shall be approved in accordance with the Virginia Uniform Statewide Building Code and no such partial Building Permit approval shall guarantee the approval of a site plan or subsequent Building Permits.

4. Approval of any Building Permit shall not be deemed to authorize construction within any recorded easement to which the Board of Supervisors or the County of Fairfax is a party.

5. No Building Permit shall be issued for the erection of any building or structure within any major underground utility easement except in conformance with Sect. 2-515.

18-604 Enforcement of Performance Standards

In the enforcement of the performance standards set forth in Article 14, before a Building Permit is issued, the Zoning Administrator may require evidence that the applicant is able to conform to such performance standards. Whereas enforcement shall be the responsibility of the County, where a violation has been established, the Zoning Administrator may:

1. 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 test shall be made by a laboratory or other agency of recognized competence.

2. Refer the application to the BZA for a determination of whether or not any operation of the use that is involved conforms to such standards as may call for a conclusion of judgment rather than the application of specified measurement.

PART 7 18-700 RESIDENTIAL AND NON-RESIDENTIAL USE PERMITS

18-701 Permit Required for Occupancy or Use

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

18-702 When Required

For the purpose of this Ordinance, and in the furtherance of the provisions of Chapter 61 of The Code, Buildings, a Residential or Non-Residential Use Permit, whichever is applicable, shall be obtained from the Zoning Administrator before any person shall:

1. Occupy or use, or permit or cause to be occupied or used, any building hereafter erected, with the exception of accessory structures as permitted by Article 10 and additions to existing structures which do not require site plan approval.

2. Change the use, or permit or cause a change in the use, of any existing building.

3. Occupy or use any vacant land except for an agricultural use.

4. Make any change in the use of a nonconforming use.

5. Enlarge any use with respect to the unit of measurement specified in this Ordinance as the basis for determining the amount of required off-street parking space, whether the same is specified in terms of floor area, dwelling units, seats or any other element of size of use.

6. Continue any use after a change in the proprietorship of such use, except a single family dwelling or an agricultural use.

18-703 Application For a Permit

1. Written application for a Residential or Non-Residential Use Permit for any building hereafter erected shall be made at the same time as the application for a Building Permit for such building and a written request for issuance of the same shall be made to the Zoning Administrator after the completion of the work covered by the Building Permit.

   If the proposed use is in conformance with the provisions of this Ordinance, all other applicable laws and ordinances, proffered conditions and conditions of special permits or special exceptions, and meets the minimum requirements set forth in Sect. 704 below, the applicable permit shall be issued.

2. Written application for a Residential or Non-Residential Use Permit for the use of vacant land or for a change in the use of land or a building, for a change of a nonconforming use, for the enlargement of a use or for the continuation of a use, shall be made to the Zoning Administrator.

If the proposed use is in conformance with the provisions of this Ordinance, of all other applicable laws and ordinances, proffered conditions and conditions of special permits or special exceptions as certified to the Zoning Administrator by the officers, bodies or agencies responsible for the administration thereof, the applicable permit shall be issued.

3. Where applicable, any other information as may be required by the provisions of Article 7.

4. An application for a Non-Residential Use Permit shall be accompanied by a filing fee as provided for in Sect. 106 above.

18-704 Minimum Requirements

The following minimum requirements shall be met prior to the issuance of a Residential or Non-Residential Use Permit:

1. The structure must have passed all applicable final inspections such as building, electrical, plumbing, or mechanical inspection.

2. The structure's lot must be final graded. Sodding and/or seeding is required to be complete. An exception may be granted in the winter when seeding, sodding and/or final grading is not possible, or when extraordinarily sustained inclement weather conditions have occurred, and then the lot must be rough graded and completely mulched where disturbed.

   When exceptions for final grading, sodding and/or seeding are granted during the winter, such shall be brought into full conformance no later than the first day of the succeeding month of May.

3. The landscaping and screening requirements of Article 13 or of any approved proffered condition, special permit, special exception or variance must be completed; provided, however, that completion of the requirements may be delayed when justification satisfactory to the Director is provided; such justification shall include an agreement and bond with surety satisfactory to the Director for completion in accordance with a firm schedule for timely completion.

4. Fire hydrants serving the structure must be operative.

5. All walks adjacent to the street and/or between the driveway or parking lot and the structure must be complete. In cases of inclement weather, a substitute, impervious or all-weather surface sidewalk may be provided; however, all such sidewalks shall be brought into full conformance no later than the first day of the succeeding month of May. For the purpose of this provision, an all-weather surface is defined as four (4) inches of crushed stone, properly compacted and maintained.

6. All streets and driveways necessary to provide access for the structure to a public street, and all parking areas in residential developments, must be complete except for a final surface. Streets must have a minimum of a two shot bituminous surface treatment, as required in applicable specifications. When bituminous concrete is required as

pavement, the base asphalt courses must be placed. The surface layer may be applied after a Residential Use Permit is issued.

With respect to Residential Use Permits during the period November 1 through April 30, when applicable specifications preclude the use of bituminous concrete and/or asphalt, an all-weather surface is acceptable. All-weather surface is defined as six (6) inch crushed stone, properly compacted and maintained. Manholes will be graded so as not to be a hazard to private vehicles and emergency equipment, and to preclude infiltration of surface water. The use of an all-weather surface is considered temporary in nature and should be brought to a properly paved condition as required above as soon as applicable specifications may be met.

During May 1 through October 31, a properly paved surface is required prior to issuance of a Residential Use Permit; provided, however, in instances where the builder cannot meet the requirements for a properly paved street for reasons beyond his control, the Director may waive this requirement for a period not to exceed forty-five (45) days.

7. All storm and sanitary sewers serving the lots for which a Residential Use Permit is requested must be completed and approved.

8. Curb and gutter in front of the structure must be complete and in place.

9. All trails and walkways required by the provisions of Sect. 17-201 must be clearly delineated by stakes, and the minimum of a gravel surface must be in place.

10. Street name signs must be installed and all official building numbers (street addresses) posted.

11. The provisions of Sect. 604 above, in reference to performance standards, must be satisfied before a Non-Residential Use Permit shall be issued.

12. If subject to a Pro Rata Road Reimbursement District established pursuant to Article 3, Chapter 101 of The Code, the reimbursement payment requirements of Section 101-3-11 must be satisfied.

13. For single family detached dwelling units, five (5) copies of an as-built house location survey plat shall be submitted to the Zoning Administrator for review and approval within thirty (30) days of the issuance of the Residential Use Permit. Such plat shall be presented on a sheet having a maximum size of 8 ½" by 14", drawn to a designated scale of not less than one inch equals fifty feet (1" = 50') or larger, unless a smaller scale is required to accommodate the development, with the scale clearly indicated. In all cases, the scale used on the as-built house location plat shall be the same as the scale of the approved house grading plan. Such plat, regardless of the area of the lot, shall be prepared in accordance with the rules and regulations adopted by the Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (APELSLA), and shall also show the following:

    A. The distance from all structures including any extensions from the vertical plane of the building, structure, or addition shown to the nearest one-tenth of a foot to all lot lines and any floodplain. For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the

feature to all lot lines, the plat shall also include the specific dimension which qualifies the feature for the permitted extension.

B. For pipestem lots and lots abutting a pipestem driveway, the location of the pipestem driveway.

C. The deed book and page number(s) for the easements and conveyances shown on the plat.

D. Delineation of any mapped floodplain.

E Delineation of any Resource Protection Area and Resource Management Area.

F. Delineation of any access easement to contiguous properties.

G. Delineation of any conservation, restrictive planting or vegetative buffer easement.

H. Delineation of any major underground utility easements and the location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.

14. If in a floodplain, the provisions of Par. 12 of Sect. 2-905 must be satisfied.

18-705 Issuance of Permits When Regulations Change

1. On written request by the owner, the Zoning Administrator shall issue a Residential or Non-Residential Use Permit for any such use of a building or of land existing at the time of the effective date of this Ordinance or at the time of the adoption of any amendment to this Ordinance which changes the regulations applying to such building or land, certifying after inspection and investigation, the extent and kind of such use and whether the same conforms to the provisions of this Ordinance for the zoning district in which it is situated or whether the same is a nonconforming use based on a finding of fact, and conclusion of law with the concurrence of the Office of the County Attorney.

2. The Zoning Administrator may require such proof as may be necessary to enable a determination to be made in the matter, and the furnishing of such proof shall be a condition of acting on the request.

18-706 Permit Not To Validate Any Violation

No Residential or Non-Residential Use Permit shall be deemed to validate any violation of any provision of any law or ordinance.

18-707 Revocation of Permit

The Zoning Administrator may revoke an approved Residential or Non-Residential Use Permit when it is determined that such approval was based on a false statement or misrepresentation of fact by the applicant, or as provided for in Part 9 below.

PART 8 (Deleted by Amendment #94-259, Adopted June 27, 1994, Effective June 28, 1994, 12:01 AM)

PART 9 18-900 VIOLATIONS, INFRACTIONS, AND PENALTIES

18-901 General Provisions

1. Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or contrary to any detailed statement or plan approved under the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

2. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or land in violation of the provisions of this Ordinance shall be subject to the enforcement provisions of this Part.

3. Upon becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator may serve a notice of such violation on the person committing or permitting the same, which notice will require such violation to cease within such reasonable time as is specified in such notice. The notice of violation may also include a warning that any previously issued use permit will be revoked upon expiration of the appeal period, unless an appeal has been filed or the violation has ceased. After such notice is sent and such violation is not ceased within such reasonable time as is specified in the notice, then the Zoning Administrator may proceed to remedy the violation as provided in Sections 902, 903 or 904 below, unless an appeal has been timely filed. Except as provided in Section 18-307, if a permit revocation is timely appealed, it does not take effect until the appeal has been withdrawn by the appellant or decided by BZA.

   Any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993 shall include a statement informing the recipient that a right to appeal the notice of a zoning violation or a written order within thirty (30) days may exist in accordance with Sect. 15.2-2311 of the Code of Virginia and Part 3 of Article 18 of the Ordinance, except that a written notice of violation or a written order of the Zoning Administrator involving the violations set forth in Par. 2 of Sect. 18-303 above shall include a statement informing the recipient that a right to appeal the notice of violation or written order within ten (10) days may exist. The decision and permit revocation, if applicable, will be final and unappealable if not appealed within the specified time frames set forth in the notice or written order. The appeal period shall not commence until such statement is given.

4. In addition to the remedies provided in Par. 3 above, the Zoning Administrator or her agent may seek the issuance of an inspection warrant, initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance. Nothing in this Ordinance may be construed to authorize an unconstitutional inspection or search. All searches or inspections authorized by this Ordinance require a warrant, court order, consent, or another exception to the warrant requirement.

18-902 Criminal Violations and Penalties

1. Except as otherwise provided by law, any violation of the provisions of this Ordinance is deemed a misdemeanor and, upon conviction thereof, is punishable by a fine of not more than $1000. Failure to remove or abate a zoning violation within the time period established by the Court constitutes a separate misdemeanor offense punishable by a fine of not more than $1000; any such failure during a succeeding 10-day period constitutes a separate misdemeanor offense punishable by a fine of not more than $1500; and any such failure during any succeeding 10-day period constitutes a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.

2. The remedy provided for in this Section shall be in addition to any other remedies provided by law; however, the designation of a particular violation of this Ordinance as an infraction pursuant to Par. 1 of Sect. 903 below shall preclude criminal prosecution or sanctions, except for any infraction also resulting in injury to any person or persons and/or civil penalties that total $5000 or more.

18-903 Infractions and Civil Penalties

1. A violation of the provisions of this Ordinance, except for the posting of signs on public property or public rights-of-way, shall be deemed an infraction and shall be punishable by a civil penalty of $200 for the first violation; and subsequent violations arising from the same set of operative facts shall be punishable by a civil penalty of $500 for each separate offense.

2. Each day during which any violation of the provisions under Par. 1 above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten (10) day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of $5000.

3. The designation of a particular violation of this Ordinance as an infraction pursuant to Par. 1 above shall be in lieu of criminal sanctions, and such designation shall preclude the prosecution of a violation as a criminal misdemeanor unless such violation results in injury to any person or persons or the civil penalties under Par. 1 above total $5000 or more for such violation. If the civil penalties for a violation under Par. 1 above total $5000 or more, the violation may be prosecuted as a criminal misdemeanor.

4. After having served a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions under Par. 1 above and if such violation has not ceased within such reasonable time as is specified in such notice, then, upon the approval of the County Attorney, the Zoning Administrator shall cause two (2) copies of a summons to be served upon such person.

5. Such summons shall contain the following information:

   A. The name and address of the person charged.

   B. The nature of the infraction and the Ordinance provision(s) being violated.

C. The location, date and time that the infraction occurred or was observed.

D. The amount of the civil penalty assessed for the infraction.

E. The manner, location and time in which the civil penalty may be paid to the County.

F. The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

6. The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Department of Finance at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

7. If a person charged with a 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 by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

8. The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

18-904 Civil Penalty for Demolition, Razing or Moving of Buildings in Historic Overlay Districts

1. When a Building Permit is required, the demolition, razing or moving of a building or structure which is located in a Historic Overlay District without the prior approval of the Architectural Review Board and/or the Board of Supervisors as provided in Sect. 7-204 shall be punishable by a civil penalty.

2. Such civil penalty shall not exceed the market value of the property as determined by the assessed value of the property at the time of destruction or removal of the building or structure, and shall include the value of any structure and the value of the real property upon which any such structure was located.

3. Enforcement under this Section shall be by bringing an action in the name of the County in Circuit Court by the County Attorney, upon request of the Zoning Administrator, and such action shall be brought against the party or parties deemed responsible for such violation. It shall be the burden of the County to show liability of the violator by a preponderance of the evidence.

4. The remedies provided for in this Section are not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE 19

BOARDS, COMMISSIONS, COMMITTEES

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PART 1 19-100 PLANNING COMMISSION

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PART 5 **(DELETED BY AMENDMENT #ZO-21-487, ADOPTED MARCH 23, 2021, EFFECTIVE MARCH 24, 2021, 12:01 AM)**

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ARTICLE 19

BOARDS, COMMISSIONS, COMMITTEES

PART 1 19-100 PLANNING COMMISSION

19-101 Purpose

The Planning Commission shall advise the Board of Supervisors on all matters related to the orderly growth and development of Fairfax County, and it shall approve or disapprove the location, character and extent of all public facilities in the County.

More specifically, the Planning Commission, with the advice and assistance of the County staff, shall:

1. Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.

2. Prepare and recommend amendments to the Zoning Ordinance.

3. Prepare and recommend amendments to the Subdivision Ordinance.

4. Prepare and recommend amendments to a Capital Improvement Program.

5. Prepare and recommend amendments to an Official Map.

6. Review and make recommendations on all amendments to the Zoning Map.

7. Review and make recommendations on applications for special exceptions filed with the Board, and when deemed necessary on appeals and applications for special permits filed with the BZA.

8. Approve final development plans in accordance with the provisions of Sect. 16-402.

9. Approve or disapprove the general or approximate location, character and extent of streets, parks or other public areas, public buildings, public structures, public utilities, or public service corporations other than railroads, whether publicly or privately owned.

19-102 Authority and Establishment

The Planning Commission was established in conformance with a resolution adopted by the Board of Supervisors on July 6, 1938 pursuant to the provisions of Article 2, Chapter 22, Title 15.2 of the Code of Virginia.

The Planning Commission heretofore established shall continue as the Planning Commission for the purpose of this Ordinance.

The official title of this Commission shall be the 'Fairfax County Planning Commission'.

19-103 Membership

1. The Planning Commission will consist of not less than five nor more than fifteen members, appointed by the Board, all of whom are residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half of the members so appointed are Fairfax County landowners. There must be one member from each District.

2. Members shall be appointed for four (4) years and terms of appointment shall be staggered. Members of the Commission may receive such compensation as may be authorized by the Board.

3. Any vacancy in membership shall be filled by appointment by the Board. It shall be for an unexpired term only. Any appointed member may be removed by the Board for malfeasance in office.

19-104 Officers

1. The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, a Secretary and a Parliamentarian.

2. The officers of the Planning Commission shall be elected from the members for a one (1) year term by the Commission at its first regular meeting after January 1 each year; provided, however, if an appointment to the membership by the Board is pending, such election shall be held at the first meeting following such an appointment.

3. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.

4. Vacancies in office shall be filled immediately by regular election procedures.

19-105 Meetings

1. Regular meetings of the Planning Commission are held two (2) times each week, as the work of the Commission may require, at a time and place to be designated by resolution by the Commission. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

2. All regular meetings and adjourned meetings shall be open to the public except as provided for in the Freedom of Information Act.

3. Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.

   A. The Secretary shall cause to be mailed to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.

B. Written notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they filed a written waiver of the required notice.

4. Special meetings may be either open to the public or may be closed, but no official action on any matter shall be taken by the Commission at any closed meeting.

5. All public hearings conducted by the Planning Commission shall be in accordance with the provisions of Sect. 18-109.

6. A majority of the membership of the Commission shall constitute a quorum.

7. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

19-106 Records

The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all witnesses giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

19-107 Duties

The Planning Commission shall have the following duties:

1. The election of officers from its own membership.

2. The general supervision of, and the making of regulations for, the administration of its affairs.

3. The adoption of its own bylaws and procedures, consistent with the ordinances of the County and the general laws of the State.

4. The employment or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services within the limits of funds appropriated by the Board.

5. The supervision of its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.

6. The preparation and submission of an annual budget in the manner prescribed by the Board.

7. The conduct of public hearings on specific items.

8. The hearing and decision on all matters referred to and upon which it is required to pass by this Ordinance and the Code of Virginia.

9. The performance of those activities set forth in Sect. 101 above.

10. The preparation, publication and distribution of reports, ordinances, and other material relating to its activities.

11. The preparation and presentation to the Board of an annual report concerning the operation of the Commission and the status of planning within the County.

12. The preparation and presentation to the Board of a report, at intervals of not greater than five (5) years, on whether or not a general revision of this Ordinance should be undertaken. If the Commission should recommend such a revision, it shall describe the conditions which it believes indicate the desirability thereof, outlining in general the respects in which the Ordinance can better be adapted to such conditions. Further, it shall indicate the scope of the revisions that it believes to be advisable.

13. The establishment of advisory committees when it is deemed advisable.

PART 2 19-200 BOARD OF ZONING APPEALS

19-201 Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature, and that they are not perfect and are subject to interpretation, the Board of Zoning Appeals is established to vary specific terms of the Ordinance to the end that the intent of the provisions may be effectuated, but only in a manner that the spirit of the Ordinance is maintained and upheld. In addition, the Board of Zoning Appeals is established to perform those duties as set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia and those duties as set forth in the provisions of this Ordinance.

19-202 Authority and Establishment

The Board of Zoning Appeals was established pursuant to the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia. The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Board of Zoning Appeals', and such body shall also be known by the abbreviation 'BZA'.

19-203 Membership

1. The BZA shall consist of seven (7) members appointed by the Circuit Court of Fairfax County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.

2. The terms of office of the membership shall be for five (5) years, except that the original appointment of the first five (5) members shall be made for such terms that the term of one member shall expire each year. The original appointment of the additional two (2) members shall be for terms of one for two (2) years and one for three (3) years.

3. The Clerk of the BZA shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the Court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

4. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

5. Members of the BZA shall hold no other public office in the County, except that one (1) member may be a member of the Planning Commission.

6. Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by the Court which appointed him, after a hearing held on at least fifteen (15) days' notice to the member sought to be removed.

19-204 Officers

At its first meeting in January of each year, the BZA shall elect a Chairman and a Vice-Chairman by a majority vote of the entire membership, and shall appoint a Clerk, whose compensation shall be fixed by the Board of Supervisors.

19-205 Meetings

1. The BZA shall hold at least one (1) meeting each month at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday the meeting shall be held on the day following unless otherwise designated by the BZA.

2. Four (4) members of the BZA shall constitute a quorum but a lesser number may meet and adjourn.

3. Special meetings may be called by the Chairman provided at least five (5) days' notice of such hearing is given each member in writing.

4. The BZA may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set and no further public notice shall be necessary for such a meeting. Such adjournment shall be mandatory ten (10) hours after the start of a meeting.

5. Appeals shall be heard and applications considered in the order in which they are filed, except that an appeal or application may be advanced for a hearing by an order of the BZA for a good cause shown. The Clerk shall keep a calendar of cases to be heard in their proper priority.

6. All public hearings conducted by the BZA shall be in accordance with the provisions of Sect. 18-109. All hearings shall be open to the public, and any person affected may appear and testify at such hearing, either in person or by an authorized agent or attorney.

19-206 Referral to Planning Commission

1. The Clerk of the BZA shall transmit to the Planning Commission a copy of every appeal or application made to the BZA and shall also notify the Commission of the date of the hearing thereon.

2. If, prior to the time of the hearing, the Planning Commission submits to the BZA a recommendation that an application for a special permit be denied, that specified conditions be prescribed in connection with a particular special permit or that specified conditions be prescribed in connection with a particular variance, the BZA shall not act contrary to such recommendation except by a majority vote of all the members of the BZA.

19-207 Records

1. The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote, such fact.

2. Every decision of the BZA shall be recorded in accordance with standard forms prescribed by the BZA, and shall fully set forth the circumstances of the application and the findings on which the decision is based. Every decision of the BZA shall be made by resolution adopted by a majority of all of the members present, except as otherwise specifically provided in this Ordinance.

3. Each such resolution shall be filed by case number under one of the following headings: (a) interpretation, (b) variances, and (c) special permits, together with all documents pertaining thereto.

19-208 Periodic Report

1. The BZA shall report to the Board of Supervisors periodically, at intervals of not greater than six (6) months, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the County Executive, the Planning Commission, the County Attorney, and the Director.

2. At intervals of not greater than twelve (12) months, the County Attorney shall examine the records of the BZA, and shall submit to the BZA a written summary of his observations thereon, including any recommendations that he may deem to be advisable in order to assure full conformity with the requirements and limitations of this Ordinance pertaining to the jurisdiction and functions of the BZA. Copies of such summary and recommendations shall be filed with the Board of Supervisors, the County Executive, the Planning Commission and the Director.

19-209 Powers and Duties

The BZA shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, interpretation or determination made by the Zoning Administrator or any other administrative officer in the administration or enforcement of this Ordinance, all as provided in Part 3 of Article 18.

2. To authorize upon application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when owning to special conditions, a literal enforcement of the provisions will unreasonably restrict the utilization of the subject property; provided that the purpose of the Ordinance shall be observed, all as provided in Part 4 of Article 18.

3. To hear and decide applications for such special permits as are authorized under Article 8 of this Ordinance.

4. To hear and decide applications for interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the Map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question. The BZA shall not have the power,

however, to rezone property or to change substantially the location of zoning district boundaries as established by this Ordinance.

5. To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.

6. To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.

7. To prescribe procedures for the conduct of public hearings that it is required to hold.

8. To perform those additional activities set forth in this Part.

9. To employ or contract for, within the limits of funds appropriated by the Board of Supervisors, secretaries, clerks, legal counsel, consultants and other technical and clerical services.

19-210 Limitations

All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein. Any action taken by the BZA beyond the authority specifically conferred by the provisions of this Ordinance and the limitations applicable thereto shall ipso facto be of no force and effect.

19-211 Decisions Subject to Judicial Review

All decisions and findings of the BZA that resolve the merits of an appeal or application before the BZA, or dismiss such a filing with prejudice on a procedural basis, are final decisions and are, in all instances, subject only to judicial review in the manner provided by Article 7, Chapter 22, Title 15.2 of the Code of Virginia.

PART 3 19-300 ARCHITECTURAL REVIEW BOARD

19-301 Purpose

The purpose of the Architectural Review Board shall be to administer the provisions of Part 2 of Article 7 and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and archaeological resources in the County.

19-302 Authority and Establishment

The Architectural Review Board is established in accordance with the provisions of this Part 3 of Article 19. The Architectural Review Board heretofore established shall continue as the Architectural Review Board for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Architectural Review Board' and such body shall also be known by the abbreviation 'ARB'.

19-303 Membership

1. The ARB shall be composed of eleven (11) voting members who shall be residents of the County. Ten (10) of the members shall be appointed by the Board of Supervisors as follows:

   A. Two (2) licensed architects, at least one of whom must meet the Secretary of the Interior's Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.

   B. One (1) licensed landscape architect.

   C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.

   D. One (1) archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology as published in 36 CFR Part 61.

   E. One (1) historian who meets the Secretary of the Interior's Professional Qualification Standards for History as published in 36 CFR Part 61 or one (1) architectural historian who meets the Secretary of the Interior's Professional Qualification Standards for Architectural History as published in 36 CFR Part 61.

   F. The other members appointed by the Board of Supervisors shall be drawn from the ranks of related professional groups such as historians, architectural historians, architects, landscape architects, archaeologists, engineers, land-use planners, lawyers, and real estate brokers.

   The eleventh member shall be an ex officio member from the Fairfax County History Commission, who shall be drawn from the ranks of related professional groups or who meets the Secretary of the Interior's Professional Qualification Standards for one of the disciplines cited in A, D, or E.

2. Members other than the member from the History Commission, who is chosen by the History Commission, shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered with three (3) members appointed every year except that four (4) members shall be appointed every third year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3. Members shall exempt themselves from voting on any action in which their financial interests or those of their immediate family or employer are directly involved.

4. Members shall possess a demonstrated interest, competence, and knowledge of historic preservation.

19-304 Officers

The officers of the ARB shall be established by majority vote of the entire membership.

19-305 Meetings

Meetings of the ARB shall be called by the Chairman as needed. Meetings shall be held at a time and place to be designated by the Chairman, and all members shall be notified of such at least five (5) days in advance of the meeting.

A quorum of six (6) members present is required for consideration of any matter, and any action taken shall require the affirmative vote of a majority of the voting membership present.

19-306 Records

The ARB shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

19-307 Powers and Duties

The ARB will have the following powers and duties:

1. In a Historic Overlay District, to hear and decide applications for Building Permits and sign permits as provided for in Sect. 7-204.

2. To review and make recommendations on all applications for rezoning, special permit, special exception and variance, and any site plan, subdivision plat, and grading plan in Historic Overlay Districts.

3. To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.

4. To assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically, architecturally, culturally or archaeologically significant sites and buildings such as appropriate land usage, parking facilities, and signs.
5. To assist the Zoning Administrator in the review of applications for new utility distribution or transmission poles 50-feet or lower in height proposed to be constructed within the right-of-way of a Virginia Byway, or on property that is both adjacent to a

Virginia Byway and listed on the County Inventory of Historic Sites. To assist the Zoning Administrator, the ARB may provide application specific recommendations or formulate general recommended criteria or design guidelines for the installation of such poles in these areas.

6. To advise owners of historic buildings or structures on problems of preservation.

7. To formulate recommendations concerning the establishment of an appropriate system of markers for Historic Overlay Districts and selected historic sites and buildings, including proposals for the installation and care of such markers.

8. To cooperate with and enlist assistance from the Fairfax County History Commission, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic, cultural or archaeological buildings, sites, or areas in the County.

9. To make available to the Fairfax County Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies thereof to be made for permanent keeping in the library's historical collection.

10. To employ secretarial assistance and pay salaries, wages, and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

PART 4 19-400 HEALTH CARE ADVISORY BOARD

19-401 Purpose

The Health Care Advisory Board was created to be a citizen group which would develop expertise in all phases of health care and use that expertise to advise and otherwise assist the Board of Supervisors in the development and implementation of a comprehensive plan of health programs and facilities.

19-402 Authority and Establishment

The Health Care Advisory Board was established in conformance with a resolution adopted by the Board of Supervisors on July 11, 1973.

The Health Care Advisory Board heretofore established shall continue as the Health Care Advisory Board for the purpose of this Ordinance. The official title of this Board shall be the 'Fairfax County Health Care Advisory Board'.

19-403 Membership

The Health Care Advisory Board shall consist of nine (9) members serving four (4) year terms with at least one (1) physician or other health care provider appointed at large by the Chairman of the Board of Supervisors and the other eight (8) members appointed one from each District.

19-404 Officers

The Health Care Advisory Board shall establish such rules of procedure as it sees fit, and elect such officers as it deems necessary to the fulfillment of its duties.

19-405 Meetings

The Health Care Advisory Board shall hold such meetings as it deems necessary to the fulfillment of its duties.

19-406 Records

The Health Care Advisory Board is directly responsible to the Board of Supervisors and the records of its actions are maintained in the Office of the County Executive.

19-407 Powers and Duties

The powers and duties of the Health Care Advisory Board shall include, but are not limited to, the following. Such functions shall apply only insofar as they do not contradict with specifically outlined duties of the Fairfax-Falls Church Community Services Board.

1. Participation in the periodic review of a comprehensive health plan for the County, to include recommendations for the provision of health care facilities, as well as an evaluation of current health resources and an assessment of future program needs.

2. Initiation of an on-going health care information process in coordination with local, regional, state and federal agencies.

3. Annual review of the County Executive's budget priorities for physical health-related County and contributory agencies.

4. Review of proposed medical care facilities, continuing care facilities, and adult day care centers in accordance with other provisions of this Ordinance.

5. Evaluation of the specifications and methodology of proposed County third party contracts for health service studies and programs.

6. Review of materials provided the County by the Fairfax Hospital Association pertaining to certain provisions of the Fairfax County/Fairfax Hospital Association Agreement and requiring the review and/or approval of the Board of Supervisors.

7. The undertaking of such other activities as become appropriate as the character of health care delivery evolves.

PART 5 (DELETED BY AMENDMENT #ZO-21-487, ADOPTED MARCH 23, 2021, EFFECTIVE MARCH 24, 2021, 12:01 AM)

PART 6 **(DELETED BY AMENDMENT #ZO-21-487, ADOPTED MARCH 23, 2021, EFFECTIVE MARCH 24, 2021, 12:01 AM)**

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ARTICLE 20

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

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ARTICLE 20

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

PART 1 20-100 ORDINANCE STRUCTURE

20-101 Chapter 112 of County Code

The Zoning Ordinance as presented herein represents Chapter 112 of The Code of the County of Fairfax, Virginia.

20-102 Articles

For purposes of organization, Chapter 112, The Zoning Ordinance, is divided into twenty (20) Articles. The Article designation number represents the first digit (or two as the case may be) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number 2-604, the digit 2 represents the Article.

20-103 Parts

Each Article within the Zoning Ordinance is subdivided into several major headings known as Parts. Part designation numbers represent the second digit; e.g., in the reference number 2-604, the digit 6 represents the Part.

20-104 Sections

Each Part within the Zoning Ordinance is subdivided into Sections. Section designation numbers represent the last one or two digits; e.g., in the reference number 2-604 and 2-612, the digits 4 and 12 represent Section numbers.

20-105 Paragraphs

For purposes of further organization, each Section may be subdivided into Paragraphs which are represented by such numbers as 1, 2, 3; which may be further subdivided as A, B, C...(1), (2), (3)... (a), (b), (c)…and (i), (ii), (iii)…

20-106 Page Numbers

Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

20-107 Referencing

In referencing the various regulations presented in the Zoning Ordinance, the following method is employed:

...as required in Article 18.

...as required in Part 3 of Article 18.

...as required in Sect. 18-302.

...as required in Sect. 302 above (below)*.

...as required in Par. 1A(2) of Sect. 302 below.

*The Article prefix digit is not employed when a reference is made to another regulation within the same Article.

PART 2 20-200 INTERPRETATIONS

For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

1. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

2. The word 'shall' is mandatory.

3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

4. Unless otherwise specified, the term 'day' shall mean calendar day.

5. The word 'building' includes the word structure, and the word 'structure' includes the word building; the word 'lot' includes the word plot; the word 'used' shall be deemed also to include designed, intended, or arranged to be used; the term 'erected' shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.

6. The terms 'land use' and 'use of land' shall be deemed also to include building use and use of building.

7. The word 'adjacent' means nearby and not necessarily contiguous; the word 'contiguous' means touching and sharing a common point or line.

8. The word 'State' means the Commonwealth of Virginia. The word 'County' means the County of Fairfax, Commonwealth of Virginia; and the term 'County boundary' means any exterior boundary of the County or any boundary of unincorporated territory within the County.

9. The terms 'Board of Supervisors', 'Planning Commission', 'Board of Zoning Appeals', 'County Executive', 'Director of Land Development Services', 'Zoning Administrator', 'Health Officer' and other similar offices shall mean the respective Boards, Commissions, and Officers of Fairfax County and/or their duly authorized agents. The use of the term 'Board' shall always mean the Board of Supervisors; the use of the abbreviation 'BZA' shall always mean the Board of Zoning Appeals; the use of the term 'Director' shall always mean the Director of Land Development Services or duly authorized agent; and the use of the abbreviation 'WMATA' shall always mean the Washington Metropolitan Area Transit Authority.

10. The term 'R district' means any residential district and where appropriate, the residential areas in a P district; the term 'C district' means any commercial district; the term 'I district' means any industrial district; and the term 'P district' means any planned development district.

11. The term 'The Code' means 'The Code of the County of Fairfax, Virginia'.

12. The term 'rezoning' means an amendment to the zoning map.

PART 3 20-300 DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Ordinance. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other Chapters of The Code.

ACCELERATION: See definitions under VIBRATION.

ACCESSIBILITY IMPROVEMENT: The provision of ramps and other facilities or equipment, such as elevator shafts and bathroom fixtures, and/or accessible parking spaces, related access aisles and accessible routes for persons with disabilities in accordance with the design specifications set forth in the Virginia Uniform Statewide Building Code (VUSBC) and the Public Facilities Manual whether such improvement is mandated by Federal or State law or is provided voluntarily.

ACCESSORY DWELLING UNIT: See DWELLING UNIT, ACCESSORY.

ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES: Facilities that support the functioning and operation of ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES, including but not limited to WMATA Metrorail facilities, when such facilities are not located within 200 feet of an ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY. Such distance shall be measured from the perimeter of any accessory electrically-powered regional rail transit facility structure or paved area therein to the closest point on the perimeter of any electrically-powered regional rail transit facility structure or paved area therein. When such accessory electrically-powered regional rail transit facility is a stormwater management facility, then the distance shall be measured from the toe of slope or from any above-ground impoundment structure, including any dam embankment, as may be applicable, to the closest point on the perimeter of any electrically-powered regional rail transit facility structure or paved area therein. Accessory electrically-powered regional rail transit facilities shall include tracks, together with all bridges, retaining walls, piers and related infrastructure to support the tracks; traction power substations; tie-breaker stations; train control rooms; communication rooms; stormwater management facilities; access easements; temporary staging/construction yards related to the construction of ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES; and other similar improvements. Accessory electrically-powered regional rail transit facilities shall not be deemed to include ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES.

ACCESSORY SERVICE USE: Accessory service uses as permitted by this Ordinance are subject to the provisions of Part 2 of Article 10. An accessory service use is a use which:

1. Is subordinate to and serves a principal use; and

2. Is subordinate in purpose, area and extent to the principal use served; and

3. Contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and

4. Is generally located within the building housing the principal use served, except as qualified by the provisions of Sect. 10-203.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are subject to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. Is clearly subordinate to, customarily found in association with, and serves a principal use; and

2. Is subordinate in purpose, area or extent to the principal use served; and

3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and

4. Is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use, whether or not it is situated on the same lot with the principal building.

ACRE: A measure of land equating to 43,560 square feet.

ADULT BOOK STORE: An establishment having as a substantial and significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' (as defined below) or an establishment trading in such books, magazines, and other periodicals which limits its customers to persons over eighteen (18) years of age.

For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition 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.

ADULT DAY CARE CENTER: A facility licensed by the State of Virginia where four or more adults who are aged, infirm or who have a disability (handicap) receive supportive services, health monitoring, protection, and supervision on a regular basis during part of a 24-hour day. This use does not include any licensed facility that provides for the primary diagnosis or treatment of a medical or mental health condition or any facility licensed by the Virginia

Departments of Health Professions or Behavioral Health and Developmental Services. This use also does not include ASSISTED LIVING FACILITY or NURSING FACILITY OR HOME

ADULT MINI MOTION PICTURE THEATRE: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen (18) years of age.

For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition 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.

AFFORDABLE DWELLING UNIT DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program set forth in Part 8 of Article 2.

AGRICULTURE: The use of a farm or other tract of land not less than five (5) acres in size as a business engaged in the production of crops, nursery stock or plant growth of any kind and/or the raising of livestock, aquatic life or other animals to produce products such as food and fiber and the wholesale sale of the foregoing plant and animal products. Agriculture may also include the operation of agritourism uses, as set forth in the Code of Virginia, and a licensed farm winery, limited brewery or limited distillery, but only as those uses are defined in this Ordinance and only in accordance with the provisions of Part 6 of Article 9, when a special exception is required.

The term 'agriculture' shall not include the following uses: (a) the maintenance and operation of plant nurseries; (b) the operation or maintenance of a commercial stockyard or feed yard; (c) the retail sales of agricultural products except as an accessory use; or (d) the operation of landscape contracting services. However, the definition of agriculture shall not be deemed to preclude the keeping of livestock on parcels of two (2) acres or more in size as permitted by Sect. 2-512 or gardening, as permitted as an accessory use in Sect. 10-102.

ALLEY: A narrow strip of land intended for vehicular traffic which has a minimum width of twenty (20) feet, and is designed to give access to the side or rear of properties whose principal frontage is on another street.

ALTERNATIVE LENDING INSTITUTION: An establishment providing short term loans to individuals, to include, but not limited to, pay day lenders, as regulated by Chapter 18, Title 6.2, Code of Virginia, and/or motor vehicle title lenders, as regulated by Chapter 22, Title 6.2, Code of Virginia. For purposes of this Ordinance, an alternative lending institution shall not be deemed to include an OFFICE, PAWNSHOP, DRIVE-IN FINANCIAL INSTITUTION,

AMPLITUDE: See definitions under VIBRATION.

AMUSEMENT ARCADE: Establishments in which a principal use is the operation of mechanical, electronic, and/or coin operated games and/or devices for the amusement of the general public.

AMUSEMENT MACHINES: Any mechanical, electronic, and/or coin operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

ANGLE OF BULK PLANE: See BULK PLANE.

ANIMAL SHELTER: As differentiated from a KENNEL as defined herein, any place designated to provide for the temporary accommodation of five (5) or more common household pets which are stray or not wanted by their owner until appropriate disposition of such pets can be effectuated.

ANIMAL UNIT: A standard unit for comparing actual animal numbers for all types of livestock. An animal unit is based on the carrying capacity of an area of land with respect to the environmental health, exercise and food requirements. Using a head of cattle as a base, the number of other animals permitted is set forth in a proportionate ratio.

ANIMALS: See LIVESTOCK; PETS, COMMONLY ACCEPTED.

ANTENNA: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.

ARCHITECT: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

ASSISTED LIVING FACILITY: A licensed facility for persons who are unable to live independently that provides all of the following: (a) private or semi-private accommodations, which include a sleeping area, access to an accessible bathroom, and may include limited food and drink preparation facilities (excluding an oven and cooktop), (b) supervision and general care, including but not limited to the provision of daily meals, general housekeeping, health- or hygiene-related care, and (c) assistance with activities of daily living. For purposes of this Ordinance, an assisted living facility includes facilities for memory care and is deemed a MEDICAL CARE FACILITY.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

AUTOMOBILE LAUNDRY: See CAR WASH.

AUTOMOBILE-ORIENTED USE: Any use of land not otherwise defined which provides a service directly to a motor vehicle, or which provides goods or services to the occupants of a motor vehicle while seated therein.

AUTOMOBILE SERVICE STATION: See SERVICE STATION.

A-WEIGHTED SOUND LEVEL (dBA): The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies. When used by itself, an A-weighted decibel value describes either a sound at a given instant, a maximum level or a steady state value. When combined with DNL, it summarizes those sound levels which vary over time.

BASEMENT: A portion of a building partly underground, but having less than one-half (½) its clear height below the grade plane. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, a BASEMENT shall be as defined in Sect. 2-906.

BED AND BREAKFAST: A single family detached dwelling unit which is owner or manager occupied, in which five (5) or fewer guest rooms without cooking facilities are rented to transient visitors for a period not to exceed thirty (30) days.

BIRD UNIT: A concept similar to the ANIMAL UNIT, using the adult chicken as a base.

BLOCK: That land abutting on one side of a street, extending to the rear lot lines, or for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty (30) feet or more in width.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY: See ACCESSORY USE.

BUILDING GROUP: A group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING HEIGHT: See HEIGHT, BUILDING.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is situated.

BUILDING UNDER CONSTRUCTION: A building under construction as it relates to outdoor lighting and requires the use of frosted bulbs on the exterior ten (10) feet of the perimeter, shall cease when exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of light for the building, for example when there is no longer a practical way to use frosted, incandescent bulbs on the outermost ten (10) foot perimeter.

BULK PLANE: An imaginary inclined plane rising over a lot, drawn at a specified angle from the vertical, the bottom side of which is coincidental with the lot line(s) of the lot, and which, together with other bulk regulations and lot size requirements, delineates the maximum bulk of any improvement which may be constructed on the lot. The angle of bulk plane shall be established in accordance with the provisions of Sect. 2-307. No portion of any structure may extend beyond such a plane, except for those structures set forth in Sections 2-412 and 2-506. (Reference Illustration 1 in Appendix 2)

BULK REGULATIONS: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

BUSINESS SERVICE AND SUPPLY SERVICE ESTABLISHMENT: Any establishment containing no more than 5000 square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. This term shall also include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

CAMP OR RECREATION GROUND: An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a MOBILE HOME PARK as defined herein.

CAMPING TRAILER: A vehicular portable structure mounted on wheels constructed with collapsible, partial side walls of fabric, plastic or other pliable materials for folding compactly while being transported.

CAR WASH: A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

CARPORT: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, used for the shelter of parked motor vehicles. A carport shall have no enclosure that is more than eighteen (18) inches in height, other than the minimum required supports for its roof, and the side(s) of the building to which the carport is contiguous.

CARRYOUT RESTAURANT: Any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state, primarily for

consumption off the premises. A carryout restaurant does not include drive-through facilities, and up to eight (8) seats may be provided for on-site consumption and/or customer waiting. A restaurant with more than eight seats is considered a RESTAURANT. A QUICK-SERVICE FOOD STORE or CRAFT BEVERAGE PRODUCTION ESTABLISHMENT is not considered a CARRYOUT RESTAURANT.

CELLAR: The portion of a building partly underground, having one-half (½) or more than one-half (½) of its clear height below the grade plane. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, a BASEMENT shall include CELLAR as defined in Sect. 2-906.

CENTER LINE: A line lying midway between the side lines of a street or alley right-of-way.

CHILD CARE CENTER: A structure, other than a dwelling or mobile home, where one (1) or more children receive care, protection and supervision on a regular basis during only part of a twenty-four (24) hour day unattended by parent or legal guardian.

CHILD CARE CENTER FOR OCCASIONAL CARE: A structure, other than a dwelling or mobile home, where one (1) or more children receive care, protection and supervision on an occasional basis unattended by parent or guardian. Such care per child shall not exceed four (4) hours in any twenty-four (24) hour day and shall be limited to a maximum of ten (10) days per month.

CIRCUS: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows.

CLUSTER SUBDIVISION/DEVELOPMENT: See SUBDIVISION, CLUSTER.

COLLECTOR STREET: See STREET, COLLECTOR.

COLUMBARIUM: A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

COMMERCIAL NUDITY ESTABLISHMENT: Any establishment which the public may enter, with or without an admission charge, in which alcohol is consumed on the premises, wherein nudity is exhibited by employees, entertainers or other persons. For the purpose of this Ordinance, nudity shall mean any exposure to public view of the human male or female genitals, pubic area, buttocks or any portion of the female breast below the top of the areola, with less than a fully opaque covering.

COMMERCIAL RECREATION RESTAURANT: Any establishment which provides as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premise dining is clearly accessory or incidental to the operation of the other. For the purpose of this definition recreation may include but is not limited to (a) television and motion pictures; (b) sound and sight systems; (c) mechanical and/or electronic operated games; (d) animated mechanical devices and/or rides; and (e) live entertainment.

COMMERCIAL VEHICLE: Vehicles which bear or display indicators that the vehicle is designed or used for commercial purposes, including but not limited to box trucks, step vans, or

vehicles specifically designed to carry tools and/or specialized equipment, regardless of capacity, or which is licensed as a 'for hire' vehicle. For the purpose of this Ordinance, commercial vehicles shall not be deemed to include: (1) vehicles operated by a public agency except those vehicles set forth in Par. 16B of Sect. 10-102; (2) farm vehicles or equipment located on property used for agricultural purposes; (3) motor homes, camping trailers, boats, boat trailers, horse trailers, or similar recreational equipment recognized as personal property and not for hire; (4) vehicles actively providing delivery, repair, or moving services; (5) public or private vehicles used exclusively for the transportation of persons to and from a school, place of worship, or activities related thereto; (6) and vehicles primarily used for the non-commercial transport of passengers which may display Virginia Department of Motor Vehicles issued transportation network company identifications or other small emblems and do not include any other commercial indicators.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMONLY ACCEPTED PETS: See PETS, COMMONLY ACCEPTED.

COMMUNITY GARDEN: Land or rooftop area used for the cultivation of herbs, fruits, flowers, vegetables, or ornamental plants by more than one person, household, or a nonprofit organization for personal or group use, consumption, or donation and not for the bona fide production of crops, animals or fowl. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas and accessory structures maintained and used by group members. A community garden does not include a private garden on a lot that contains a single family detached dwelling. Except when located as an accessory use on a lot that is principally used for agriculture, community gardens are not deemed to be an agricultural use.

COMPREHENSIVE PLAN: The official document or elements thereof, adopted by the Board, and intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of The Code of Virginia.

CONDOMINIUM: Ownership of any real property which includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s) and including the land and its appurtenances.

CONDOMINIUM CONVERSION: A subdivision of an existing building(s) and its related lot(s) to a condominium in accordance with the provisions of Chapter 4.2, Condominium Act, of The Code of Virginia.

CONGREGATE LIVING FACILITY: A facility that provides housing and general care on a permanent or temporary basis, including the provision of on-site supportive services, such as special care and treatment, in a supervised setting with on-site counselors or other staff. This includes facilities providing in-patient alcohol and addiction detoxification services and for the care of more than eight mentally ill or developmentally disabled patients. This term does not include a GROUP HOUSEKEEPING UNIT, GROUP RESIDENTIAL FACILITY, ASSISTED LIVING FACILITY, SCHOOL OF SPECIAL EDUCATION, or any facility providing services or treatment to anyone who does not reside at the facility.

CONSTRUCTION MATERIALS YARD: Any area accessory to and on the same lot with a construction project used on a temporary basis for the storage or processing of materials and supplies used in the actual construction of buildings within the project.

CONSTRUCTION PERMIT: A permit which allows land disturbing activity and construction of bonded improvements.

CONTINUING CARE FACILITY: A development under unified operation that provides a variety of accommodation options offering a continuum of care and services. A continuing care facility must be developed as an integrated continuum of accommodation types and service features that allows for the ability to move between levels of support as an individual's care needs change. At a minimum, a continuing care facility must offer or provide care and services to include the on-site provision of meals, general housekeeping, facilitation of transportation, recreation, health- or hygiene-related care, assistance with activities of daily living, and other services integral to the personal, health, and therapeutic care of persons.

CONTRACTOR'S OFFICES AND SHOPS: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet.

CONTRIBUTING PROPERTY: A property located within a Historic Overlay District that adds to or supports the historic, architectural, or archaeological significance of the district as determined through the establishment of a Historic Overlay District.

CONVENIENCE CENTER: A small commercial shopping facility designed as a homogeneous component of a neighborhood, allowed as a Category 5 special exception use under the provisions of Part 5 of Article 9.

CONVENTIONAL SUBDIVISION: See SUBDIVISION, CONVENTIONAL.

COOPERATIVE: Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit.

CORNER LOT: See LOT, CORNER.

COUNTRY CLUB: A nonprofit membership organization formed for recreational purposes which includes a club house, golf course and may include other recreational activities such as swimming pools, tennis courts and squash courts. Dining facilities, meeting rooms, lounges, snack bars and retail sales may also be permitted as accessory uses.

COVERAGE, LOT: See LOT COVERAGE.

CRAFT BEVERAGE PRODUCTION ESTABLISHMENT: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 20,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually.

Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment.

CREMATORY: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

CUL DE SAC: A local street, one end of which is closed and consists of a circular turn around.

CULTURAL CENTER: A building or area to present exhibits of cultural, scientific or academic material, live theater and dance performances, musical concerts, cinema or lectures to the general public as a nonprofit enterprise.

CURB LINE: The face of a curb along private streets, travelways, service drives and/or parking bays/lots.

DAY NIGHT AVERAGE SOUND LEVEL (DNL): A noise descriptor used for noise and land use compatibility. It is the twenty-four (24) hour average sound level expressed in A-weighted decibels, with a ten (10) decibel penalty applied to noise events from 10 PM to 7 AM. The nighttime weighted penalty accounts for the increased sensitivity to noise in the quieter sleeping hours. This noise descriptor is used to denote the total noise environment which varies over time and correlates reasonably well with the effects of noise on the public health, safety and welfare. DNL can be used to express noise impacts from noise sources in addition to aircraft noise. DNL can be made equivalent to Noise Exposure Forecasts (NEF) by adding 35 to an NEF contour, e.g. 30 NEF + 35 = DNL 65 dBA. DNL is equivalent to Ldn.

dBA: See A-WEIGHTED SOUND LEVEL.

DECK: Any patio, balcony, terrace, gallery, veranda, piazza, porch, portico or similar projection from an outer wall of a building, other than a carport as defined herein. A deck shall include any associated stairs. A deck shall have no enclosure, other than the side(s) of the principal building to which it is attached; provided, however, a deck may have an 'open-work' railing or wall, not over four (4) feet in height, with at least fifty (50) percent of the area thereof open in an evenly distributed pattern.

- DECK, OPEN: Any deck which is unroofed.

- DECK, ROOFED: Any deck that is either completely or partially roofed, even by open beams or lattice work. A roofed deck shall have no enclosure other than the side(s) of the principal building to which the deck is attached, the minimum required supports for the roof and a railing as permitted above.

DEDICATED OPEN SPACE: See OPEN SPACE, DEDICATED.

DENSITY: The number of dwelling units per acre, except in the PRC District where it shall mean the number of persons per acre.

DEVELOPER: The legal or beneficial owner or owners of all of the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30)

years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Ordinance.

DEVELOPMENT PLAN: A required submission for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-202, which generally characterizes the planned development of the subject lot.
Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment.

DEVELOPMENT PLAN, CONCEPTUAL: A required submission at the time of filing for an amendment to the Zoning Map for a P district other than the PRC District, prepared and approved in accordance with the provisions of Sect. 16-401, which generally characterizes the planned development of the subject lot.

DEVELOPMENT PLAN, FINAL: A required submission following the approval of a conceptual development plan and rezoning application for a P district other than a PRC District, prepared and approved in accordance with the provisions of Sect. 16-402, which further details the planned development of the subject lot. For the purpose of this Ordinance, a final development plan is not to be construed as a site plan as required by the provisions of Article 17.

DEVELOPMENT PLAN, GENERALIZED: A required submission at the time of filing for an amendment to the Zoning Map for all districts other than a P district, prepared and approved in accordance with the provisions of Sect. 18-203, which generally characterizes the proposed development of the subject lot.

DIRECTIONALLY SHIELDED LIGHTING FIXTURE: See LIGHTING FIXTURE, DIRECTIONALLY SHIELDED.

DISABILITY GLARE: See GLARE, DISABILITY.

DISPLACEMENT: See definitions under VIBRATION.

DISTRICT CORE: The portion of a Historic Overlay District where all the historic and most contributing properties are located.

DNL: See DAY NIGHT AVERAGE SOUND LEVEL.

DOG KENNEL: See KENNEL.

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

DRIVE-IN FINANCIAL INSTITUTION: Any financial institution which offers its services to persons within motor vehicles.

DRIVE-THROUGH PHARMACY: A retail sales establishment which provides medicine and

other items, such as toiletries, various sundries and packaged foods for sale, and offers drop-off and pick-up service exclusively for prescriptions and associated medical items to persons within a motor vehicle.

DRIVEWAY: That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

DRUG PARAPHERNALIA: All equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana and/or a controlled substance as defined in Va. Code Sections 54-524.84:4, 54-524.84:6, 54-524.84:8, 54-524.84:10 and 54-524.84:12 (Cum. Supp. 1980). It includes but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is marijuana or a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing marijuana and/or controlled substances;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is marijuana or a controlled substance;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of marijuana and/or controlled substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana and/or controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting marijuana and/or controlled substances;

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding marijuana and/or controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana and/or controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana and/or controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting marijuana and/or controlled substances into the human body;

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

    A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

    B. Water pipes;

    C. Carburetion tubes and devices;

    D. Smoking and carburetion masks;

    E. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

    F. Miniature cocaine spoons, and cocaine vials;

    G. Chamber pipes;

    H. Carburetor pipes;

    I. Electric pipes;

    J. Air-driven pipes;

    K. Chillums;

    L. Bongs;

    M. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, the Zoning Administrator, his agent, or the Board of Supervisors should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to marijuana or any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of this ordinance, Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980), or to marijuana or a controlled substance;

4. The existence of any residue of marijuana or controlled substances on the object;

5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of this Ordinance or Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980); the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Ordinance or Va. Code Sect. 18.2-248.2 (Cum. Supp. 1980)

shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;

6. Instructions, oral or written, provided with the object concerning its use;

7. Descriptive materials accompanying the object which explain or depict its use;

8. National and local advertising concerning its use;

9. The manner in which the object is displayed for sale;

10. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

11. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

12. The existence and scope of legitimate uses for the object in the community;

13. Expert testimony concerning its use.

DRUG PARAPHERNALIA ESTABLISHMENT: Any retail sales establishment wherein drug paraphernalia is displayed, sold, offered for sale or given away.

DUSTLESS SURFACE: A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director.

DWELLING: A building or portion thereof, but not a MOBILE HOME or a CONTINUING CARE FACILITY, designed or used for residential occupancy. The term 'dwelling' does not mean a motel, rooming house, hospital, or other accommodation used for more or less TRANSIENT OCCUPANCY, except a dwelling may be used for SHORT-TERM LODGING.

DWELLING UNIT: One or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility, which includes provisions for living, sleeping, eating, cooking and sanitation, but not including any unit in a CONTINUING CARE FACILITY. Occupancy must be in accordance with the provisions of Sect. 2-502.

DWELLING UNIT, ACCESSORY: A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. Accessory dwelling units may be permitted by the provisions of Part 9 of Article 8.

DWELLING UNIT, LOW INCOME: Any dwelling unit occupied by a person or persons subsidized directly or indirectly by the Federal, State or County government under any program to assist the construction or occupancy of housing for families of low income, namely those families who meet the eligibility standards for public housing established as of November 17, 1971, by the Fairfax County Redevelopment and Housing Authority under the Federal Low-Rent Public Housing Program authorized by the United States Housing Act of 1937, as

amended to said date; or any dwelling unit occupied by a person or persons eligible for but not receiving such a government subsidy, and paying the same rentals or mortgage payments as he or they would pay under such a subsidy program.

DWELLING, MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 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 this Ordinance, MANUFACTURED HOMES shall be deemed to include a MOBILE HOME. For purposes of administering the floodplain regulations contained in Part 9 of Article 2, MANUFACTURED HOMES shall be based on the definition contained in Sect. 2-906.

DWELLING, MOBILE HOME: A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; (d) designed for removal to and installation or erection on other sites.

A mobile home may include one or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this Ordinance, a mobile home shall not be deemed a SINGLE FAMILY DETACHED DWELLING. A MOBILE HOME does not include TRANSIENT OCCUPANCY, except a mobile home may be used for SHORT-TERM LODGING.

DWELLING, MODULAR UNIT: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a SINGLE FAMILY DWELLING and shall not be deemed a MOBILE HOME.

DWELLING, MULTIPLE FAMILY: A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a SINGLE FAMILY ATTACHED DWELLING as defined herein.

DWELLING, SINGLE FAMILY: A residential building containing only one (1) DWELLING UNIT.

DWELLING, SINGLE FAMILY ATTACHED: A group of two (2) or more closely placed, interrelated single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the Director

in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance. The total length of any one group of units shall not exceed 240 feet. Architectural facades or treatment of materials in a townhouse development shall be varied from one group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as semidetached, garden court, patio house, zero lot line, 'piggyback' town house, 'back to back' town house and town house shall be deemed single family attached dwellings.

DWELLING, SINGLE FAMILY DETACHED: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

EASEMENT: A grant by a property owner of the use of his land by another party for a specific purpose.

EFFECTIVE BUILDING HEIGHT: See HEIGHT, EFFECTIVE BUILDING.

ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES: Stations and their associated pedestrian connections, bus bays, parking areas, service yards and inspection yards associated with an electrically-powered rapid rail transit system that serves only the Washington metropolitan region or parts thereof, including but not limited to WMATA Metrorail facilities. Electrically-powered regional rail transit facilities shall be deemed to include ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES when such facilities are located wholly or in part within 200 feet of an electrically-powered regional rail transit facility. Such distance shall be measured from the perimeter of any electrically-powered regional rail transit facility structure or paved area therein to the closest point on the perimeter of any accessory electrically-powered regional rail transit facility structure or paved area therein, except stormwater management facilities shall be measured to the closest point of the toe of slope or to any above-ground impoundment structure, including any dam embankment, as may be applicable.

ELECTROMAGNETIC RADIATION: Electromagnetic waves propagating at the speed of light utilized in applications of radio, microwave, radar, television, and other means of communication. The term shall not include light, X-ray, or radioactive emissions.

ENGINEER: A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

ESTABLISHMENT FOR SCIENTIFIC RESEARCH, DEVELOPMENT AND TRAINING: Any structure wherein the primary use is the administration and conduct of investigation, examination, experimentation or training aimed at the discovery and interpretation of facts and/or the practical application of the above to products or processes. Establishments for scientific research, development and training shall include one or more of the following principal facilities and/or activities: laboratory facilities; pilot plants; prototype production; and/or the assembly, integration and testing of goods and products, but not including the mass

production of manufactured products. An establishment for scientific research, development and training shall not be deemed an OFFICE.

EXISTING VEGETATION MAP: A depiction of the location of the existing vegetation cover types, as defined in the Public Facilities Manual; approximate total acreage or square footage of each cover type of 500 square feet or greater; a listing of the primary tree species in each cover type; a general statement regarding the successional stage of each cover type containing vegetation; and a statement regarding the general health and condition of each cover type, including, but not limited to trees which are insect infested, diseased, dying and/or in good condition.

FARMERS MARKET: A regularly occurring market that sells farm products or value-added farm products directly to the general public.

FARM WINERY: An establishment located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine and/or cider on the premises, and as specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage Control Board (ABC Board). For the purpose of this definition, a farm shall be deemed to be an area of contiguous land containing not less than twenty (20) acres under common ownership wherein such land is used for AGRICULTURE or any lot not less than five (5) acres in size for which an ABC Board license was pending for the operation of a farm winery before December 7, 2016 where such license is ultimately approved and such land is used for AGRICULTURE. Nothing herein shall preclude the establishment of more than one farm winery, limited brewery and/or limited distillery on a farm, as defined herein.

Any such establishment in operation prior to July 1, 2016, may continue its then existing or more restricted uses; however, the construction or expansion after July 1, 2016, of any new or existing farm winery building or structure in the R-C District shall be subject to the provisions of Part 6 of Article 9. Where permitted and to the extent authorized by this Ordinance, any farm winery may be used for alcohol production, sales and tastings and, in addition, for the hosting of public or private events or activities for up to 200 guests, invitees or participants or up to 300 guests, invitees or participants for farm wineries with primary access from a major arterial road. However, events or activities for more than 200 guests, invitees or participants, or more than 300 guests, invitees, or participants if primary access is from a major arterial road, shall be limited to twelve (12) per calendar year and shall not exceed two (2) days in duration, unless a special exception is approved by the Board. Persons visiting the farm winery for purposes related to tasting, promotion or purchasing of agricultural products available on site shall not be included in the maximum number of persons attending such public or private events or activities.

FENCE: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FESTIVAL: Any fair, festival or similar activity where patrons are charged admission or other fees for the privilege of watching or participating in entertainment, including, but not limited to, music shows, concerts and revivals. For the purpose of this Ordinance, a festival shall not be deemed a CARNIVAL or CIRCUS.

FINANCIAL INSTITUTION: Any establishment, to include an automated teller machine(s), wherein the primary occupation is concerned with such State regulated businesses as banking,

savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) or drive-in automated teller machine shall be deemed a DRIVE-IN FINANCIAL INSTITUTION as defined herein.

FINANCIAL INSTITUTION, DRIVE-IN: See DRIVE-IN FINANCIAL INSTITUTION

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event also known as the base flood) and having a drainage area greater than seventy (70) acres. For the purpose of administering Part 9 of Article 2, Floodplain Regulations, minor floodplains shall be those floodplains which have a drainage area greater than 70 acres but less than 360 acres and major floodplains shall be those floodplains which have a drainage area equal to or greater than 360 acres.

Floodplains shall include all areas of the County which are designated as a floodplain by the Federal Emergency Management Agency (FEMA), by the United States Geological Survey, or by Fairfax County. The basis for the floodplains designated by FEMA shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for Fairfax County prepared by the FEMA, Federal Insurance Administration, dated September 17, 2010, as amended. Floodplains designated by FEMA on the FIRM are referred to as special flood hazard areas. Areas designated as floodplains by FEMA, shall not have their base flood elevations altered without approval from FEMA.

FLOOR AREA, GROSS: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. Gross floor area includes basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses, except as qualified below; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.

Gross floor area does not include cellars; outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building; parking structures below or above grade; rooftop mechanical equipment; penthouses enclosing only mechanical equipment; or enclosed or structural walkways designed and used exclusively for pedestrian access between buildings or parking structures; and floor space created incidental to the replacement of an existing building façade.

FLOOR AREA, NET: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two (2) or more buildings. The term 'net floor area' shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet, six (6) inches. For purposes of determining off-street parking requirements, the term 'net floor area' shall include cellars used exclusively for storage.

FLOOR AREA RATIO (FAR): Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FOOD TRUCK: Any readily movable mobile food service establishment, to include vehicles that are self-propelled, pushed or pulled to a specific location.

FOOTCANDLE: A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Footcandle measurements shall be made with a photometric light meter.

FREQUENCY: See definitions under VIBRATION.

FRONT YARD: See YARD, FRONT.

FRONTAGE: For the purpose of administering the provisions set forth in Article 12, Signs, a use shall be deemed to have frontage on a street if the use is clearly visible from the street and is located on a lot that is contiguous to and has a lot width of fifty (50) feet at the public street right-of-way. The use shall be deemed to have frontage notwithstanding there is no direct access between the use and the street, or the principal entrance(s) to the building(s) associated with the use does not face the street.

FROZEN FOOD LOCKER: An establishment wherein the principal use is the rental of lockers, compartments or space for the storage of frozen food. A frozen food locker establishment may also include the preparation or dressing of animal carcasses for consumption, but in no instance shall slaughtering of animals be permitted. For the purpose of this Ordinance, a frozen food locker shall be deemed a warehousing establishment.

FULL CUT-OFF LIGHTING FIXTURE: See LIGHTING FIXTURE, FULL CUT-OFF.

FUNERAL CHAPEL: A building used primarily for human funeral services, provided that said building shall not contain facilities for (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation, or (d) storage of funeral caskets and funeral urns, except those on display on the premises. Funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage, and the garage or other accessory building shall not be used for other purposes.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns and other related funeral supplies, and (d) the storage of funeral vehicles, but shall not include facilities for cremation. For the purpose of this Ordinance, where a funeral home is permitted, a FUNERAL CHAPEL shall also be permitted.

GARAGE: An accessory building or part of a principal building used primarily for the storage of passenger vehicles as an accessory use and having no provision for repairing or servicing such vehicles for profit.

GARMENT CLEANING ESTABLISHMENT: Any establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3000 square feet of gross floor area. Such a use may include services for cleaning pickup stations. Such a use shall not include laundries/laundromats which provide self-service type washing, drying and ironing facilities for the use of retail customers or a cleaning pickup station where

there is no on-site cleaning and the use consists solely of drop off and pickup by customers of garments or articles that are sent to another location for cleaning, as such uses are deemed PERSONAL SERVICE ESTABLISHMENTS. An establishment for the mechanical cleaning of garments, articles or goods of fabric, containing more than 3000 square feet of gross floor area, or a linen or diaper cleaning service establishment shall be deemed an establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products.

GASOLINE STATION: See SERVICE STATION.

GLARE, DISABILITY: The effect of stray light in the eye whereby visibility and visual performance are reduced.

GLARE: The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.

GRADE: A reference plane representing the average ground level. For the purposes of this Ordinance, grade for the following structures shall be determined as follows:

1. Single family detached dwellings - Average ground level adjoining a building at all exterior walls. Building height measurements for single family detached dwellings and additions thereto shall use the lower average ground level of either the pre-existing or finished grade elevation that exists or is proposed at the time of Building Permit issuance for the dwelling.

2. All other principal structures - Average finished ground level adjoining a building at all exterior walls.

3. Accessory structures - The lowest point of finished ground level adjacent to the structure.

For purposes of administering the floodplain regulations contained in Part 9 of Article 2, GRADE shall be determined based on the BASEMENT definition contained in Sect. 2-906.

GRADE PLANE: See definition of GRADE.

GROUND TRUTHING: The excavation of a small hole to determine the nature of the material detected through REMOTE SENSING and to determine whether it is a cultural resource.

GROUP RESIDENTIAL FACILITY: A group home or other residential facility, with one or more resident or nonresident staff persons, in which no more than: (a) eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) intellectually disabled persons or eight (8) aged, infirm or disabled persons reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).

For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.

HEALTH CLUB: An establishment, which may include saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may include a massage establishment in accordance with Chapter 28.1 of The Code. This term shall not be deemed to include a SCHOOL OF SPECIAL EDUCATION.

HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT: Buildings and premises for the sale, rental and servicing of trucks of the following vehicle types:

1. Trucks, other than those allowed as a TRUCK RENTAL ESTABLISHMENT or VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT;

2. Farm and construction machinery or equipment;

3. Buses, and vans designed primarily for the transportation of ten (10) or more passengers;

4. Motor homes, recreational vehicles, trailers and boats of any size;

5. Mobile homes.

For the purpose of this Ordinance, heavy equipment and specialized vehicle sale, rental and service establishments shall not be deemed to include VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS.

HEIGHT, BUILDING: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the GRADE in all other cases. (Reference Illustration 2 in Appendix 2)

HEIGHT, EFFECTIVE BUILDING: The vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building. (Reference Illustration 1 in Appendix 2)

HELIPORT: An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

HELISTOP: An area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no

operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

HISTORIC PROPERTY: A property that has been determined through the establishment of a Historic Overlay District to be key or pivotal to the historic, architectural or archaeological significance of a Historic Overlay District. For purposes of applying the floodplain regulations contained in Part 9 of Article 2, an HISTORIC PROPERTY shall be based on the HISTORIC STRUCTURE definition contained in Sect. 2-906.

HOME CHILD CARE FACILITY: A dwelling or mobile home where twelve (12) or fewer children receive care, protection and supervision during only part of a twenty-four (24) hour day unattended by parent or legal guardian. Such use shall be permitted in accordance with the provisions of Part 1 of Article 10 or Part 3 of Article 8. For purposes of this Ordinance, when such a use is located in a structure other than a dwelling, it shall be deemed a CHILD CARE CENTER.

HOME PROFESSIONAL OFFICE: The offices, studios or occupational rooms which are located within the single family detached residence of a duly licensed or certified physician practicing human medicine, chiropractor, osteopath, physical therapist or massage therapist, duly licensed practitioner of behavioral sciences, attorney, civil or professional engineer, accountant, architect, real estate appraiser or broker, insurance agent, or similar professional person.

HORSE SHOW: Any aggregation of horses where there occurs the exhibiting, judging, showing or racing of horses.

HOSPITAL: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric cases.

HOTEL, MOTEL: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel includes any establishment that provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one or more restaurants as a subordinate use, provided that such establishment is located within the principal hotel/motel structure, and meeting rooms and/or conference facilities.

HOUSING UNIT, MODERATELY-PRICED: See MODERATELY-PRICED HOUSING UNIT.

IMPACT: See definitions under VIBRATION.

INDEPENDENT LIVING FACILITY: A residential development that is primarily limited to occupancy by elderly persons or persons with a disability (which includes a handicap), as defined in the Federal Fair Housing Amendment Act (FFHA) of 1988, all in accordance with the requirements of the FFHA. Such a facility must include: (a) dwelling units with complete kitchen facilities; and (b) adequate and appropriate supportive services, which could include a

meal program, in-unit personal emergency response systems, recreation and transportation services, or other individually or communally used features, amenities, or services for residents of the facility; and (c) universal design features in common areas and individual units, which may include such features as wider doorways and hallways, accessible-ready bathrooms, door levers and lower light switches, or any other feature that facilitates the use of the units by the intended residents; and (d) on-site staff.

This use does not include a CONTINUING CARE FACILITY or any development providing only age-restricted housing with no on-site meal service, supportive services, or staff.

INDUSTRIAL/FLEX: Any structure occupied by two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that the combined area of all office, both as a principal use and as an accessory use, shall not exceed thirty-five (35) percent of the total gross floor area of the structure. For the purpose of this Ordinance, when any of the above uses are permitted by right in the applicable zoning district, such uses may be combined within a single structure in accordance with the provisions of that district, and shall not be deemed INDUSTRIAL/FLEX.

INDUSTRIAL PARK: A planned coordinated development of a tract of land with two (2) or more separate industrial buildings that contain a combined total of at least 50,000 square feet of gross floor area and are occupied by not less than five (5) different tenants. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

INFRACTION: Any violation of this Ordinance which has been declared an infraction pursuant to Par. 1 of Sect. 18-903. For purposes of this Ordinance, an 'infraction' is a civil offense, and an admission of guilt or a finding of guilt thereof is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

INSTITUTION OF HIGHER LEARNING: For the purpose of this Ordinance, an institution of higher learning shall be deemed to include a proprietary school that is approved, licensed, and bonded by the Proprietary School Service Office of the State Department of Education.

INTERPRETATION OF APPROVED ZONING APPLICATIONS: A determination made by the Zoning Administrator or agent that a proposed minor modification to a zoning application approved by the Board of Supervisors, the Planning Commission or the Board of Zoning Appeals is in substantial conformance with the approved zoning. Such determinations are typically made in the form of a letter and may include interpretations of proffers, development conditions, development plans, and plats.

JUNK YARD: The use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use under the provisions of Sect. 10-102. A junk yard shall also be inclusive of an AUTOMOBILE GRAVEYARD as defined herein.

KENNEL: Any place or establishment in which dogs are kept in numbers greater than ten (10) per 40,000 square feet; or any place or establishment in which dogs are kept, trained, boarded or handled for a fee.

LANDFILL: A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material; or a disposal site operated by means of compacting and covering solid waste at least once each day with an approved material. This term is intended to include both debris landfills and sanitary landfills as defined in Chapters 104 and 109.1 of The Code.

LANDSCAPE ARCHITECT: A professional who is registered with the State Department of Professional and Occupational Registration as a certified landscape architect.

LANDSCAPED OPEN SPACE: See OPEN SPACE, LANDSCAPED.

LANDSCAPING: The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAND SURVEYOR: An individual who is registered with the State Department of Professional and Occupational Registration as a land surveyor.

LIGHT POLE: A freestanding vertical support used for the purpose of elevating a light source.

LIGHTING FIXTURE: A complete lighting unit consisting of the lamp, lens, optical reflector, housing and any electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

- LIGHTING FIXTURE, FULL CUT-OFF: A lighting fixture from which no light output is emitted at or above a horizontal plan drawn through the bottom of the lighting fixture. Lighting fixtures located within those portions of open-sided parking structures that are above ground which meet the angle requirements set forth above through the use of any portion of the ceiling or walls of the parking structure shall be deemed full cut-off lighting fixtures (Reference Plate 1 of Illustration 5 in Appendix 2).

- LIGHTING FIXTURE, DIRECTIONALLY SHIELDED: A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers and other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light (Reference Plate 3 of Illustration 5 in Appendix 2).

LIMITED BREWERY: An establishment located on a farm wherein agricultural products, including barley, hops, other grains and/or fruit used by such limited brewery in the manufacture of beer are grown, processed and containerized on the premises, and as specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage Control Board (ABC Board). For the purpose of this definition, a farm shall be deemed to be an area of contiguous land containing not less than twenty (20) acres under common ownership wherein such land is used for AGRICULTURE or any lot of five (5) acres or more for which an ABC Board license was pending for the operation of a limited brewery before December 7, 2016

where such license is ultimately approved and such land is used for AGRICULTURE. Nothing herein shall preclude the establishment of more than one farm winery, limited brewery and/or limited distillery on a farm, as defined herein.

Where permitted and to the extent authorized by this Ordinance, any limited brewery may be used for alcohol production, sales and tastings. In addition to such production, sales and tastings, any limited brewery may be used for the hosting of public or private events or activities for up to 200 guests, invitees, or participants or up to 300 guests, invitees, or participants for limited breweries with primary access from a major arterial road. However, events or activities for more than 200 guests, invitees or participants, or more than 300 guests, invitees or participants if primary access is from a major arterial road, shall be limited to twelve (12) per calendar year and shall not exceed two (2) days in duration, unless a special exception is approved by the Board. Persons visiting the limited brewery for purposes related to tasting, promotion or purchasing of agricultural products available on site shall not be included in the maximum number of persons attending such public or private events or activities.

LIMITED DISTILLERY: An establishment located on a farm wherein agricultural products used in the manufacture of alcoholic beverages other than wine, cider and beer are grown, processed and containerized on the premises, and as specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage Control Board (ABC Board). For the purpose of this definition, a farm shall be deemed to be an area of contiguous land containing not less than twenty (20) acres under common ownership wherein such land is used for AGRICULTURE or any lot of five acres or more for which an ABC Board license was pending for the operation of a limited distillery before December 7, 2016 where such license is ultimately approved and such land is used for AGRICULTURE. Nothing herein shall preclude the establishment of more than one farm winery, limited brewery and/or limited distillery on a farm, as defined herein.

Where permitted and to the extent authorized by this Ordinance, any limited distillery may be used for alcohol production, sales and tastings. In addition to such production, sales and tastings, any limited distillery may be used for the hosting of public or private events or activities for up to 200 guests, invitees or participants or up to 300 guests, invitees or participants for limited distilleries with primary access from a major arterial road. However, events or activities for more than 200 guests, invitees or participants, or more than 300 guests, invitees or participants if primary access if from a major arterial road, shall be limited to twelve (12) per calendar year and shall not exceed two (2) days in duration, unless a special exception is approved by the Board. Persons visiting the limited distillery for purposes related to tasting, promotion or purchasing of agricultural products available on site shall not be included in the maximum number of persons attending such public or private events or activities.

LIVESTOCK: Animals, and especially farm animals, raised for use, profit or enjoyment, including horses, ponies, bison (American buffalo), cattle, sheep, goats, alpacas, llamas and other similar domesticated animals.

LOADING SPACE: Off-street space, designed in accordance with the provisions of Part 2 of Article 11, for the loading or unloading of goods.

LOCAL STREET: See STREET, LOCAL.

LOT: For the purpose of this Ordinance, a parcel of land that is designated at the time of application for a special permit, a special exception, a Building Permit, or Residential/ Non-Residential Use Permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with

this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

LOT AREA: The total horizontal area included within the lot lines of a lot.

LOT BOUNDARY: Same as LOT LINE as defined herein.

LOT, CLUSTER SUBDIVISION: See SUBDIVISION, CLUSTER.

LOT, CONVENTIONAL SUBDIVISION: See SUBDIVISION, CONVENTIONAL.

LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

LOT COVERAGE: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: Any lot, including a through lot, other than a corner lot.

LOT LINE: Any boundary line of a LOT as defined by this Ordinance. Where applicable, a lot line will coincide with a STREET LINE.

LOT LINE, FRONT: A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building. (Reference Illustration 3 in Appendix 2)

LOT LINE, REAR: That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. (Reference Illustration 3 in Appendix 2)

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line as defined herein. (Reference Illustration 3 in Appendix 2)

LOT, OUTLOT**:** Any lot, except as provided for under Sect. 2-405, that does not comply with the current minimum lot width, lot area or shape factor requirements of the district in which located; or does not comply with the frontage provisions of Chapter 101 of The Code (Subdivision Ordinance)**.**

LOT, PIPESTEM: A lot approved in accordance with the provisions of Sect. 2-406 which does not abut a public street other than by its driveway which affords access to the lot.

LOT, REVERSE FRONTAGE: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

LOT, THROUGH: An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this Ordinance, a through lot shall be subject to the regulations of an INTERIOR LOT.

LOT WIDTH: The length of a line parallel to the front street line and lying within the lot at a distance from the street line equal to the required minimum front yard on the lot.

In the case of a lot that has an area in excess of five acres, the width may be measured at any point where the minimum lot width is at least 200 feet, provided that such point is also where the front yard is established by the location of the principal structure. On reverse frontage lots, lot width is measured in the yard facing the local street. On through lots, lot width may be measured from any street line.

LOW INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority, pursuant to applicable federal, state or local laws and regulations.

LUMEN: A quantitative unit measuring the amount of light emitted from a light source. When a light fixture contains two or more light bulbs, the lumen output measurement represents the cumulative total of all light emitted from the fixture.

MAINTAINED LIGHTING LEVEL: A level of illumination which results when the initial output of a lamp is reduced by certain light loss factors. Such light loss factors typically include lamp deprecation and dirt accumulation on lenses and other lighting fixture components. For the purposes of this Ordinance, the maintained lighting level shall represent an average footcandle value measured over a specified area and shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than 0.72 for metal halide lamps or 0.64 for high pressure sodium and mercury vapor lamps.

MAJOR UNDERGROUND UTILITY EASEMENT: An easement which contains a transmission pipeline which carries products such as natural gas, petroleum or other fuels.

MARINA:

-COMMERCIAL OR CLUB-TYPE: A marina designed and operated for profit, or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

-PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

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MASSAGE and MASSAGE ESTABLISHMENT: The treatment, for compensation, of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. Except as qualified below, a massage establishment shall be any fixed place of business where a massage is administered to a client. Massage establishments shall only be permitted in accordance with the requirements of Chapter 28.1 of The Code and for the purpose of this Ordinance shall be deemed to be an OFFICE. A massage and/or massage establishment shall not include the following:

1. A massage administered only to the scalp, face, neck, shoulders, arms, hands and/or feet.

2. A massage of the upper body while the client is fully clothed and seated in a chair.

3. A massage administered in a medical care facility, hospital, medical clinic, office of a physician, chiropractor, osteopath or physical therapist licensed by the State, nursing facility or similar facility.

4. A massage administered by a physician, chiropractor, osteopath or physical therapist or nurse, licensed by the State, in any location.

5. A massage administered at an organized public event, such as a health fair or sporting event, which is open for participation or viewing by the general public.

6. A massage administered at a school which offers a massage therapy program that has received programmatic approval from the Virginia Board of Education, Office of Proprietary Schools, or that has been certified or approved by the Virginia Board of Education, Office of Proprietary Schools or the Virginia State Council of Higher Education; provided, however, that this exclusion applies only if the individual administering the massage is a student enrolled at the school and receives no compensation for the massage.

An out-call massage shall be any massage administered for compensation at a location other than a massage establishment and for the purposes of this Ordinance, any business providing out-call massage shall be deemed to be an OFFICE. Such use shall be subject to the provisions of Chapter 28.1 of The Code. An establishment which only offers massages of the upper body while the client is fully clothed and seated in a chair shall be deemed a PERSONAL SERVICE ESTABLISHMENT.

MASS TRANSIT FACILITY AND RELATED STREET IMPROVEMENT: For the purpose of Sect. 2-308, Maximum Density, a mass transit facility shall be deemed an electrically-powered regional rail transit facility, an accessory electrically-powered regional rail transit facility or a regional non-rail transit facility, and a street improvement related thereto shall be deemed to be the right-of-way for a proposed street, or the additional right-of-way needed for the realignment or the improvement of an existing street. Such street, whether new or improved, is designed for the primary purpose of either:

1. Improving access to electrically-powered regional rail transit facilities, accessory electrically-powered regional rail transit facilities and regional non-rail transit facilities, in which event no such proposed street or improvement to an existing street shall be located outside the service area for the facility, such service area being those designated

by an electrically-powered regional rail transit facility or a regional non-rail transit facility authority or entity; or

2. Providing exclusive lanes, preferential lanes, or peak period bus priority lanes for regional non-rail transit facility utilization; or

3. Improvements needed to permit the safe operation of buses, including provision of busbays, bus turnouts, and right-of-way for locating bus shelters. The requirements for safe operation of buses shall be determined by a regional non-rail transit facility authority or entity.

MATERIALS RECOVERY FACILITY: See RECYCLING CENTER.

MAUSOLEUM: A building or structure designed with vaults to hold many caskets or crematory urns.

MEDICAL CARE FACILITY: Any institution, place, building, or agency that offers or provides health services and medical, psychiatric, or surgical care to two or more persons, primarily as inpatients, suffering from a health condition, illness, disease, injury, deformity, or other physical or mental condition. This use includes facilities that offer or provide acute, chronic, convalescent, aged, nursing, or mental/intellectual/physically disability services and includes facilities offering or providing these services. For the purposes of this Ordinance, this term includes a HOSPITAL, ASSISTED LIVING FACILITY, NURSING FACILITY, and other facilities that may be described as a sanatorium/sanitarium, mental hospital, intermediate/extended care facility, medical school, and other similar institutions or facilities. This term does not include CONGREGATE LIVING FACILITY, CONTINUING CARE FACILITY, GROUP RESIDENTIAL FACILITY, or INDEPENDENT LIVING FACILITY, physician's office, first aid station for emergency medical or surgical treatment, medical laboratory, or medical office providing out-patient services.

MINI-WAREHOUSING ESTABLISHMENT: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods, or contractors' supplies.

MINOR ARTERIAL STREET: See STREET, MINOR ARTERIAL.

MIXED WASTE RECLAMATION FACILITY: A facility for the removal and/or reclamation of recyclable materials from solid waste. A mixed waste reclamation facility shall not be deemed to include a RECYCLING CENTER.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME PARK: Any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term 'mobile home park' shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of inspection and sale.

MODERATE INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority pursuant to applicable federal, State or local laws and regulations.

MODERATELY-PRICED HOUSING UNIT: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority, pursuant to applicable federal, State or local laws and regulations.

MODULAR UNIT: See DWELLING, MODULAR UNIT.

MONOPOLE: A single, ground-mounted, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, any treepole, flagpole, bell tower, clock tower, windmill or other similar ground-mounted, self-supporting structure that is designed to disguise antennas and their support structures shall also be deemed to be a monopole, however a monopole shall not be deemed to be a transmission tower.

MOTEL: See HOTEL.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD: An area designed for the temporary storage of wrecked and/or inoperative and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

MULTIPLE FAMILY DWELLING: See DWELLING, MULTIPLE FAMILY.

MUSEUM: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value.

NATURAL RESOURCES: Any material naturally occurring beneath the surface of the land which may be removed for the purpose of sale. Natural resources shall include but not be limited to soapstone, granite, sandstone, asbestos, oil, copper, gold, iron, sand and gravel.

NEW VEHICLE STORAGE: An area where new vehicles are parked or stored off-site from the associated vehicle sale, rental and ancillary service establishment. New vehicle storage shall be limited to new automobiles; motorcycles; sport utility vehicles; pick-up trucks; and vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers. New vehicle storage shall not include specialized vehicles such as trucks other than allowed at a vehicle sale, rental and ancillary service establishment; farm and construction machinery or equipment; buses; motor homes, recreational vehicles, trailers and boats of any size; and mobile homes. Such a use shall only be for the parking or storage of vehicles and there shall be no customers or clients to the site, and no sale of vehicles from the site. In addition, there shall be no vehicle preparation on site and no signs shall be displayed on the new vehicles except invoices required by federal or state law.

For purposes of this Ordinance, new vehicle storage shall not be deemed COMMERCIAL OFF-STREET PARKING or a STORAGE YARD.

NOISE BARRIER: A solid freestanding fence or wall of metal, masonry, composition or wood or any combination thereof located flush to the ground and which is designed and engineered for noise attenuation purposes.

NOISE SENSITIVE USE: Uses whereby noise-induced interruptions to speech and activity must be minimized in order to reduce annoyance and to facilitate the performance of the task associated with the use. Examples of noise sensitive uses shall include but not be limited to sleeping areas, offices, auditoriums and lecture halls.

NONCONFORMING BUILDING OR USE: A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning district in which it is located, except as may be qualified by Sect. 15-101 of this Ordinance.

NURSERY SCHOOL: Any place operated primarily for the educational instruction for six (6) or more children from two (2) to five (5) years of age at which children two (2) to four (4) years of age do not attend in excess of four (4) hours per day and children five (5) years of age do not attend in excess of six and one-half (6 ½) hours per day.

NURSING FACILITY: A licensed facility containing beds for two or more patients, established to render domiciliary or nursing care for chronic or convalescent patients, but not including facilities for the care of persons with a drug or alcohol addiction or mentally ill or developmentally disabled patients. This use includes facilities that may otherwise be referred to as a nursing home, extended care home, rehabilitation center, skilled nursing facility, rest home, or convalescent home. For purposes of this Ordinance, a nursing facility is deemed to be a MEDICAL CARE FACILITY.

OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof, or for which the exitway facilities have been designed.

OFF-SITE: Any area outside the boundary of a lot.

OFF-STREET LOADING SPACE: See LOADING SPACE.

OFF-STREET PARKING: See PARKING, OFF-STREET.

OFFICE: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, certified massage therapists in accordance with Chapter 28.1 of The Code, dentists or physicians, urban planners and landscape architects.

In addition, any use shall be deemed an office use which: (a) involves the administration and conduct of investigation, examination or experimentation, but which does not include the operation of laboratory facilities, pilot plants, prototype production, or the assembly, integration, testing, manufacture or production of goods and products on site; or (b) involves prototype production limited to computer software development, demographic and market research, technical or academic consulting services, and data processing facilities. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

OFFICE, HOME PROFESSIONAL: See HOME PROFESSIONAL OFFICE.

OFFICE PARK: A planned, coordinated development of a tract of land with two (2) or more separate office buildings that contain a combined total of at least 30,000 square feet of gross floor area and are occupied by not less than five (5) different tenants. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

ONE OWNERSHIP: Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lessee having a term of not less than thirty (30) years.

ON-SITE: That area which is within the boundary of a lot.

OPAQUE SHIELDING: The use of material through which light cannot penetrate.

OPEN SPACE: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space must, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, community gardens, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 13; provided, however, that the area required for interior parking lot landscaping must not comprise more than twenty-five (25) percent of the total required open space. Open space does not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space is composed of only those areas not contained in individually owned lots. For the purpose of this Ordinance, open space includes and qualifies as LANDSCAPED OPEN SPACE, COMMON OPEN SPACE, DEDICATED OPEN SPACE, and USABLE OPEN SPACE, all as defined herein.

- OPEN SPACE, COMMON: All open space within the boundaries of a given lot that is designed and set aside for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands, but are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in Part 7 of Article 2.

- OPEN SPACE, DEDICATED: All open space within the boundaries of a given lot which is to be dedicated or conveyed to the County or an appropriate public agency, board or body for public use as open space.

- OPEN SPACE, LANDSCAPED: That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing

landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space may be either COMMON or DEDICATED OPEN SPACE as defined herein.

- OPEN SPACE, USABLE: That open space within the boundaries of a given lot that is designed for recreational purposes, to include but not to be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, boating docks, walking, bicycle or bridle trails, and shuffleboard courts.

OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELD/COURT: The outdoor playing field/court portion of outdoor recreation/sports facilities shall include, but not be limited to, baseball/softball diamonds, soccer, field hockey, football and lacrosse fields, basketball, volleyball or tennis courts, skating rinks, horse riding rings or show areas, running tracks, swimming pools, golf driving ranges, golf courses, miniature golf courses, go-cart tracks or baseball hitting and archery ranges. The outdoor recreation/sports facility playing field/court area shall not include parking lots, administrative offices, restrooms, ticket sales, concession stands, bleachers or other spectator viewing areas, and other such related facilities.

OUTLOT: See LOT, OUTLOT.

OWNER: Any person who has legal title to the land in question, or the lessee of the land in question having a remaining term of not less than thirty (30) years.

PARKING LOT: An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. For the purpose of Article 13, a parking lot shall consist of the entire surface of the parking lot, vehicular access to the parking lot, loading spaces, drive-through spaces and the exposed surfaces of parking decks; and shall include vehicle display lots, vehicle storage lots and commercial parking lots.

PARKING, COMMERCIAL OFF-STREET: An area, other than accessory off-street parking areas as required by the provisions of this Ordinance, where, for a charge or permit, motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

PARKING, OFF-STREET: Any space, whether or not required by the provisions of this Ordinance, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress.

PARKING SPACE: A designated off-street area which is available and usable for the parking of one (1) motor vehicle. Such space shall be of a size and design as required by the provisions of the Public Facilities Manual.

PARTIALLY SHIELDED LIGHTING FIXTURE: See LIGHTING FIXTURE, PARTIALLY SHIELDED.

PARTICLE VELOCITY: See definitions under VIBRATION.

PATIO: See DECK.

PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and barrier requirements.

PERSON: A public or private individual, group, company, firm, corporation, partnership, association, society, joint stock company, or any other combination of human beings whether legal or natural.

PERSONAL SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include, but need not be limited to, the following:

1. Barber shops and beauty salons, which may include a massage establishment in accordance with Chapter 28.1 of The Code.

2. Establishments in which massage is administered to the upper body of a fully clothed client while seated in a chair and/or to the scalp, face, neck, shoulders, arms, hands and or feet.

3. Laundries/laundromats which provide self-service type washing, drying and ironing facilities for the use of retail customers.

4. Cleaning pickup stations, which are establishments where there is no on-site cleaning of garments, articles or goods of fabric and the use consists of drop off and pickup by customers of such articles that are sent to another location for cleaning.

5. Pet grooming establishments.

6. Tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business.

Personal service establishments shall not include offices of physicians, dentists, and veterinarians, garment cleaning establishments or linen or diaper cleaning service establishments.

PETS, COMMONLY ACCEPTED: Any of the following animals that have been bred or raised to live in the habitation of humans, and are dependent upon the same for food and shelter: rabbits; hedgehogs; chinchillas; hermit crabs; hamsters; ferrets; gerbils; guinea pigs; mice; rats; turtles; fish; dogs; cats; domestic chickens, ducks and geese under two months old; birds such as canaries, parakeets, doves and parrots; worm/ant farms; chameleons and similar lizards; and

spiders and snakes not venomous to people. The BZA may allow other animals to be kept as commonly accepted pets in accordance with the provisions of Part 9 of Article 8.

PHASE I ARCHAEOLOGICAL SURVEY: An archaeological investigation conducted by a qualified archaeological consultant meeting the Professional Qualification Standards established by the Secretary of the Interior to locate and identify archaeological sites in a survey area; to estimate site size and boundaries of the archaeological site; to provide an explanation as to how the estimate was made; and to make recommendations for additional archaeological work or recommendations that no further work is required.

PHOTOMETRIC DIAGRAM: A diagram depicting the location of all light poles and building mounted lighting fixtures in a specified area and a numerical grid of the MAINTAINED LIGHTING LEVELS that the fixtures will produce in that specified area.

PIPESTEM DRIVEWAY: A driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

PIPESTEM LOT: See LOT, PIPESTEM.

PLANNED DEVELOPMENT: Any lot under one ownership to be developed as a single entity and classified as a P district.

PLANT NURSERY: An establishment for the propagation, cultivation and growing of nursery stock for gardens, grounds, yards, and indoor use such as trees, plants, shrubs, sod, seeds and vines and the retail sales of such nursery stock and items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides. Limited retail sales of other related items also may be permitted by the Board in accordance with the provisions of Sect. 9-517. Landscape contracting services utilizing nursery stock grown on the property may be permitted as an accessory use to the plant nursery.

For the purpose of this Ordinance, nursery stock grown on the property shall include stock which is grown on the premises and stock which is purchased elsewhere and is grown or maintained on the premises.

Establishments growing nursery stock and retailing nursery stock and other items in the retail commercial districts (C-5 through C-8 Districts) are considered a RETAIL SALES ESTABLISHMENT. The growing and/or maintenance of nursery stock for wholesale sales is considered to be AGRICULTURE.

PRC PLAN: A required submission, following the approval of a development plan for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-203, which further details the planned development of the subject lot. For the purpose of this Ordinance, a PRC plan is not to be construed as a site plan as required by the provisions of Article 17.

PRIMARY HIGHWAY: See STREET, PRIMARY HIGHWAY.

PRINCIPAL ARTERIAL STREET: See STREET, PRINCIPAL ARTERIAL.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USES: The main use of land or structures as distinguished from a secondary or accessory use.

PRIVACY YARD: See YARD, PRIVACY.

PRIVATE CLUB: An association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

PRIVATE STREET: See STREET, PRIVATE.

PRO RATA SHARE: The payment by a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

PUBLIC BENEFIT ASSOCIATION: An establishment of a private nonprofit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

PUBLIC STREET: See STREET, PUBLIC.

PUBLIC USE: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Fairfax County government under the direct authority of the Board of Supervisors, the Fairfax County School Board or Fairfax County Park Authority, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this Ordinance, uses sponsored or operated by other counties, cities or towns within the Commonwealth of Virginia or agencies such as the Fairfax County Water Authority, Social Services Board, Redevelopment and Housing Authority, Economic Development Authority, Juvenile Court and Fairfax-Falls Church Community Services Board shall not be deemed public uses and shall be subject to the applicable Zoning Ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the Fairfax County Board of Supervisors, they shall be deemed public uses.

PUBLIC UTILITY: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

QUASI-PUBLIC USE: Any use which is essentially public, as in services rendered, although it is under private ownership or control.

QUICK-SERVICE FOOD STORE: Any building that contains less than 5000 square feet of net floor area and is used for the retail sale of food and other items. A quick-service food store,

also referred to as a convenience store, is characterized by the frequent turnover of customers, and the retail sale of food, beverages, and other frequently needed items for household use or consumption. This definition does not include a SERVICE STATION or SERVICE STATION/MINI-MART and is not intended to include small grocery, specialty or gourmet food stores, which are each considered a RETAIL SALES ESTABLISHMENT.

REAR YARD: See YARD, REAR.

RECYCLING CENTER: A facility for the collection of nonputrescible recyclable materials which have been separated at their source (source-separated) prior to shipment to others who will use those materials to manufacture new products. A recycling center shall be deemed to include a MATERIALS RECOVERY FACILITY as defined by Chapter 109.1 of the Code (Solid Waste Management). A MATERIALS RECOVERY FACILITY is commonly referred to as a "clean" MRF.

REGIONAL NON-RAIL TRANSIT FACILITES: Facilities owned and/or operated by a non-rail transit system that serves only the Washington Standard Metropolitan Statistical Area as defined by the United States Census Bureau or parts thereof, including but not limited to bus storage or maintenance facilities. Regional non-rail transit facilities shall not be deemed to include ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES, ACCESSORY ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITES or facilities containing only administrative offices operated by a regional non-rail transit facility authority or entity.

REGIONAL SHOPPING CENTER: Notwithstanding the provisions of Part 7 of Article 4, a regional shopping center is a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 400,000 square feet or more of net floor area which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under one common ownership or management, or having one common arrangement for the maintenance of the grounds; (c) are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area.

REMOTE SENSING: A group of techniques that permit the detection of underground phenomena unobserved by the human eye. REMOTE SENSING employs devices that can obtain readings from materials buried beneath the ground. Examples of REMOTE SENSING devices include proton magnetometers, electronic resistivity meters, ground-penetrating radar, metal detectors and other radar based testing equipment. When REMOTE SENSING gives a positive reading that something is present beneath the soil, GROUND TRUTHING is conducted.

REPAIR SERVICE ESTABLISHMENT: Any establishment containing no more than 5000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators, and lawnmowers; or any establishment wherein the primary occupation is interior decorating services which include reupholstering and/or the making of draperies, slipcovers and similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

REPEAT STATION: Premises containing reception, amplifying and associated equipment to permit adjustment of electronic signals or retransmission.

RESOURCE MANAGEMENT AREA (RMA): As established in accordance with Chapter 118 of The Code, that component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

RESOURCE PROTECTION AREA (RPA): As established in accordance with Chapter 118 of The Code, that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

RESTAURANT: Any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state for consumption on or off the premises. A RESTAURANT WITH DRIVE-THROUGH, CARRYOUT RESTAURANT, QUICK-SERVICE FOOD STORE, or CRAFT BEVERAGE PRODUCTION ESTABLISHMENT as defined herein, is not considered a RESTAURANT.

This use does not include a snack bar or refreshment stand at a public or non-private recreational facility that is operated solely by the agency or group operating the recreational facility as an accessory use for the convenience of the patrons of the facility.

Entertainment that is provided for the enjoyment of the patrons is considered accessory to a restaurant. Such entertainment may include dancing by patrons if the space made available for dancing is not more than one-eighth (1/8) of the floor area available for dining. Provisions for dancing made available under this definition are subject to the licensing requirements of Chapter 27 of The Code.

RESTAURANT, CARRYOUT: See CARRYOUT RESTAURANT

RESTAURANT WITH DRIVE-THROUGH: Any establishment that contains a drive-through and provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state for consumption on or off the premises. A FOOD TRUCK that does not comply with the provisions set forth in Sect. 2-510 is considered a RESTAURANT WITH DRIVE-THROUGH.

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

RETAIL SALES ESTABLISHMENT: Any establishment wherein the primary occupation is the sale of merchandise for use or consumption by the immediate purchaser. This term also includes establishments such as television and tool rental establishments, photographic and portrait studios, and small grocery, specialty or gourmet food stores. For the purpose of this Ordinance, however, retail sales establishment does not include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS-LARGE, QUICK-

SERVICE FOOD STORES, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

RETAIL SALES ESTABLISHMENT-LARGE: Any establishment containing 80,000 square feet or more of gross floor area wherein the primary occupation is the sale of merchandise for the consumption by the immediate purchaser. Additionally, a retail sales establishment-large shall not be deemed to include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS,VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

RETREAT HOUSE: An establishment which provides facilities, generally including food and lodging, for group retreat for religious or other study, meditation or instructional purposes.

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

ROAD: See STREET.

ROOMING HOUSE: Any building or portion thereof containing sleeping accommodations for five (5) to twelve (12) persons wherein normally a charge is paid for such accommodations. The term 'rooming house' shall be deemed to include the term 'boarding house', but not motel or other accommodations used for transient occupancy.

SATELLITE EARTH STATION: A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

SCHOOL OF GENERAL EDUCATION: Any parochial or private school, boarding school, or academy, including a school for the intellectually or physically disabled, that provides regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, but not including (a) a school of special education as defined herein; or (b) a child care center or home child care facility unless conducted as part of a school of general education; or (c) a riding school, however designated. For purposes of this Ordinance, a school of general education shall include a public school operated by other counties, cities or towns within the Commonwealth of Virginia.

SCHOOL OF SPECIAL EDUCATION: A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a child care center or home child care facility; or (b) a riding school, however designated.

SEISMOGRAPH: See definitions under VIBRATION.

SERVICE DRIVE: See STREET, SERVICE DRIVE.

SERVICE STATION: Buildings and premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made, but only as accessory and incidental to the primary occupation:

1. Sales and servicing of spark plugs, batteries, and distributors, distributor parts and other motor vehicle related items;

2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;

4. Greasing, lubrication and radiator flushing;

5. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;

6. Emergency wiring repairs;

7. Adjusting and repairing brakes;

8. Provision of road maps and other information material to customers, and provision of restroom facilities;

9. Sales of beverages, snack foods, tobacco products and other retail merchandise, except alcohol beverages, and rental of video tapes and video cassette recorders. The area devoted to such sales shall not exceed 250 square feet of gross floor area, which shall include the cashier's area and space used for the display of sale items, to include cooler space, but not including storage areas.

In addition to the above, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. The use of more than one microwave oven by customers for purchased food items; the preparation of food other than hot and cold beverages, donuts and other bakery foods; major mechanical and body work, repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations shall not be permitted.

SERVICE STATION/MINI-MART: Building and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair areas. In addition, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. Sales of alcoholic beverages, rental of video tapes and video cassette recorders, and the preparation of food, other than that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code, shall not be permitted; provided, however, that the use of microwave ovens by customers for purchased food items is allowed. A service station with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas, shall be deemed a service station and quick-service food store.

SETBACK: In this Ordinance the term setback is not used, as such term represents a distance that is established in like manner as that for a YARD.

SHAPE FACTOR: A shape factor is designed to prevent the creation of irregularly shaped lots by providing a measurement by which the compactness and degree of regularity of the shape of a lot can be evaluated. Shape factor (SF) shall be the non-dimensional ratio of the lot perimeter (P) squared, divided by the lot area (A), where P and A are derived from the same unit measurement. Typically the measurement will be provided in feet. The mathematical formula to determine the shape factor of a lot is $SF = (P^2/A)$.

SHOPPING CENTER: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

SHOPPING CENTER, REGIONAL: See REGIONAL SHOPPING CENTER.

SHORT-TERM LODGING: The provision of a room or space that is suitable or intended for transient occupancy, in exchange for a charge for the lodging. Such use does not include ACCESSORY DWELLING UNIT, BED AND BREAKFAST, HOTEL/MOTEL, or TEMPORARY FAMILY HEALTH CARE STRUCTURE.

SHOVEL TESTING: Small test excavations, referred to as shovel test pits, measuring approximately eighteen (18) inches in width and excavated to soil levels that have not been disturbed by human activity. Shovel test pits are systematically excavated on a grid system across a site to determine the presence or absence of archaeological resources and are dug according to natural strata.

SHRUB: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

SIDE YARD: See YARD, SIDE.

SIGNIFICANT ARCHAEOLOGICAL RESOURCES: Cultural resources which may be eligible for listing in the National Register of Historic Places and/or considered to have public significance as defined by the County's Heritage Resource Management Plan.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY.

SITE PLAN: A required submission, prepared and approved in accordance with the provisions of Article 17, which contains detailed engineering drawings of the proposed uses and improvements required in the development of a given lot. In all Articles of this Ordinance other than Article 17, where the term 'site plan' is used, it shall also include the term 'minor site plan', unless otherwise specifically noted. A site plan is not to be construed as a development plan as required by other provisions of this Ordinance.

SMALL-SCALE PRODUCTION ESTABLISHMENT: An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to, vertical farming or the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs. AGRICULTURE, CRAFT BEVERAGE PRODUCTION ESTABLISHMENT, RESTAURANT, RESTAURANT WITH DRIVE-THROUGH, or CARRYOUT RESTAURANT are not small-scale production establishments.

SOIL: The surface, or surface covering of the land, not including the minerals beneath it or the vegetation upon it.

SOLID WASTE: Any material defined as 'solid waste' in Chapter 109.1 of the Code (Solid Waste Management).

STABLE, RIDING/BOARDING: A structure and/or use of land where six (6) or more horses or ponies, on lots containing a minimum of two (2) acres and less than five (5) acres, and nine (9) or more horses or ponies, on lots containing five (5) acres or more, not including those belonging to the resident of the property, are kept, maintained or boarded and/or where riding lessons are made available to the general public or members of a private club. Riding facilities may be considered accessory to the riding/boarding stable.

STATE-REGULATED IMPOUNDING STRUCTURE (DAM): A man-made structure, whether a dam across a watercourse or structure outside a watercourse, used or to be used to retain or store waters or other materials that is subject to the requirements of the Virginia Dam Safety Act (§ 10.1-604 et seq.) and the Virginia Dam Safety Regulations (4 VAC 50-20).

STATE-REGULATED IMPOUNDMENT: A body of water or other materials retained or stored by a state-regulated impounding structure.

STEADY STATE: See definitions under VIBRATION.

STORAGE YARD: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

STORY: That part of any building between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, than that part of the building between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if the ceiling is more than six (6) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or watchman, but no other basement shall be counted as a story.

STREAM VALLEY: Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Board.

STREET: A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

- STREET, ARTERIAL: See STREET, MINOR ARTERIAL and STREET, PRINCIPAL ARTERIAL.

- STREET, COLLECTOR: A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterials to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement. In line with its dual function, there must be continuity in the pattern of these streets.

- STREET, CUL-DE-SAC: See CUL-DE-SAC.

- STREET, FREEWAY/EXPRESSWAY: See STREET, PRINCIPAL ARTERIAL.

- STREET LINE: The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street. (Reference Illustration 3 in Appendix 2)

- STREET, LOCAL: A street which primarily provides direct access to residential, commercial, industrial, or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and usually does not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety. Service to through traffic movement is deliberately discouraged.

- STREET, MAJOR THOROUGHFARE: A public street including minor arterial, principal arterial, or primary highway, all as defined herein, or those roads, or portions thereof, as set forth in Appendix 8 of this Ordinance.

- STREET, MINOR ARTERIAL: The minor arterial street interconnects and augments the principal arterial street system, and provides service to trips of moderate length at a somewhat lower level of travel mobility than a principal arterial. Such a street also serves intra-urban trips between smaller geographic areas than those associated with the higher system and may carry local bus routes providing intra-community continuity. It may also function as a principal arterial street when sufficient capacity is not provided on the principal arterial system. Ideally, a minor arterial street does not penetrate identifiable neighborhoods, and the facility is designed with greater emphasis on traffic movement or services than on providing access to abutting land.

- STREET, PRIMARY HIGHWAY: Any street so classified by the Virginia Department of Transportation, bearing a route number less than 600. Primary highways shall not include interstate highways.

- STREET, PRINCIPAL ARTERIAL: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass a central city. Significant intra-area travel and important intra-urban and intercity bus services are served by this class of street. Because of the nature of travel served by a principal arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways and expressways. On a principal arterial street, the concept of service to the abutting land is subordinate to the provision of travel service to major traffic movements.

- STREET, PRIVATE: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of Part 3 of Article 11.

- STREET, PUBLIC: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

- STREET, SECONDARY HIGHWAY: Any street so classified by the Virginia Department of Transportation, bearing a route number of 600 or greater.

- STREET, SERVICE DRIVE: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate County authorities and the Virginia Department of Transportation.

- STREET, TRAVEL LANE: A right-of-way, commonly but not always located on the front of a lot, providing access from one lot to another, and serving the same function as a service drive, although not necessarily a public street.

STRUCTURE: That which is built or constructed. The term 'structure' shall be construed as though followed by the word 'or parts thereof'. For purposes of applying the floodplain regulations contained in Part 9 of Article 2, a STRUCTURE shall be based on the definition contained in Sect. 2-906.

STRUCTURAL ALTERATION: A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

SUBDIVIDER: Any person who subdivides land pursuant to Chapter 101 of The Code, The Subdivision Ordinance.

SUBDIVISION: The land subdivided as defined in Chapter 101 of The Code, The Subdivision Ordinance, and when appropriate to the context, the process of subdividing or resubdividing.

- SUBDIVISION, CLUSTER: An alternate means of subdividing a lot in the R-C through R-4 Districts premised on the concept of reducing lot size requirements for the provision of common open space within the development, all in accordance with the provisions of Sections 2-421 and 9-615 as applicable.

- SUBDIVISION, CONVENTIONAL: The subdivision of a lot in the R-E through R-4 Districts in accordance with the lot size requirements and bulk regulations specified in the district regulations.

SUBSTANTIAL CONFORMANCE: Substantial conformance shall be as determined by the Zoning Administrator upon consideration of the record and shall mean that conformance which leaves a reasonable margin for minor modification provided that:

- such modification is consistent with and does not materially alter the character of the approved development including the uses, layout and relationship to adjacent properties depicted on the approved special permit plat, special exception plat, conceptual development plan, final development plan, development plan, or proffered generalized development plan;

- such modification is consistent with any proffered or imposed conditions that govern development of the site; and,

- such modification is in accordance with the requirements of this Ordinance.

SURVEYOR: See LAND SURVEYOR.

TELECOMMUNICATION: A process that permits the passage of information from a sender to one or more receivers in a usable form, such as printed copy, fixed or moving pictures, and visible or audible signals, by means of any electromagnetic system, such as electrical transmission by wire or radio. This includes such uses as telegraphy and telephone.

TELECOMMUNICATION CENTRAL OFFICE: A switching center for interconnecting the lines which terminate therein. Also called a telephone or telegraph exchange or a telephone dial center.

TELECOMMUNICATION FACILITY: Facilities that process information through the use of TELECOMMUNICATION, including telephone or telegraph central offices and repeat stations. For the purposes of this Ordinance, a wireless facility, a small cell facility, a radio and television broadcasting tower facility, microwave facility, or a SATELLITE EARTH STATION will not be deemed a telecommunication facility.

TEMPORARY FAMILY HEALTH CARE STRUCTURE: A transportable residential structure that is permitted by Sect. 15.2-2292.1 of the *Code of Virginia*, is primarily assembled at a location other than its site of installation, is accessory to a single family detached dwelling, and provides an environment that facilitates a caregiver's provision of care for a mentally or physically impaired person.

TEMPORARY PORTABLE STORAGE CONTAINER: A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

THEATRE: A building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theatre is

considered a RESTAURANT, and a drive-in motion picture theatre and an adult mini motion picture theatre are considered separate and distinct uses.

TRANSIENT OCCUPANCY: Use of a DWELLING or MOBILE HOME, or part thereof, for sleeping or lodging purposes for fewer than 30 consecutive nights.

TRANSMISSION PIPELINE: A transmission line that transports gas as defined in the Code of Federal Regulations, Title 49, Sect. 192.3 and/or pipelines used for transportation of hazardous liquids as defined in Code of Federal Regulations, Title 49, Sect. 195.2.

TRANSMISSION TOWER: A lattice-type structure, guyed or self-supporting, used to support antennas or other utility equipment. Also called a communications tower, radio tower or utility tower.

TRAVEL LANE: See STREET, TRAVEL LANE.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification 'Travel Trailer' thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4500 pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this Ordinance, a travel trailer shall not be deemed a MOBILE HOME.

TREE: Any self-supporting woody plant which visually produces one main trunk, and a more or less distinct and elevated head with many branches that typically reach at least fifteen (15) feet in maturity.

TREE CONSERVATION: Tree conservation incorporates both tree preservation and tree planting efforts and as required by Chapter 122 of the Code and the Public Facilities Manual.

TRUCK RENTAL ESTABLISHMENT: Building and premises for the rental and ancillary minor servicing of truck, utility trailers and related items generally used by persons to move their personal and household belongings. Such trucks and trailers shall be limited to those vehicles which have only two (2) axles, which have a maximum box length of seventeen (17) feet, are no more than twelve (12) feet in height and which do not require a commercial driver's license to operate.

USABLE OPEN SPACE: See OPEN SPACE, USABLE.

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

USE, ACCESSORY: See ACCESSORY USE.

USE, PUBLIC: See PUBLIC USE.

UTILITY DISTRIBUTION OR TRANSMISSION POLE: A utility distribution or transmission pole is a ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution lines,

antennas, wireless facilities, small cell facilities, and related facilities and equipment to a suitable height, whose primary function is the support of wires, conductors, and associated apparatus used for the distribution of electrical energy, communication signals, or other similar utilities.

UTILITY TRANSMISSION EASEMENT: A utility easement or right-of-way which contains utility distribution or transmission poles, and/or transmission towers used for utility transmission as approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

VEHICLE LIGHT SERVICE ESTABLISHMENT: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiperblades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

VEHICLE MAJOR SERVICE ESTABLISHMENT: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS.

VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT: Buildings and premises for the sale, rental and ancillary service of vehicles in operating condition such as:

1. Automobiles, motorcycles, and pick-up trucks;

2. Vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers;

3. Boats such as outboard motor boats, canoes, Sunfishes and other similar-sized boats.

For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS; however, specialized vehicles such as motor homes, campers and boat trailers with a length of no greater than seventeen (17) feet may be sold, rented and serviced as an ancillary use.

VEHICLE TRANSPORTATION SERVICE ESTABLISHMENT: Buildings and premises for "for hire" chauffeured transportation services involving the storage and dispatch of taxicabs, limousines, executive sedans, ambulances, passenger vans, or other similar vehicles,

administrative offices and the ancillary servicing and maintenance of company vehicles. For the purpose of this Ordinance, vehicle transportation service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS, or VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

VETERINARY HOSPITAL: A facility rendering surgical and medical treatment to animals. Crematory facilities shall not be allowed in a veterinary hospital.

VIBRATION: A reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

The following terms are defined as they relate to the provisions of Part 8 of Article 14:

- ACCELERATION: The rate of change of particle velocity.

- AMPLITUDE: The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

- DISPLACEMENT: The amount of motion involved in earthborn vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (½) of the total excursion for a steady state vibration. Displacement is usually reported in inches or decimal fractions of an inch.

- FREQUENCY: The number of times that a displacement completely repeats itself in one second of time. Frequency is designated in hertz (Hz).

- IMPACT: An earthborn vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

- PARTICLE VELOCITY: A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor of 6.28. The particle velocity will be inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

- SEISMOGRAPH: An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure amplitude and frequency, particle, velocity, or acceleration.

- STEADY STATE: A vibration which is continuous, as from a fan, compressor, or motor.

WAREHOUSING ESTABLISHMENT: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance where a warehousing establishment is permitted a MINI-WAREHOUSING ESTABLISHMENT shall also be permitted.

WATER SUPPLY RESERVOIR: Any body of water which has been impounded in order to provide a source of water for distribution by a public water supply agency.

WAYSIDE STAND: A temporary structure and/or use of land designed for the display and sale of agriculture products, with no space for customers within the structure itself, subject to the provisions of Part 1 of Article 10. For the purpose of this Ordinance, a tent may not be used as a wayside stand.

WETLANDS: See Chapter 116 of The Code for definitions.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

WHOLESALE TRADE ESTABLISHMENT: Any establishment for the sale of merchandise in gross for resale, and any establishment for the sale of merchandise principally to institutional, commercial, contractors and industrial users, but not including retail sales to the general public except as a subordinate ancillary activity and any display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

WIDTH, LOT: See LOT, WIDTH.

WIRELESS FACILITY: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

1. Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

WIRELESS TELECOMMUNICATION HUB (SITE) : An equipment cabinet or structure that serves a wireless facility system when there are no antennas located on the same lot as the equipment cabinet or structure.

YARD: Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

For the purpose of this Ordinance, there shall be a distinction between 'yard' and 'minimum yard required'. The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

- YARD, FRONT: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in Sect. 2-413 for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley.

On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of Sect. 2-416.

- YARD, PRIVACY: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

- YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

On a corner lot, the rear yard shall be that yard on the opposite side of the building from the front lot line, which extends from the front yard line on the one side to the opposite side lot line. Where corner lots are designed for single family detached dwellings in the R-E through R-8 Districts, the rear yard may be of such minimum dimension as the side yard requirements for that district. (Reference Illustration 3 in Appendix 2)

- YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. (Reference Illustration 3 in Appendix 2)

ZONING COMPLIANCE LETTER: A letter by the Zoning Administrator or agent which provides the applicable zoning of a lot, to include: any approved proffered conditions, development conditions or other zoning approvals; whether any existing development on a lot is in accordance with the Zoning Ordinance; and/or whether there are any pending zoning applications or zoning violations on a lot. For purposes of this Ordinance, a request for a determination under Sect. 2-405 or for a Residential or Non-Residential Use Permit shall not be deemed a zoning compliance letter.

ZOOLOGICAL PARK: A facility in which livestock, farm animals and other animals, such as buffalo, bison, llamas and alpacas, are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related uses and activities such as gift shops, picnic areas and recreational activities. In addition, the keeping of all animals including wild or exotic animals as defined in Chapter 41.1 of The Code may be permitted with the approval of the Director of Animal Control in accordance with the provisions of Sect. 6-106 or Sect. 8-612. For the purpose of this Ordinance, zoological park shall not include retail pet stores, kennels, riding or boarding stables, horse or dog shows, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, coursing events, or any other fairs or exhibitions intended to advance agricultural arts and sciences.

APPENDIX ONE

HISTORIC OVERLAY DISTRICTS

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APPENDIX 1

HISTORIC OVERLAY DISTRICTS

PART 1 A1-100 POHICK CHURCH HISTORIC OVERLAY DISTRICT

A1-101 Purpose and Intent

The Pohick Church Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-102 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. No multiple family dwelling units shall be permitted.

2. Commercial uses are limited to local serving and tourist-oriented uses such as libraries, professional offices, craft shops, restaurants, and antique shops. No service stations, service station/mini-marts, vehicle light service or major service establishments, restaurants with drive-through or quick-service food stores may be permitted.

3. No industrial uses shall be permitted.

A1-103 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Pohick Church complex in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

A1-104 Lot Size Requirements

As specified in the underlying zoning districts

A1-105 Bulk Regulations

1. Maximum building height: 39.5 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-106 Maximum Density

As specified in the underlying zoning districts

A1-107 Open Space

As specified in the underlying zoning districts

A1-108 Additional Regulations

As specified in the underlying zoning districts

PART 2 A1-200 WOODLAWN HISTORIC OVERLAY DISTRICT

A1-201 Purpose and Intent

The Woodlawn Historic Overlay District is created to protect against destruction of Woodlawn and the George Washington Grist Mill; to encourage uses which will lead to their continuance, conservation and improvement; to prevent creation of environmental influences adverse to such **purposes; and to assure that new structures and uses within the district will be in keeping with** the character to be preserved and enhanced.

A1-202 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings south of Route 1 shall be limited to single family detached units.

2. Commercial uses are limited to offices and tourist-oriented uses, including but not limited to antique shops, craft shops, restaurants, hotels and motels. No service stations or restaurants with drive-through may be permitted.

3. No industrial uses shall be permitted.

A1-203 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with Woodlawn and George Washington Grist Mill in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

A1-204 Lot Size Requirements

As specified in the underlying zoning districts

A1-205 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-206 Maximum Density

As specified in the underlying zoning districts

A1-207 Open Space

As specified in the underlying zoning districts

A1-208 Additional Regulations

As specified in the underlying zoning districts

PART 3 A1-300 SULLY HISTORIC OVERLAY DISTRICT

A1-301 Purpose and Intent

The Sully Historic Overlay District is created to protect against destruction of the Sully historic landmark and the associated structures and cultural landscape; to encourage uses which will lead **to its continuance, conservation and improvement; to prevent creation of environmental** influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced. The Sully Historic Overlay District is uniquely located adjacent to Dulles International Airport. In recognition of the potential for industrial uses surrounding the historic property, Sully is currently the only Historic Overlay District that requires a 200 foot wide planted buffer around the historic property. In addition, the Sully Historic Overlay District was created to encompass land areas located within one-fourth (1/4) mile of the Sully Property, making it one of the largest Historic Overlay Districts established by this Ordinance.

A1-302 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. In residential developments, commercial uses shall be limited to those uses permitted by right, special permit, special exception or as either an accessory service use or home occupation pursuant to Article 10.

2. Industrial uses shall be limited to those uses permitted by right, special permit or special exception in the I-4 District and outdoor storage in association with a warehousing establishment subject to the provisions of Sect. 303 below.

3. Except as allowed by Paragraphs 1 and 2 above, no commercial uses shall be permitted.

A1-303 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Sully complex in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

5. A planted buffer having a 200 foot minimum width shall be provided along all lot lines which are contiguous to the Sully property, as defined by Tax Map Parcels 34-2 ((1)) 13 and 14. If the Park Authority acquires additional land area for the Sully property, the 200 foot wide planted buffer requirement shall only be applicable along those lot lines contiguous to the Tax Map Parcels identified above and shall not be altered by such

acquisition. The minimum planting shall be in accordance with standards established by the ARB.

6. The Board of Supervisors may approve a special exception in accordance with the provisions of Article 9 to allow outdoor storage in association with a warehousing establishment in the I-5 and I-6 Districts if the Board determines that such storage would not be visible from the Sully complex or the approaches to the Sully complex and would not be incompatible with the purpose of this district. To this end, the Board may impose conditions regarding the size, location and screening of such outdoor storage area.

A1-304 Lot Size Requirements

As specified in the underlying zoning districts

A1-305 Bulk Regulations

1. Maximum building height: 35 feet, subject to increase up to 60 feet as may be permitted by the Board in accordance with the provisions of Sect. 9-607 and only when located within the historic district and within 500 feet of the Sully Historic Overlay District perimeter boundary. In no event however, shall such approval for a height increase permit the actual height of any building to exceed 65 feet as measured from grade to the top of any roof or rooftop structure.

2. Minimum yard requirements: As specified in the underlying zoning districts, except structures developed on land contiguous to the Sully property, as defined by Tax Map Parcels 34-2 ((1)) 13 and 14, shall be located no closer than 200 feet to the Sully property line, except where such limitation would preclude permitted uses. In such a case, the minimum yard and building location requirements shall be as determined by the ARB. If the Park Authority acquires additional land area for the Sully property, the 200 foot minimum yard requirement shall only be applicable along those lot lines contiguous to the Tax Map Parcels identified above and shall not be altered by such acquisition.

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-306 Maximum Density

As specified in the underlying zoning districts

A1-307 Open Space

As specified in the underlying zoning districts

A1-308 Additional Regulations

As specified in the underlying zoning districts

PART 4 A1-400 ST. MARY'S CHURCH HISTORIC OVERLAY DISTRICT

A1-401 Purpose and Intent

The St. Mary's Church Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-402 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Commercial uses shall be developed only as part of a shopping center.

2. Industrial uses shall be developed only as part of a designed industrial park, and shall be limited to those uses permitted by right, special permit or special exception in the I-4 District.

A1-403 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with St. Mary's Church in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

5. To the extent possible, existing tree cover shall be preserved in that area south of the Southern Railroad.

A1-404 Lot Size Requirements

As specified in the underlying zoning districts

A1-405 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-406 **Maximum Density**

As specified in the underlying zoning districts

A1-407 **Open Space**

As specified in the underlying zoning districts

A1-408 **Additional Regulations**

As specified in the underlying zoning districts

PART 5 A1-500 BULL RUN STONE BRIDGE HISTORIC OVERLAY DISTRICT

A1-501 Purpose and Intent

The Bull Run Stone Bridge Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-502 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit or special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.

2. Commercial uses shall be limited to those uses permitted by right, special permit or special exception in the C-5 District.

3. No industrial uses shall be permitted.

A1-503 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Bull Run Stone Bridge in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

A1-504 Lot Size Requirements

As specified in the underlying zoning districts

A1-505 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-506 Maximum Density

As specified in the underlying zoning districts

A1-507 Open Space

As specified in the underlying zoning districts

A1-508 Additional Regulations

As specified in the underlying zoning districts

PART 6 A1-600 COLVIN RUN MILL HISTORIC OVERLAY DISTRICT

A1-601 Purpose and Intent

The Colvin Run Mill Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-602 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.

2. Commercial uses within this district shall be permitted only on the Colvin Run Mill site and shall be limited to those uses deemed appropriate by the ARB.

3. No industrial uses shall be permitted.

A1-603 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Colvin Run Mill Complex in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

A1-604 Lot Size Requirements

As specified in the underlying zoning districts

A1-605 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-606 Maximum Density

As specified in the underlying zoning districts

A1-607 Open Space

As specified in the underlying zoning districts

A1-608 Additional Regulations

As specified in the underlying zoning districts

PART 7 A1-700 DRANESVILLE TAVERN HISTORIC OVERLAY DISTRICT

A1-701 Purpose and Intent

The Dranesville Tavern Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-702 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.

2. Commercial uses within this district shall be limited to those uses deemed appropriate by the ARB on the Dranesville Tavern site and Category 5 special exception uses, limited to golf driving ranges and miniature golf courses ancillary to golf driving ranges, subject to approval of a special exception by the Board.

3. No industrial uses shall be permitted.

A1-703 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Dranesville Tavern in terms of mass, scale, color and visual impact.

4. Freestanding signs shall not exceed ten (10) feet in height.

5. The Board may approve a special exception in accordance with the provisions of Article 9 to allow golf driving ranges and miniature golf courses ancillary to golf driving ranges if the Board determines that such recreation uses would be compatible with the purpose of this district. To this end, the Board may impose conditions regarding the size, location and screening of such outdoor recreation uses.

A1-704 Lot Size Requirements

As specified in the underlying zoning districts

A1-705 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-706 Maximum Density

As specified in the underlying zoning districts

A1-707 Open Space

As specified in the underlying zoning districts

A1-708 Additional Regulations

As specified in the underlying zoning districts

PART 8 A1-800 HUNTLEY HISTORIC OVERLAY DISTRICT

A1-801 Purpose and Intent

The Huntley Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-802 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

No commercial or industrial uses shall be permitted.

A1-803 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with Huntley in terms of mass, scale, height, color, type of material and visual impact.

4. Freestanding signs shall not exceed five (5) feet in height.

A1-804 Lot Size Requirements

As specified in the underlying zoning districts

A1-805 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-806 Maximum Density

As specified in the underlying zoning districts

A1-807 Open Space

As specified in the underlying zoning districts

A1-808 Additional Regulations

As specified in the underlying zoning districts

PART 9 A1-900 LANGLEY FORK HISTORIC OVERLAY DISTRICT

A1-901 Purpose and Intent

The Langley Fork Historic Overlay District is created to protect against destruction of the landmarks; to encourage uses which will lead to their continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-902 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.

2. No additional commercial uses shall be permitted.

3. No industrial uses shall be permitted.

A1-903 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the landmark structures.

4. Freestanding signs shall not exceed five (5) feet in height.

A1-904 Lot Size Requirements

As specified in the underlying zoning districts

A1-905 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-906 Maximum Density

As specified in the underlying zoning districts

A1-907 Open Space

As specified in the underlying zoning districts

A1-908 Additional Regulations

As specified in the underlying zoning districts

PART 10 A1-1000 ROBEY'S MILL HISTORIC OVERLAY DISTRICT

A1-1001 Purpose and Intent

The Robey's Mill Historic Overlay District is created to protect against destruction of the landmarks; to encourage uses which will lead to their continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-1002 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.

2. No commercial uses shall be permitted, with the exception of the use of the mill itself.

3. No industrial uses shall be permitted.

A1-1003 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.

2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the landmark structures.

4. Freestanding signs shall not exceed five (5) feet in height.

A1-1004 Lot Size Requirements

As specified in the underlying zoning districts

A1-1005 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-1006 Maximum Density

As specified in the underlying zoning districts

A1-1007 Open Space

As specified in the underlying zoning districts

A1-1008 Additional Regulations

As specified in the underlying zoning districts

PART 11 A1-1100 LAKE ANNE VILLAGE CENTER HISTORIC OVERLAY DISTRICT

A1-1101 Purpose and Intent

The Lake Anne Village Center Historic Overlay District is created to protect against destruction of the historic and architectural quality of the landmark; to encourage uses which will lead to its continuance, conservation, and improvement; and to assure that new uses within the district will be in keeping with the character to be preserved and enhanced.

A1-1102 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception for a village center in the PRC District.

A1-1103 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within the district.

2. All uses and development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan and shown in the Reston Master Plan, adopted by reference in the Area III Plan.

3. Any new improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities shall be designed and installed as integral parts of the present village complex, and to be compatible with the original design.

A1-1104 Lot Size Requirements

No requirement for each use or building

A1-1105 Bulk Regulations

1. Building height shall be compatible with the intent of the district.

2. Minimum yard requirements: The location and arrangement of structures shall not be detrimental of existing uses or prospective adjacent uses.

A1-1106 Maximum Density

As specified in the underlying zoning districts

A1-1107 Open Space

As specified in the underlying zoning districts

A1-1108 Additional Regulations

As specified in the underlying zoning districts

PART 12 A1-1200 MOUNT AIR HISTORIC OVERLAY DISTRICT

A1-1201 Purpose and Intent

The Mount Air Historic Overlay District is created to protect against destruction of the historic and architectural quality of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new uses within the district will be in keeping with the character to be preserved and enhanced.

A1-1202 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts.

A1-1203 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all land within the district.

2. All uses and development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. Any new improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the historic landmark.

A1-1204 Lot Size Requirements

As specified in the underlying zoning districts

A1-1205 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts, provided the location and arrangement of structures shall not be detrimental to existing uses or prospective adjacent uses

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-1206 Maximum Density

As specified in the underlying zoning districts

A1-1207 Open Space

As specified in the underlying zoning districts

A1-1208 Additional Regulations

As specified in the underlying zoning districts

PART 13 A1-1300 CENTREVILLE HISTORIC OVERLAY DISTRICT

A1-1301 Purpose and Intent

The Centreville Historic Overlay District is created to protect against destruction of the historic, archaeological and architectural quality of the structures and landmarks; to encourage uses which will lead to their continuance, conservation and improvement; and to assure that new uses within the district will be in keeping with the character to be preserved and enhanced.

A1-1302 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Kennels, new vehicle storage, warehousing establishments and wholesale trade establishments shall not be permitted.

2. Automobile-oriented uses, car washes, drive-in financial institutions, drive-through pharmacies, restaurants with drive-through, service stations, service station/mini-marts, vehicle light service establishments and vehicle transportation service establishments are not permitted for properties not contiguous to Route 29.

A1-1303 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within the district.

2. All uses and development within this district shall be in strict conformance with the development policies and recommendations set forth in the adopted comprehensive plan.

3. Any new improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities shall be designed and installed to be compatible with the historic landmarks.

4. Any new improvements shall be designed to be sensitive to archaeological resources, as well as the historical character of the area.

5. Freestanding signs shall not exceed a height of ten (10) feet.

6. Any type of outdoor lighting shall be subject to the approval of the ARB.

A1-1304 Lot Size Requirements

As specified in the underlying zoning districts

A1-1305 Bulk Regulations

1. Maximum building height: 35 feet

2. Minimum yard requirements: As specified in the underlying zoning districts, provided the location and arrangement of structures shall not be detrimental to existing uses or prospective adjacent uses

3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-1306 Maximum Density

As specified in the underlying zoning districts

A1-1307 Open Space

As specified in the underlying zoning districts

A1-1308 Additional Regulations

As specified in the underlying zoning districts

PART 14 A1-1400 WELLINGTON AT RIVER FARM HISTORIC OVERLAY DISTRICT

A1-1401 Purpose and Intent

The Wellington at River Farm Historic Overlay District is created to protect the Wellington at River Farm Manor House, associated structures, landscape, and viewshed, and potential archaeological resources; to encourage uses which will promote the district's continuance, conservation, and improvement; to prevent the potential environmental influences and adverse effects to the district; and to assure that new structures and uses within the district will be consistent with the character of the district.

A1-1402 Permitted, Special Permit and Special Exception Uses

1. All uses permitted by right in the underlying zoning district, subject to Sect. 1403 below.

2. The Board of Supervisors may approve by special exception any use permitted by special exception or special permit in the underlying zoning district, subject to the additional standards applicable to those uses and subject to Sect. 1403 below.

A1-1403 Use Limitations

1. Part 2 of Article 7 applies to all land within this district.

2. Any use approved by the Board of Supervisors must use the existing historic resources on the property and demonstrate that the use, including any proposed new improvement, addition, or new separate freestanding structures, will be in harmony with the Purpose and Intent of this district. In addition, the Board of Supervisors must consider whether the nature and scale of the proposed use is compatible with the structure, site, and surrounding properties.

3. All off-street parking and loading spaces must be located outside of required minimum side and rear yards that abut a residential district, unless modified by the Board.

4. The Board of Supervisors may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with and not adversely impact the district or any adjacent residential areas.

5. Any new improvement or addition—including any structure, sign, fence, street furniture, outdoor graphic, and any public or private utility—must be designed and installed to be compatible with adopted Design Guidelines for the Wellington at River Farm Historic Overly District and must be designed to be compatible with the existing historic resources and viewshed, potential archaeological resources, and historical character of the area.

A1-1404 Lot Size Requirements

As specified in the underlying zoning district

A1-1405 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning district
3. Maximum floor area ratio: As specified in the underlying zoning district

A1-1406 Maximum Density

As specified in the underlying zoning district

A1-1407 Open Space

As specified in the underlying zoning district

A1-1408 Additional Regulations

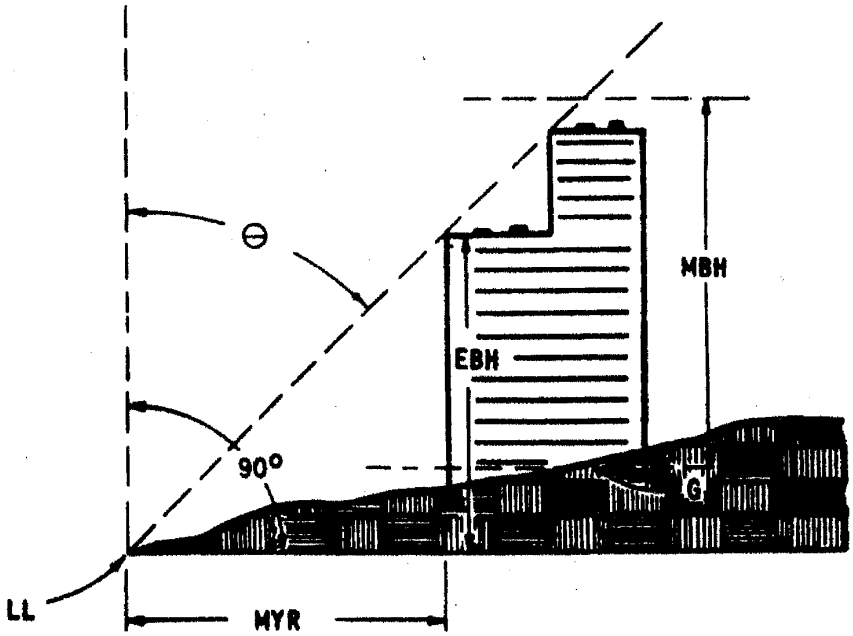
As specified in the underlying zoning district

A2-1

ILLUSTRATION 1

ANGLE OF BULK PLANE

Plate 1



Θ : Angle of bulk plane

LL : Lot line

MYR : Minimum yard requirement

EBH : Effective building height

MBH : Maximum building height

G : Grade (finished)

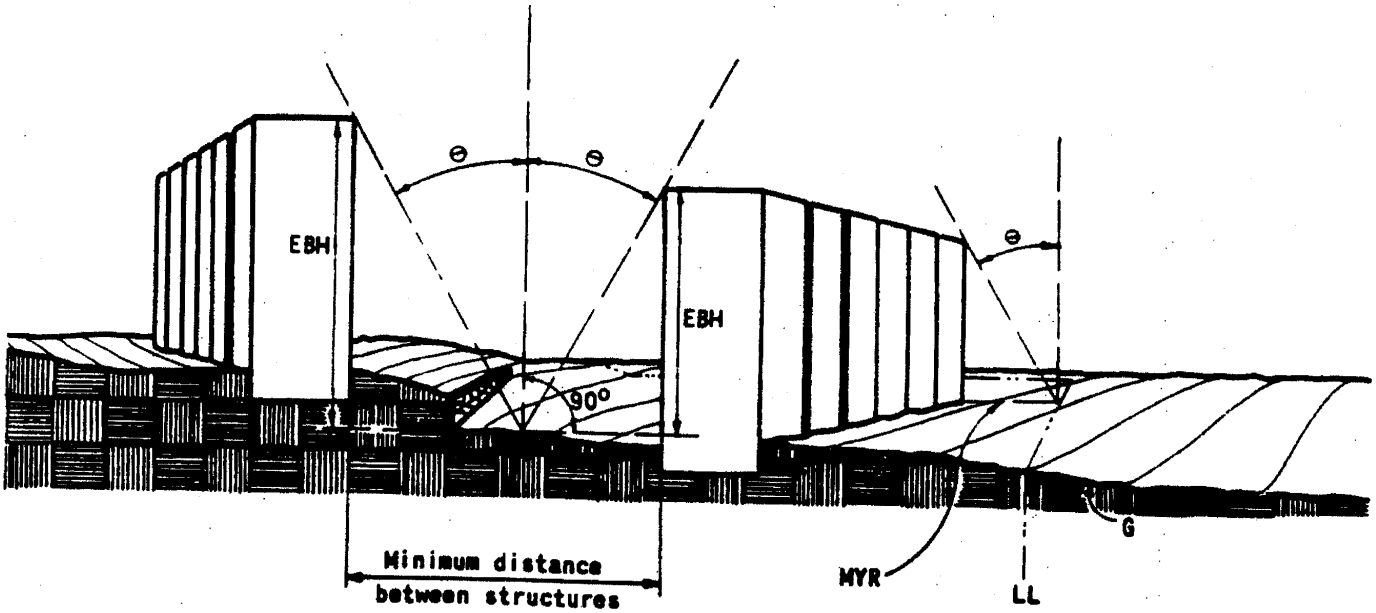
$$MYR = EBH \tan \Theta$$

$$EBH = \frac{MYR}{\tan \Theta}$$

A2-2

ILLUSTRATION I

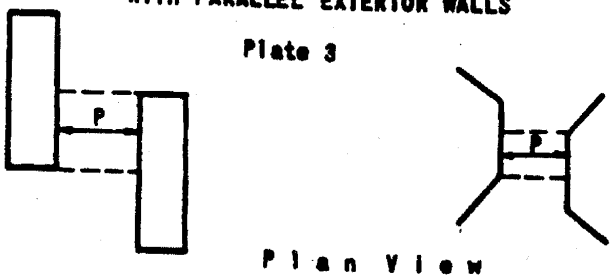
ANGLE OF BULK PLANE
Plate 2



⊖	:	Angle of bulk plane
LL	:	Lot line
MYR	:	Minimum yard requirement
EBH	:	Effective building height
G	:	Grade (finished)

PLANE OF MEASUREMENT (P) OF ⊖ FOR STRUCTURES
WITH PARALLEL EXTERIOR WALLS

Plate 3



Note: For the convenience of the reader, Table 1, presented on the following page, sets forth the minimum yard requirements for given effective building heights at varying prescribed angles.

TABLE 1

MINIMUM YARD REQUIREMENTS

Effective Building Height (feet)

Angle of Bulk Plane (degrees)	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
5	1	1	2	2	3	3	3	4	4	5	5	6	6	7	7	7	8	8	9	9	10	10	10	11	11	12	12	13	13	14	14	14	15	15	16	16	17	17	17
10	2	3	4	4	5	6	7	8	9	10	11	11	12	13	14	15	16	17	18	19	19	20	21	22	23	24	25	26	26	27	28	29	30	31	32	33	34	34	35
15	3	4	5	7	8	9	11	12	13	15	16	17	19	20	21	23	24	25	27	28	29	31	32	33	35	36	38	39	40	42	43	44	46	47	48	50	51	52	54
20	4	5	7	9	11	13	15	16	18	20	22	24	25	27	29	31	33	35	36	38	40	42	44	45	47	49	51	53	55	56	58	60	62	64	66	67	68	71	73
25	5	7	9	12	14	16	19	21	23	26	28	30	33	35	37	40	42	44	47	49	51	54	56	58	61	63	65	68	70	72	75	77	79	82	84	86	89	91	93
30	6	9	12	14	17	20	23	26	29	32	35	38	40	43	46	49	52	55	58	61	64	66	69	72	75	78	81	84	87	89	92	95	98	101	104	107	110	113	115
35	7	11	14	18	21	25	28	32	35	39	42	46	49	53	56	60	63	67	70	74	77	81	84	88	91	95	98	102	105	109	112	116	119	123	126	130	133	137	140
40	8	13	17	21	25	29	34	38	42	46	50	55	59	63	67	71	76	80	84	88	92	96	101	105	109	113	117	122	126	130	134	138	143	147	151	155	159	164	168
45	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
50	12	18	24	30	36	42	48	54	60	66	72	77	83	89	95	101	107	113	119	125	131	137	143	149	155	161	167	173	179	185	191	197	203	209	215	220	226	232	238
55	14	21	28	34	43	50	57	64	71	79	86	93	100	107	114	121	129	136	143	150	157	164	171	179	186	193	200	207	214	221	228	236	243	250	257	264	271	278	286
60	17	26	35	43	52	61	69	78	87	95	104	113	121	130	139	147	156	165	173	182	191	199	208	217	225	234	242	251	260	268	277	286	294	303	312	320	329	338	346
65	21	32	43	54	64	75	96	97	107	118	129	139	150	161	172	182	193	204	214	225	236	247	257	268	279	290	300	311	322	332	343	354	365	375	386	397	407	418	429

ILLUSTRATION 2

BUILDING HEIGHT

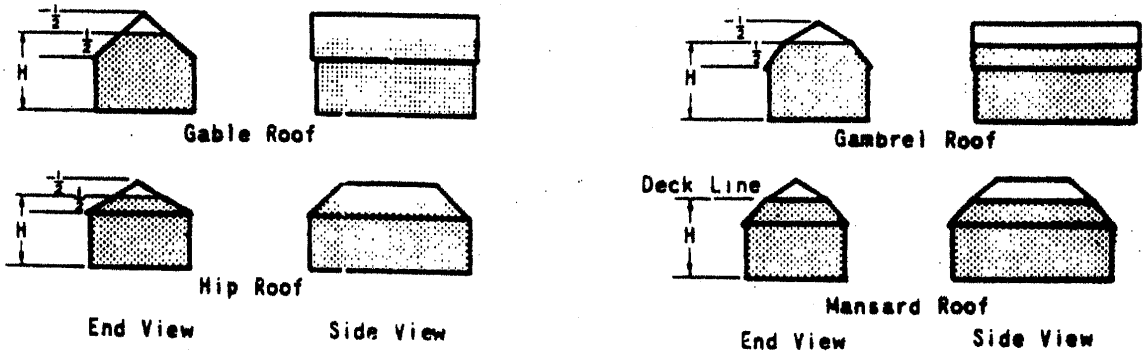
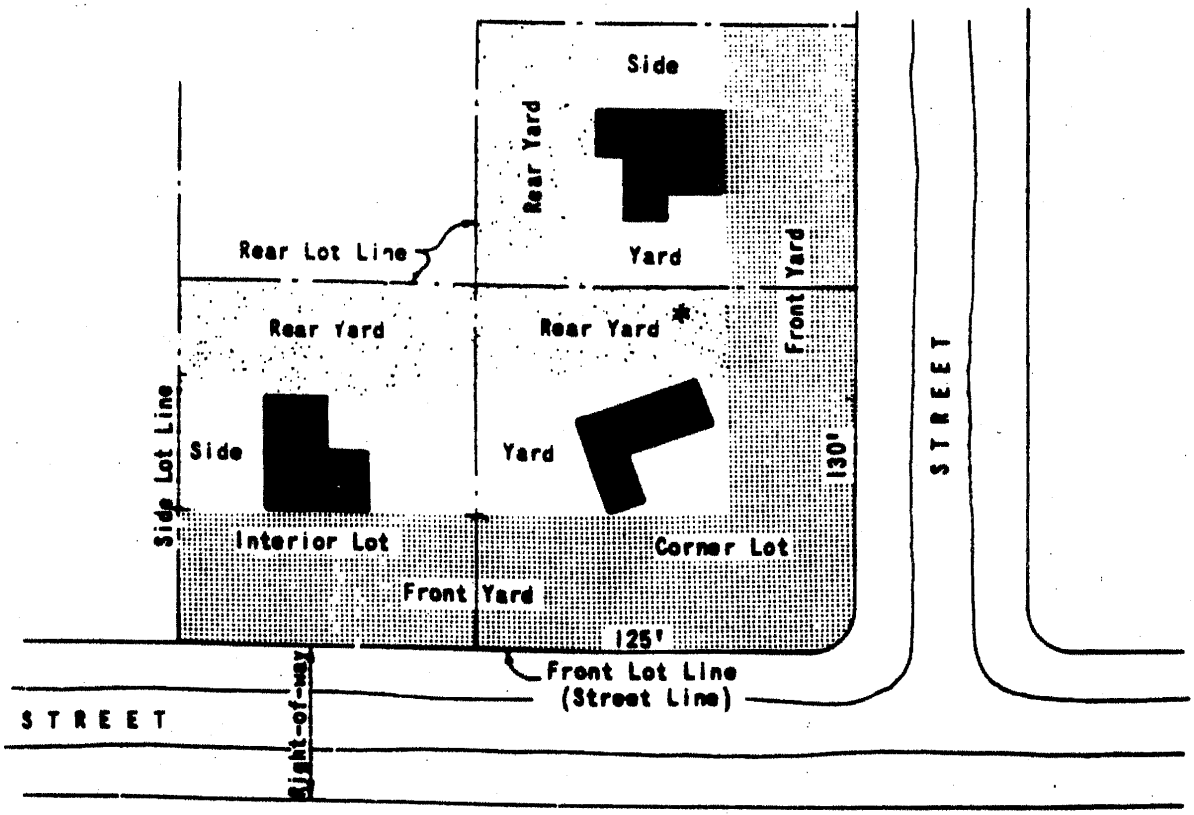


ILLUSTRATION 3

LOT LINES AND YARDS

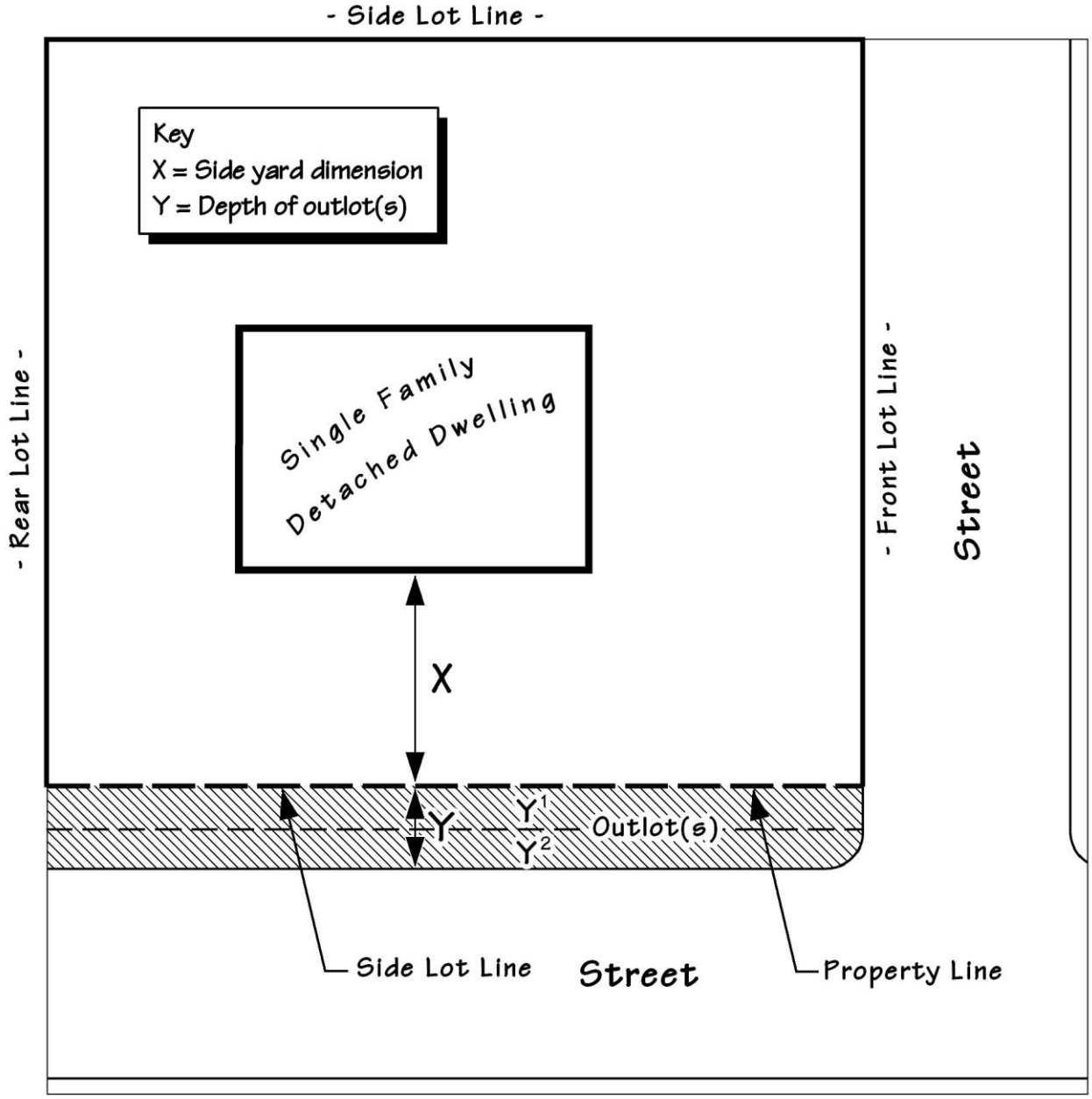


*For single family detached dwellings in the R-E through R-8 districts the minimum required rear yard on a corner lot may equal but shall not be less than the minimum side yard requirement for the district.

ILLUSTRATION 4

LOTS THAT ARE CONTIGUOUS TO OUTLOTS THAT ABUT A STREET

PLATE 1

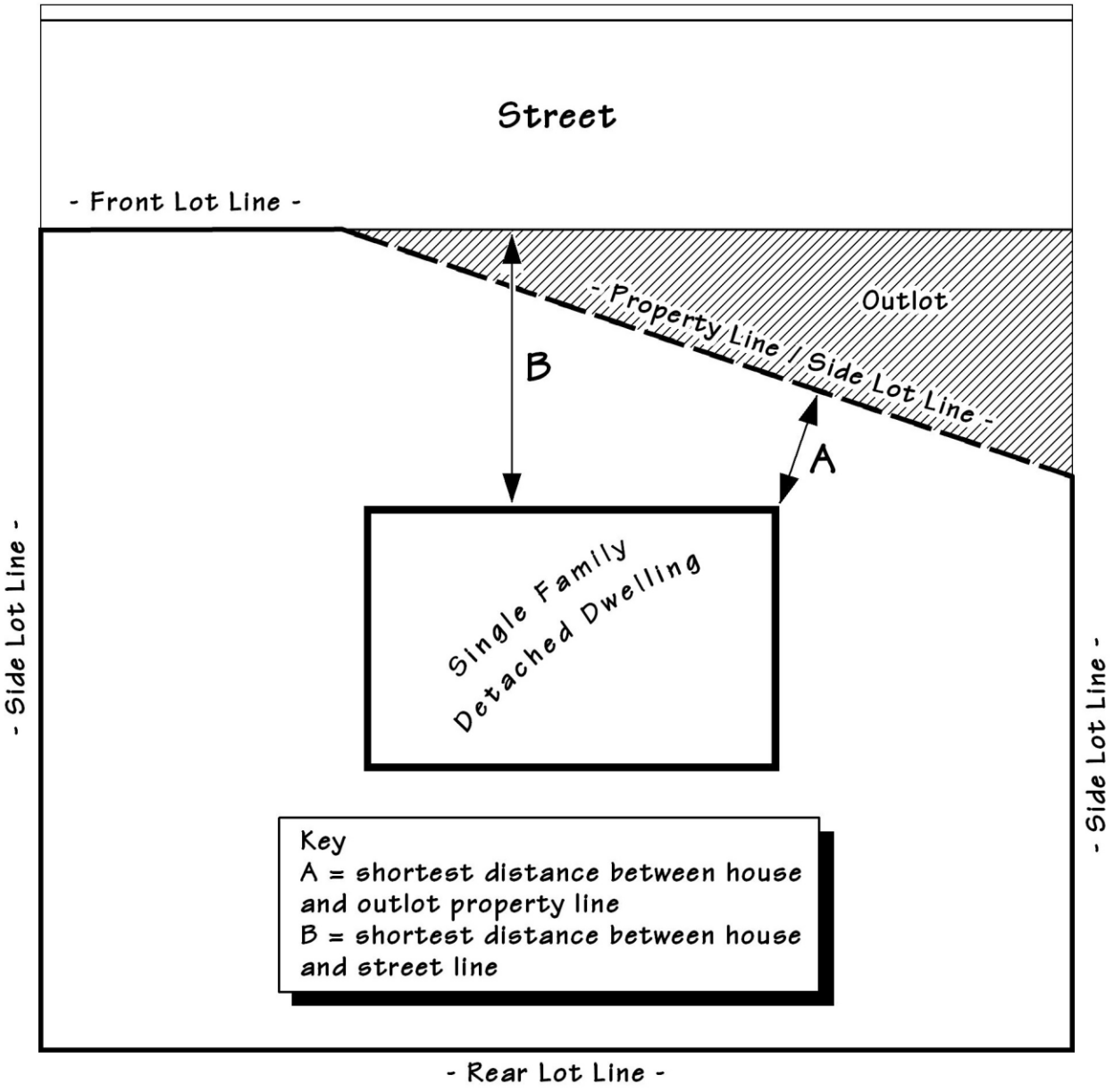


Notes: (1) X+Y (or X+Y^1&Y^2) - must be equal to or greater than the required front minimum yard of the district in which located.
(2) X - must be equal to or greater than the minimum required side yard of the district in which located.

ILLUSTRATION 4

LOTS THAT ARE CONTIGUOUS TO OUTLOTS THAT ABUT A STREET

PLATE 2



Notes: (1) A - must be equal to or greater than the minimum required side yard of the district in which located.
(2) B - must be equal to or greater than the minimum required front yard of the district in which located.

ILLUSTRATION 5

FULL CUT-OFF OUTDOOR LIGHTING FIXTURE

PLATE 1

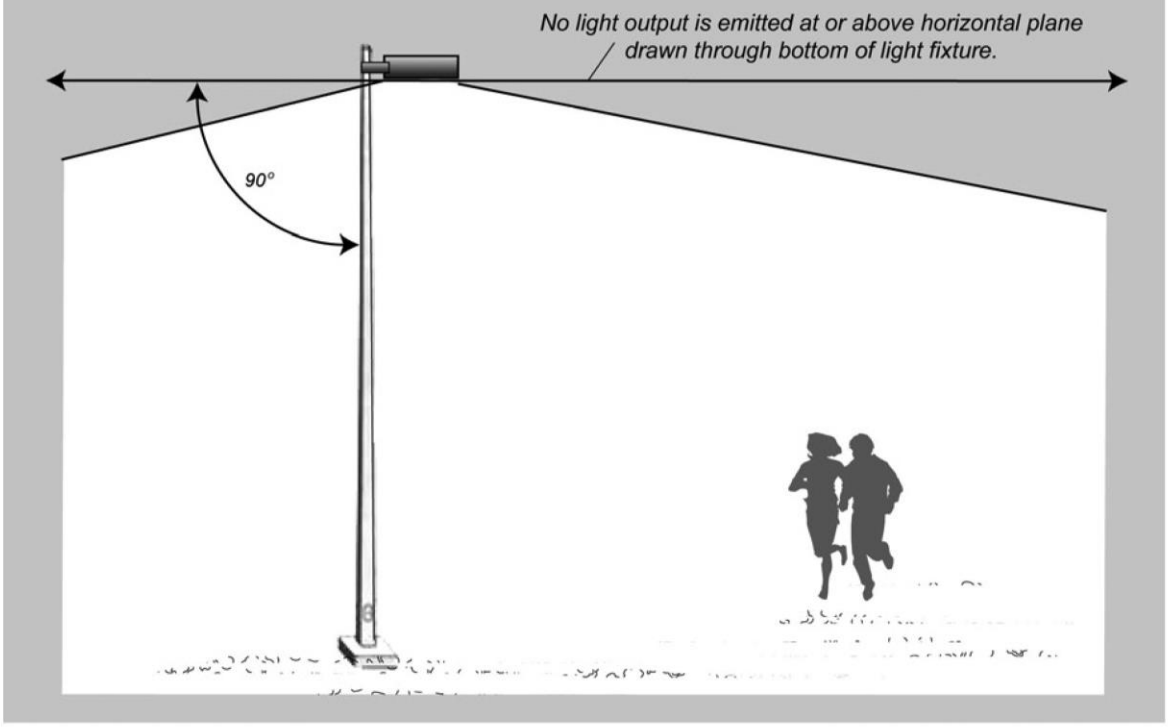
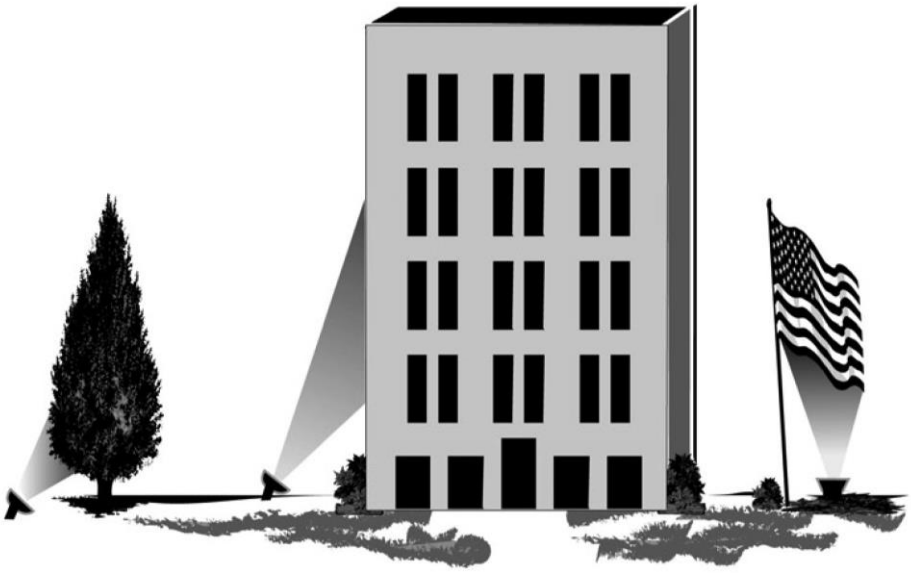


ILLUSTRATION 5

ARCHITECTURAL/LANDSCAPE LIGHTING EXAMPLES

PLATE 2

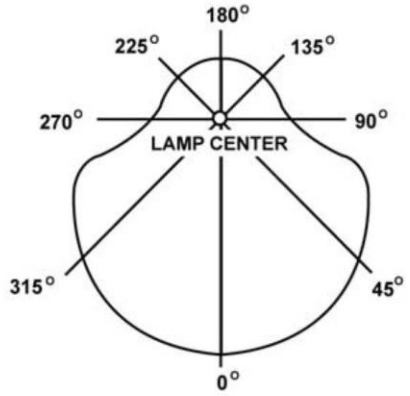


Lighting used for architectural/landscaping lighting shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit.

ILLUSTRATION 5

EXAMPLES OF DIRECTIONALLY SHIELDED LIGHT FIXTURES

PLATE 3



A plan view example of a non-uniform light distribution pattern. This effect can be achieved by using optical lenses within a fixture (full cut off type, or other) or by fixture shielding devices.

ILLUSTRATION 5

HOUSE - SIDE SHIELDING

PLATE 4

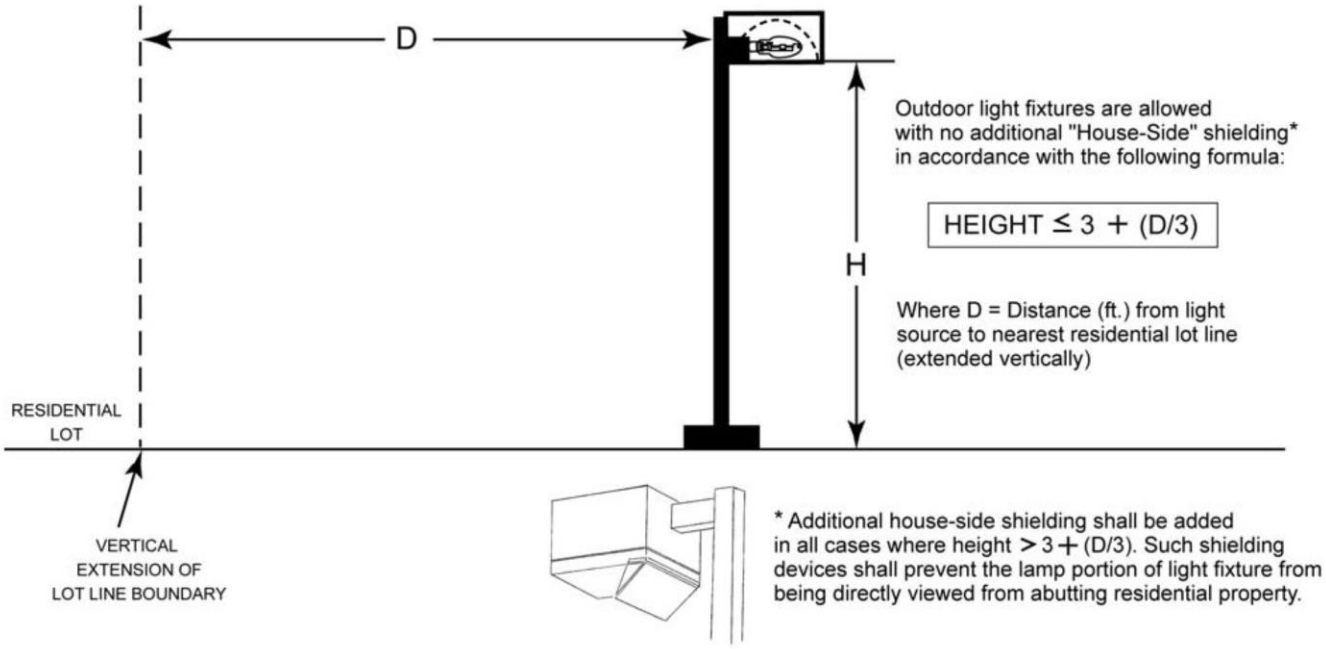


ILLUSTRATION 5

EXAMPLES OF SOME COMMON OUTDOOR LIGHTING FIXTURES

PLATE 5

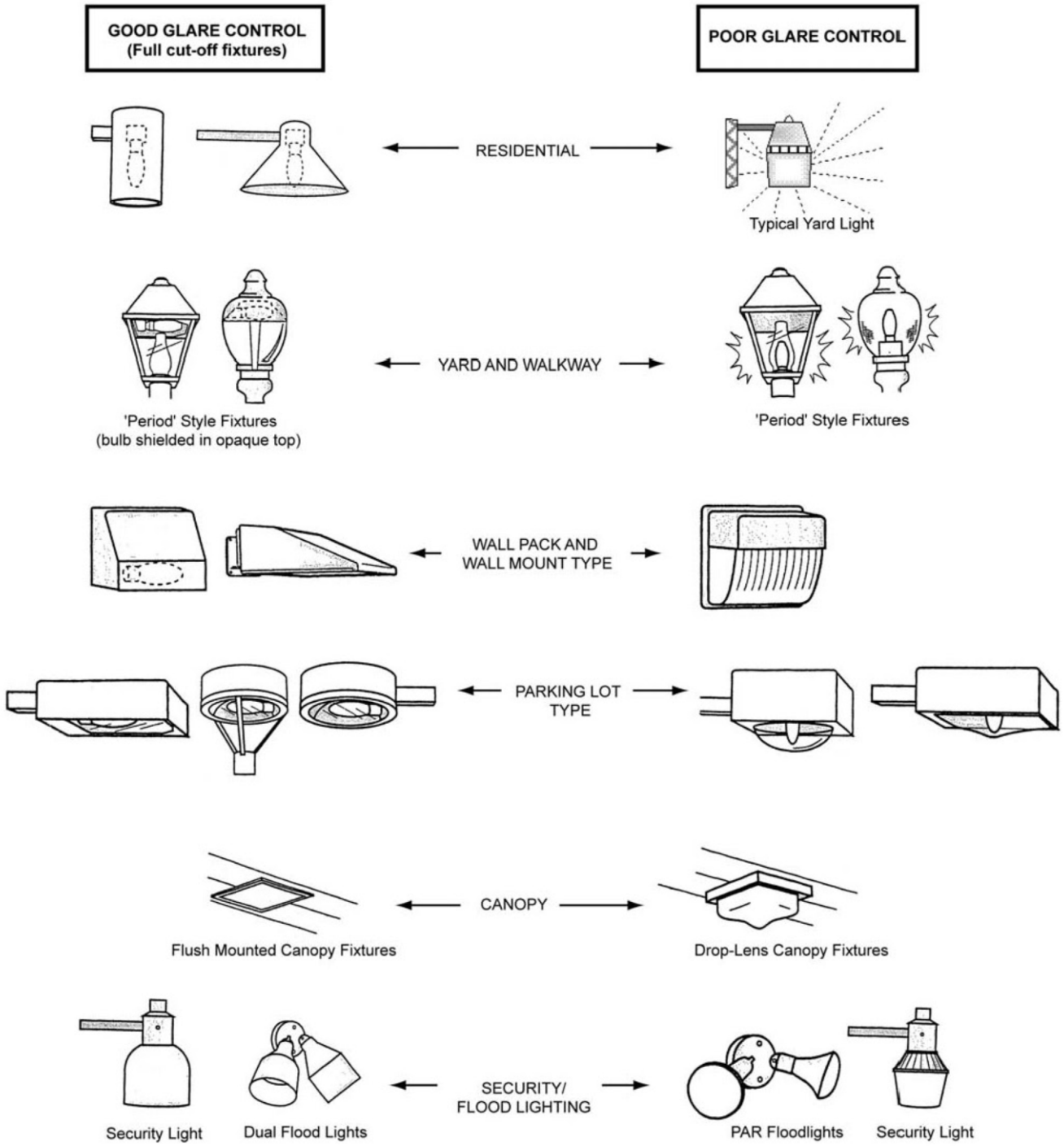
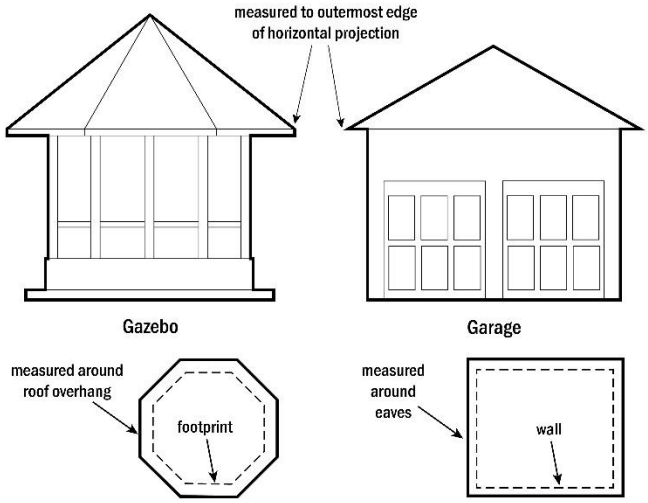


Illustration 6
Plate 1

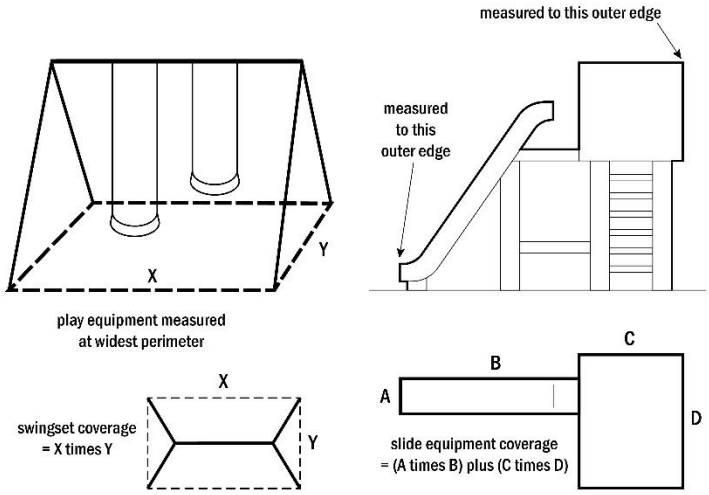
Coverage Limitation for Minimum Required Rear Yards



Freestanding Accessory Structures

Illustration 6
Plate 2

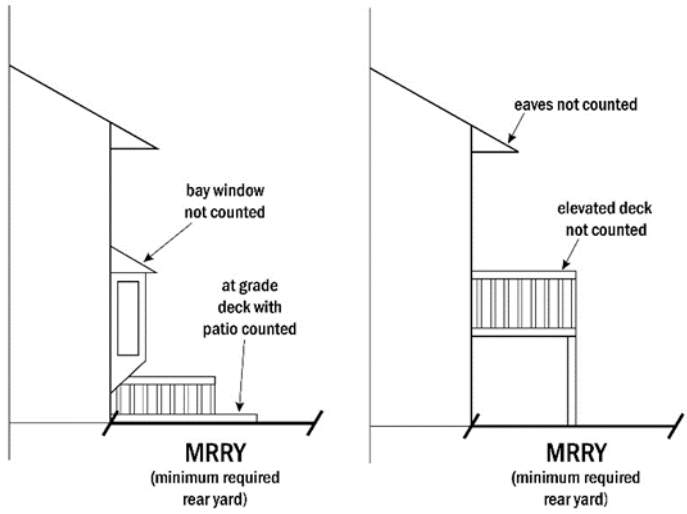
Coverage Limitation for Minimum Required Rear Yards



Children's Play Equipment

Illustration 6
Plate 3

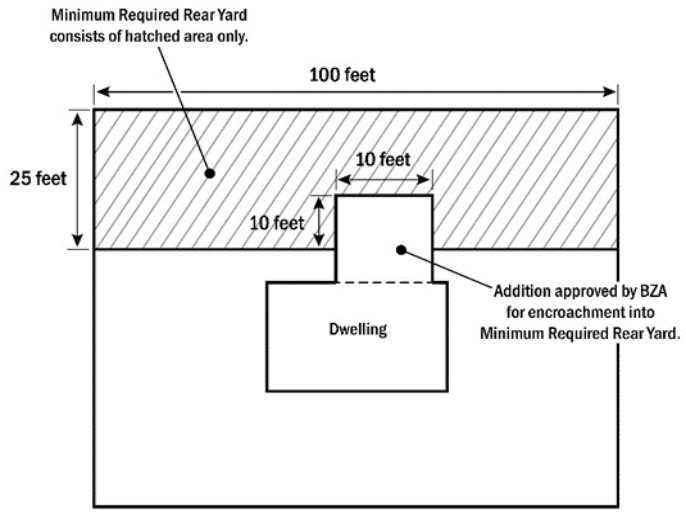
Coverage Limitation for Minimum Required Rear Yards



Horizontal Projections from Principal Dwelling

Illustration 6
Plate 4

Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded

APPENDIX 3

ENABLING LEGISLATION

Zoning is a legislative power residing in the State, which has been delegated to cities, towns and counties. Article 7, Chapter 22, Title 15.2 of the Code of Virginia sets forth the legislation which enables Fairfax County to legislate zoning. Up to date provisions of the Code of Virginia are available by accessing the State's website at https://lis.virginia.gov/lis.htm.

APPENDIX 4

FAIRFAX COUNTY BOARD OF SUPERVISORS' POLICY

ON HOUSING LOW AND MODERATE INCOME FAMILIES

(Deleted by Amendment #89-186, Adopted December 11, 1989, Effective July 31, 1990)

APPENDIX 5

FAIRFAX COUNTY BOARD OF SUPERVISORS' POLICY

ON ACCESSORY DWELLING UNITS

WHEREAS, the following population and housing trends are evident in the Washington Metropolitan Area:

— Average household size declined from 3.09 in 1970 to 2.67 in 1980,

— The rate of household formations increased over four times faster than population growth during the same period,

— The median sales price of new homes increased from $60,000 in 1978 to $97,220 in 1981,

— Rental vacancy rates are at historical low points,

— As of 1980 there have been over 48,000 condominium conversions,

— Federal housing resources having declined each year since 1979 and are likely to decline an additional 15% in 1982; and

WHEREAS, similar population and housing trends are evident in Fairfax County as follows:

— Average household size declined from 3.51 in 1970 to 2.88 in 1980,

— The median housing value of all homes in Fairfax County increased from $68,200 in 1978 to $97,700 in 1981,

— As of 1980 there have been over 6,000 condominium conversions reducing the available rental stock; and

WHEREAS, these trends highlight a shortage of moderately priced, small dwelling unit housing in the Region and Fairfax County; and

WHEREAS, the addition of moderately priced small dwelling unit housing meets a need for the elderly; and

WHEREAS, there is a shortage of accessible and usable housing for disabled residents; and

WHEREAS, it is consistent with the intent and purpose of the Fairfax County Comprehensive Plan and Fairfax County Zoning Ordinance to provide housing for all segments of the community in an equitable and uniform manner;

WHEREAS, it is equally important that no change will be permitted which will disrupt or modify the existing character of the single family neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the following objectives and purposes are hereby adopted

as a general guide for the Board of Supervisors, Planning Commission, the Board of Zoning Appeals and other agencies and officials of Fairfax County in regard to the planning and implementation of accessory dwelling units in Fairfax County.

OBJECTIVES AND PURPOSE

1. To provide elderly homeowners with a means of obtaining, through tenants in accessory dwelling units, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise consider leaving.

2. To provide rental housing units for elderly persons.

3. To provide rental housing units for persons who are disabled, to allow disabled persons who currently own their homes to remain in them.

4. To encourage the development of housing units for disabled individuals and persons with limited mobility, through the installation of features which facilitate access and mobility.

5. To provide a means for homeowners, particularly those who are elderly and/or disabled, to cope with the rising cost of taxes, fuel, maintenance, and utilities.

6. To make more efficient use of the existing housing stock.

7. To provide a method of creating affordable housing for small households.

8. To make housing units available to moderate income households who might otherwise have difficulty finding homes.

9. To provide mutual assistance between renters and owners who are disabled and/or elderly, in the maintenance and upkeep of their dwelling unit.

10. To protect neighborhood stability, property values and the residential character of neighborhoods by ensuring that accessory dwelling units are only permitted in owner occupied homes in such a manner and number that there will be no disruption to the character of the single family home neighborhood and under such conditions as may be appropriate to further the purposes of the Fairfax County Zoning Ordinance.

IN SUMMARY, it is the purpose and intent of this policy to accommodate accessory dwellings in all residential districts that allow single family detached dwellings in order to provide the opportunity and encouragement for the development of a limited number of small housing units designed, in particular, to meet the special needs of persons who are elderly and/or disabled. Furthermore, it is the purpose and intent of this provision to allow for a more efficient use of dwellings and accessory buildings, to provide economic support for elderly and/or disabled citizens and homeowners, and to protect and preserve property values in accordance with the overall objectives of the Fairfax County Comprehensive Plan and Zoning Ordinance.

APPENDIX 6

WETLANDS

(Deleted by Amendment #89-171, Adopted March 13, 1989, Effective March 14, 1989, 12:01 AM)

APPENDIX 7

COMMERCIAL REVITALIZATION DISTRICTS

TABLE OF CONTENTS

PART 1	**A7-100**	**ANNANDALE COMMERCIAL REVITALIZATION DISTRICT**
PART 2	**A7-200**	**BAILEY'S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT**
PART 3	**A7-300**	**MCLEAN COMMERCIAL REVITALIZATION DISTRICT**
PART 4	**A7-400**	**RICHMOND HIGHWAY COMMERCIAL REVITALIZATION DISTRICT**
PART 5	**A7-500**	**SPRINGFIELD COMMERCIAL REVITALIZATION DISTRICT**

APPENDIX 7

COMMERCIAL REVITALIZATION DISTRICTS

PART 1 A7-100 ANNANDALE COMMERCIAL REVITALIZATION DISTRICT

A7-101 Purpose and Intent

The Annandale Commercial Revitalization District is established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-2200, 2283 and 2284 of the Code of Virginia, as amended. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

A7-102 Permitted Uses

All uses permitted by right in the underlying zoning district regulations, except vehicle transportation service establishments, and as follows:

1. In the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

A7-103 Special Permit Uses

All uses permitted by special permit in the underlying zoning district regulations

A7-104 Special Exception Uses

1. Except as qualified in Sect. 102 above for the C-8 District, all uses permitted by special exception in the underlying zoning district regulations, vehicle transportation service establishments in the C-6, C-7 or C-8 Districts, and other applicable Category 6 special exception uses shall be allowed in accordance with the provisions of Sect. 9-622. In addition, a modification or waiver of the minimum lot size requirements, minimum yard requirements and/or minimum open space requirements, increase in the maximum building height, amount of permitted office or maximum permitted floor ratio in accordance with the underlying zoning district regulations and the waivers and modifications set forth below for this district shall also be permitted in accordance with the provisions of Sect. 9-622.

A7-105 Use Limitations

As set forth in the underlying zoning district regulations

A7-106 Lot Size Requirements

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-107 Bulk Regulations

1. Maximum building height: As specified in the underlying zoning district regulations, except that for land zoned C-6 or C-8, a maximum height of fifty (50) feet shall be allowed by right. In addition, where an increase in the maximum building height is allowed in the underlying zoning district regulations by special exception, such may be approved by the Board in accordance with the provisions of Sect. 9-622.

2. Minimum yard requirements: As specified in the underlying zoning district regulations, except that the minimum front yard in commercial districts shall be 20 feet, unless the adopted comprehensive plan specifies a front yard requirement that is equal to or less than the minimum front yard requirement of the underlying zoning district, in which case, the minimum front yard shall be in accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district regulations may be approved by the Board in accordance with the provisions of Sect. 9-622.

3. Maximum floor area ratio: As specified in the underlying zoning district regulations, except that where an increase in the floor area ratio is allowed in the underlying zoning district regulations by special exception, such may approved by the Board in accordance with the provisions of Sect. 9-622.

A7-108 Open Space

As specified in the underlying zoning district regulations, except the open space requirement may be modified or waived by the Board in accordance with the provisions of Sect. 9-622. In addition, the open space requirement shall not apply to an expansion or enlargement of an existing development, as defined in Sect. 109 below, on a lot which does not comply with the open space requirement of the underlying zoning district, provided such expansion or enlargement does not decrease the amount of existing open space.

A7-109 Additional Provisions

1. For the purpose of this district, an expansion or enlargement of an existing development shall be an increase in the gross floor area of all existing buildings on a lot, which increase is less than 100% of the total gross floor area of all such existing buildings. A

redevelopment shall be the total removal of all buildings on a lot and the construction of new buildings, or the addition of gross floor area which is equal to or more than 100% of the total gross floor area of all existing buildings on a lot. A new development shall be the construction of buildings on a vacant lot.

2. The provisions of Article 2 shall be applicable, except as may be qualified by the provisions of this district.

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

B. The provisions of Par. 1 of Sect. 11-102 shall be applicable, except that where there are practical difficulties or if the public safety and/or public convenience would be better served by parking spaces being located on other than the same lot or other than on a lot contiguous to the use to which it is accessory, the Director, acting upon a specific request for a non-residential use may authorize such alternative location subject to conditions deemed to be appropriate and the following:

(1) Such required spaces shall be subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces, and

(2) The applicant shall demonstrate to the Director's satisfaction that such required space shall be generally located within 500 feet walking distance of a building entrance to the use that such space serves or such spaces will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Director which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area.

An alternative location may also be approved in accordance with the above provisions by the Board in accordance with the provisions of Sect. 9-622.

C. The provisions of Par. 8 of Sect. 11-102 which require off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten (10) feet to any front lot line shall not apply.

4. The sign provisions of Article 12 apply, except that signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs that are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs 1 and 5 of Sect. 12-107, such signs may not be enlarged or extended but may be removed and replaced with a sign that is reduced in height and/or sign area.

5. The landscaping and screening requirements of Article 13 shall apply, except as set forth below. When the following provisions provide for a determination with regard to the feasibility of meeting the requirements on a lot, such determination may be made by either the Director in the approval of a minor site plan or site plan, or the Board in accordance with the provisions of Sect. 9-622.

A. The interior parking lot landscaping requirements of Sect. 13-201 shall apply as follows:

(1) When there is a proposed expansion or enlargement of an existing development which does not involve the addition of twenty (20) or more parking spaces, no additional interior parking lot landscaping shall be required.

(2) When there is a proposed expansion or enlargement of an existing development which involves the addition of twenty (20) or more parking spaces, the interior parking lot landscaping requirements shall apply to the expanded area of the parking lot unless it is determined that it is not feasible to meet the requirement and/or that compliance with the requirement will adversely impact the provision of required off-street parking.

(3) For redevelopments and new developments, the interior parking lot landscaping requirements shall be applicable.

B. The peripheral parking lot landscaping requirements of Sect. 13-202 shall apply as follows:

(1) For expansions or enlargements of existing developments, the peripheral parking lot landscaping requirements of Par. 1 of Sect. 13-202 concerning when a property line abuts land not in the right-of-way of a street shall not apply.

(2) For redevelopments or new developments, the provisions of Par. 1 of Sect. 13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply.

(3) For expansions or enlargements of existing developments, redevelopments and new developments, the peripheral parking lot landscaping requirements of Par. 2 of Sect. 13-202 concerning when the property line abuts the right-of-way of a street shall not apply and the following shall be required:

(a) A landscaping strip ten (10) feet in width, which shall not include any sidewalk, trail or parallel utility easement, shall be located on the lot where it abuts a street right-of-way line.

(b) If there are no existing or proposed overhead utility lines, there shall be at least one (1) large deciduous tree planted in the landscaping strip for each thirty (30) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every thirty (30) feet on center. If there are overhead utility lines, there shall be at least one (1) small to medium deciduous tree planted in the landscaping strip for every twenty-five (25) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every twenty-five (25) feet on center. Trees planted in a landscaping strip beneath overhead utility lines shall be of a shape and character so as not to interfere with the utility lines.

(c) All trees shall be two and one-half to three inches (2 ½ to 3") in caliper at the time of planting.

However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than set forth above, the provisions of the adopted comprehensive plan shall apply.

The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.

C. The transitional screening and barrier requirements of Part 3 of Article 13 shall apply as follows:

(1) For expansions or enlargements of existing developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(2) For redevelopments or new developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the

provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(3) When the peripheral planting requirements of Par. 5B(3) above are required and provided in accordance with that paragraph, they shall be deemed to meet the transitional screening requirement for that portion of the lot.

(4) In addition to the above and to the provisions of Sect. 13-304, transitional screening may be modified or waived when a barrier is provided and such barrier consists of a wrought iron fence, a decorative brick or block wall or a different treatment when it is determined that such would be more appropriate or reasonable due to compatibility with other alternative treatments prevalent in the District.

For all of the above, the requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

6. Notwithstanding the provisions of Sect. 17-105, a minor site plan for the following shall not be subject to the required improvements of Par. 3A and Par. 4 of Sect. 17-201 which require the construction of service drives adjacent to any primary highway, and dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan.

A. Additions to existing buildings on a lot when such additions do not exceed a total of 5000 square feet of gross floor area and not more 100% of the gross floor area of the existing buildings.

B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 17-104.

D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

For uses subject to a minor site plan for other than as specified above or a site plan and upon request of the applicant, the Board, in accordance with the provisions of Sect. 9-622 may modify or waive the required improvements of Paragraphs 1, 3A, 4, 5, and 14 of Sect. 17-201.

In addition, for a minor site plan or site plan, the required improvement for the construction of trails and walkways as set forth in Par. 2 of Sect. 17-201 shall be applicable unless there is a conflict with the design guidelines of the adopted comprehensive plan for a commercial revitalization area, in which case, the Director shall, in conjunction with the approval of a minor site plan or site plan, or the Board, in accordance with Sect. 9-622, may require the provision of trails or walkways in accordance with the adopted comprehensive plan recommendation for the commercial revitalization area.

7. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit application, however, no such plan shall be approved by the Director until the rezoning, special exception or special permit application has been approved by the Board or BZA, respectively. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

PART 2 A7-200 BAILEY'S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT

A7-201 Purpose and Intent

The Bailey's Crossroads/Seven Corners Commercial Revitalization District is established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-2200, 2283 and 2284 of the Code of Virginia, as amended. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

A7-202 Permitted Uses

All uses permitted by right in the underlying zoning district regulations, except vehicle transportation service establishments, and as follows:

1. In the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

A7-203 Special Permit Uses

All uses permitted by special permit in the underlying zoning district regulations

A7-204 Special Exception Uses

1. Except as qualified in Sect. 202 above for the C-8 District, all uses permitted by special exception in the underlying zoning district regulations, vehicle transportation service establishments in the C-6, C-7 or C-8 Districts, and other applicable Category 6 special exception uses shall be allowed in accordance with the provisions of Sect. 9-622. In addition, a modification or waiver of the minimum lot size requirements, minimum yard requirements and/or minimum open space requirements, increase in the maximum building height, amount of permitted office or maximum permitted floor ratio in accordance with the underlying zoning district regulations and the waivers and modifications set forth below for this district shall also be permitted in accordance with the provisions of Sect. 9-622.

A7-205 Use Limitations

As set forth in the underlying zoning district regulations

A7-206 Lot Size Requirements

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-207 Bulk Regulations

1. Maximum building height: As specified in the underlying zoning district regulations, except that for land zoned C-6 or C-8, a maximum height of fifty (50) feet shall be allowed by right. In addition, where an increase in the maximum building height is allowed in the underlying zoning district regulations by special exception, such may be approved by the Board in accordance with the provisions of Sect. 9-622.

2. Minimum yard requirements: As specified in the underlying zoning district regulations, except that the minimum front yard in commercial districts shall be 20 feet, unless the adopted comprehensive plan specifies a front yard requirement that is equal to or less than the minimum front yard requirement of the underlying zoning district, in which case, the minimum front yard shall be in accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district regulations may be approved by the Board in accordance with the provisions of Sect. 9-622.

3. Maximum floor area ratio: As specified in the underlying zoning district regulations, except that where an increase in the floor area ratio is allowed in the underlying zoning district regulations by special exception, such may approved by the Board in accordance with the provisions of Sect. 9-622.

A7-208 Open Space

As specified in the underlying zoning district regulations, except the open space requirement may be modified or waived by the Board in accordance with the provisions of Sect. 9-622. In addition, the open space requirement shall not apply to an expansion or enlargement of an existing development, as defined in Sect. 209 below, on a lot which does not comply with the open space requirement of the underlying zoning district, provided such expansion or enlargement does not decrease the amount of existing open space.

A7-209 Additional Provisions

1. For the purpose of this district, an expansion or enlargement of an existing development shall be an increase in the gross floor area of all existing buildings on a lot, which increase is less than 100% of the total gross floor area of all such existing buildings. A redevelopment shall be the total removal of all buildings on a lot and the construction of new buildings, or the addition of gross floor area which is equal to or more than 100% of the total gross floor area of all existing buildings on a lot. A new development shall be the construction of buildings on a vacant lot.

2. The provisions of Article 2 shall be applicable, except as may be qualified by the provisions of this district.

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

   A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

      For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

   B. The provisions of Par. 1 of Sect. 11-102 shall be applicable, except that where there are practical difficulties or if the public safety and/or public convenience would be better served by parking spaces being located on other than the same lot or other than on a lot contiguous to the use to which it is accessory, the Director, acting upon a specific request for a non-residential use may authorize such alternative location subject to conditions deemed to be appropriate and the following:

      (1) Such required spaces shall be subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces, and

      (2) The applicant shall demonstrate to the Director's satisfaction that such required space shall be generally located within 500 feet walking distance of a building entrance to the use that such space serves or such spaces will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Director which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area.

      An alternative location may also be approved in accordance with the above provisions by the Board in accordance with the provisions of Sect. 9-622.

   C. The provisions of Par. 8 of Sect. 11-102 which require off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten (10) feet to any front lot line shall not apply.

4. The sign provisions of Article 12 apply, except that signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the

provisions of this Ordinance, and signs that are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs 1 and 5 of Sect. 12-107, such signs may not be enlarged or extended but may be removed and replaced with a sign that is reduced in height and/or sign area.

5. The landscaping and screening requirements of Article 13 shall apply, except as set forth below. When the following provisions provide for a determination with regard to the feasibility of meeting the requirements on a lot, such determination may be made by either the Director in the approval of a minor site plan or site plan, or the Board in accordance with the provisions of Sect. 9-622.

A. The interior parking lot landscaping requirements of Sect. 13-201 shall apply as follows:

(1) When there is a proposed expansion or enlargement of an existing development which does not involve the addition of twenty (20) or more parking spaces, no additional interior parking lot landscaping shall be required.

(2) When there is a proposed expansion or enlargement of an existing development which involves the addition of twenty (20) or more parking spaces, the interior parking lot landscaping requirements shall apply to the expanded area of the parking lot unless it is determined that it is not feasible to meet the requirement and/or that compliance with the requirement will adversely impact the provision of required off-street parking.

(3) For redevelopments and new developments, the interior parking lot landscaping requirements shall be applicable.

B. The peripheral parking lot landscaping requirements of Sect. 13-202 shall apply as follows:

(1) For expansions or enlargements of existing developments, the peripheral parking lot landscaping requirements of Par. 1 of Sect. 13-202 concerning when a property line abuts land not in the right-of-way of a street shall not apply.

(2) For redevelopments or new developments, the provisions of Par. 1 of Sect. 13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply.

(3) For expansions or enlargements of existing developments, redevelopments and new developments, the peripheral parking lot landscaping requirements of Par. 2 of Sect. 13-202 concerning when the property line abuts the right-of-way of a street shall not apply and the following shall be required:

(a) A landscaping strip ten (10) feet in width, which shall not include any sidewalk, trail or parallel utility easement, shall be located on the lot where it abuts a street right-of-way line.

(b) If there are no existing or proposed overhead utility lines, there shall be at least one (1) large deciduous tree planted in the landscaping strip for each thirty (30) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every thirty (30) feet on center. If there are overhead utility lines, there shall be at least one (1) small to medium deciduous tree planted in the landscaping strip for every twenty-five (25) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every twenty-five (25) feet on center. Trees planted in a landscaping strip beneath overhead utility lines shall be of a shape and character so as not to interfere with the utility lines.

(c) All trees shall be two and one-half to three inches (2 ½ to 3") in caliper at the time of planting.

However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than set forth above, the provisions of the adopted comprehensive plan shall apply.

The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.

C. The transitional screening and barrier requirements of Part 3 of Article 13 shall apply as follows:

(1) For expansions or enlargements of existing developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(2) For redevelopments or new developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(3) When the peripheral planting requirements of Par. 5B(3) above are required and provided in accordance with that paragraph, they shall be deemed to meet the transitional screening requirement for that portion of the lot.

(4) In addition to the above and to the provisions of Sect. 13-304, transitional screening may be modified or waived when a barrier is provided and such barrier consists of a wrought iron fence, a decorative brick or block wall or a different treatment when it is determined that such would be more appropriate or reasonable due to compatibility with other alternative treatments prevalent in the District.

For all of the above, the requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

6. Notwithstanding the provisions of Sect. 17-105, a minor site plan for the following shall not be subject to the required improvements of Par. 3A and Par. 4 of Sect. 17-201 which require the construction of service drives adjacent to any primary highway, and dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan.

A. Additions to existing buildings on a lot when such additions do not exceed a total of 5000 square feet of gross floor area and not more 100% of the gross floor area of the existing buildings.

B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 17-104.

D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

For uses subject to a minor site plan for other than as specified above or a site plan and upon request of the applicant, the Board, in accordance with the provisions of Sect. 9-622 may modify or waive the required improvements of Paragraphs 1, 3A, 4, 5, and 14 of Sect. 17-201.

In addition, for a minor site plan or site plan, the required improvement for the construction of trails and walkways as set forth in Par. 2 of Sect. 17-201 shall be applicable unless there is a conflict with the design guidelines of the adopted comprehensive plan for a commercial revitalization area, in which case, the Director shall, in conjunction with the approval of a minor site plan or site plan, or the Board, in accordance with Sect. 9-622, may require the provision of trails or walkways in accordance with the adopted comprehensive plan recommendation for the commercial revitalization area.

7. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit application, however, no such plan shall be approved

by the Director until the rezoning, special exception or special permit application has been approved by the Board or BZA, respectively. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

PART 3 A7-300 MCLEAN COMMERCIAL REVITALIZATION DISTRICT

A7-301 Purpose and Intent

The McLean Commercial Revitalization District is established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-2200, 2283 and 2284 of the Code of Virginia, as amended. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

A7-302 Permitted Uses

All uses permitted by right in the underlying zoning district regulations, except vehicle transportation service establishments, and as follows:

1. In the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

A7-303 Special Permit Uses

All uses permitted by special permit in the underlying zoning district regulations

A7-304 Special Exception Uses

1. Except as qualified in Sect. 302 above for the C-8 District, all uses permitted by special exception in the underlying zoning district regulations, vehicle transportation service establishments in the C-6, C-7 or C-8 Districts, and other applicable Category 6 special exception uses shall be allowed in accordance with the provisions of Sect. 9-622. In addition, a modification or waiver of the minimum lot size requirements, minimum yard requirements and/or minimum open space requirements, increase in the maximum building height, amount of permitted office or maximum permitted floor ratio in accordance with the underlying zoning district regulations and the waivers and modifications set forth below for this district shall also be permitted in accordance with the provisions of Sect. 9-622.

A7-305 Use Limitations

As set forth in the underlying zoning district regulations

A7-306 Lot Size Requirements

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-307 Bulk Regulations

1. Maximum building height: As specified in the underlying zoning district regulations, except that for land zoned C-6 or C-8, a maximum height of fifty (50) feet shall be allowed by right. In addition, where an increase in the maximum building height is allowed in the underlying zoning district regulations by special exception, such may be approved by the Board in accordance with the provisions of Sect. 9-622.

2. Minimum yard requirements: As specified in the underlying zoning district regulations, except that the minimum front yard in commercial districts shall be 20 feet, unless the adopted comprehensive plan specifies a front yard requirement that is equal to or less than the minimum front yard requirement of the underlying zoning district, in which case, the minimum front yard shall be in accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district regulations may be approved by the Board in accordance with the provisions of Sect. 9-622.

3. Maximum floor area ratio: As specified in the underlying zoning district regulations, except that where an increase in the floor area ratio is allowed in the underlying zoning district regulations by special exception, such may approved by the Board in accordance with the provisions of Sect. 9-622.

A7-308 Open Space

As specified in the underlying zoning district regulations, except the open space requirement may be modified or waived by the Board in accordance with the provisions of Sect. 9-622. In addition, the open space requirement shall not apply to an expansion or enlargement of an existing development, as defined in Sect. 309 below, on a lot which does not comply with the open space requirement of the underlying zoning district, provided such expansion or enlargement does not decrease the amount of existing open space.

A7-309 Additional Provisions

1. For the purpose of this district, an expansion or enlargement of an existing development shall be an increase in the gross floor area of all existing buildings on a lot, which increase is less than 100% of the total gross floor area of all such existing buildings. A redevelopment shall be the total removal of all buildings on a lot and the construction of new buildings, or the addition of gross floor area which is equal to or more than 100% of the total gross floor area of all existing buildings on a lot. A new development shall be the construction of buildings on a vacant lot.

2. The provisions of Article 2 shall be applicable, except as may be qualified by the provisions of this district.

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

   A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

      For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

   B. The provisions of Par. 1 of Sect. 11-102 shall be applicable, except that where there are practical difficulties or if the public safety and/or public convenience would be better served by parking spaces being located on other than the same lot or other than on a lot contiguous to the use to which it is accessory, the Director, acting upon a specific request for a non-residential use may authorize such alternative location subject to conditions deemed to be appropriate and the following:

      (1) Such required spaces shall be subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces, and

      (2) The applicant shall demonstrate to the Director's satisfaction that such required space shall be generally located within 500 feet walking distance of a building entrance to the use that such space serves or such spaces will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Director which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area.

      An alternative location may also be approved in accordance with the above provisions by the Board in accordance with the provisions of Sect. 9-622.

   B. The provisions of Par. 8 of Sect. 11-102 which require off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten (10) feet to any front lot line shall not apply.

4. The sign provisions of Article 12 apply, except that signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs that are accessory to a nonconforming use, are

deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs 1 and 5 of Sect. 12-107, such signs may not be enlarged or extended but may be removed and replaced with a sign that is reduced in height and/or sign area.

5. The landscaping and screening requirements of Article 13 shall apply, except as set forth below. When the following provisions provide for a determination with regard to the feasibility of meeting the requirements on a lot, such determination may be made by either the Director in the approval of a minor site plan or site plan, or the Board in accordance with the provisions of Sect. 9-622.

   A. The interior parking lot landscaping requirements of Sect. 13-201 shall apply as follows:

      (1) When there is a proposed expansion or enlargement of an existing development which does not involve the addition of twenty (20) or more parking spaces, no additional interior parking lot landscaping shall be required.

      (2) When there is a proposed expansion or enlargement of an existing development which involves the addition of twenty (20) or more parking spaces, the interior parking lot landscaping requirements shall apply to the expanded area of the parking lot unless it is determined that it is not feasible to meet the requirement and/or that compliance with the requirement will adversely impact the provision of required off-street parking.

      (3) For redevelopments and new developments, the interior parking lot landscaping requirements shall be applicable.

   B. The peripheral parking lot landscaping requirements of Sect. 13-202 shall apply as follows:

      (1) For expansions or enlargements of existing developments, the peripheral parking lot landscaping requirements of Par. 1 of Sect. 13-202 concerning when a property line abuts land not in the right-of-way of a street shall not apply.

      (2) For redevelopments or new developments, the provisions of Par. 1 of Sect. 13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply.

      (3) For expansions or enlargements of existing developments, redevelopments and new developments, the peripheral parking lot landscaping requirements of Par. 2 of Sect. 13-202 concerning when the property line abuts the right-of-way of a street shall not apply and the following shall be required:

(a) A landscaping strip ten (10) feet in width, which shall not include any sidewalk, trail or parallel utility easement, shall be located on the lot where it abuts a street right-of-way line.

(b) If there are no existing or proposed overhead utility lines, there shall be at least one (1) large deciduous tree planted in the landscaping strip for each thirty (30) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every thirty (30) feet on center. If there are overhead utility lines, there shall be at least one (1) small to medium deciduous tree planted in the landscaping strip for every twenty-five (25) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every twenty-five (25) feet on center. Trees planted in a landscaping strip beneath overhead utility lines shall be of a shape and character so as not to interfere with the utility lines.

(c) All trees shall be two and one-half to three inches (2 ½ to 3") in caliper at the time of planting.

However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than set forth above, the provisions of the adopted comprehensive plan shall apply.

The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.

C. The transitional screening and barrier requirements of Part 3 of Article 13 shall apply as follows:

(1) For expansions or enlargements of existing developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(2) For redevelopments or new developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(3) When the peripheral planting requirements of Par. 5B(3) above are required and provided in accordance with that paragraph, they shall be deemed to meet the transitional screening requirement for that portion of the lot.

(4) In addition to the above and to the provisions of Sect. 13-304, transitional screening may be modified or waived when a barrier is provided and such barrier consists of a wrought iron fence, a decorative brick or block wall or a different treatment when it is determined that such would be more appropriate or reasonable due to compatibility with other alternative treatments prevalent in the District.

For all of the above, the requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

6. Notwithstanding the provisions of Sect. 17-105, a minor site plan for the following shall not be subject to the required improvements of Par. 3A and Par. 4 of Sect. 17-201 which require the construction of service drives adjacent to any primary highway, and dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan.

A. Additions to existing buildings on a lot when such additions do not exceed a total of 5000 square feet of gross floor area and not more 100% of the gross floor area of the existing buildings.

B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 17-104.

D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

For uses subject to a minor site plan for other than as specified above or a site plan and upon request of the applicant, the Board, in accordance with the provisions of Sect. 9-622 may modify or waive the required improvements of Paragraphs 1, 3A, 4, 5, and 14 of Sect. 17-201.

In addition, for a minor site plan or site plan, the required improvement for the construction of trails and walkways as set forth in Par. 2 of Sect. 17-201 shall be applicable unless there is a conflict with the design guidelines of the adopted comprehensive plan for a commercial revitalization area, in which case, the Director shall, in conjunction with the approval of a minor site plan or site plan, or the Board, in accordance with Sect. 9-622, may require the provision of trails or walkways in accordance with the adopted comprehensive plan recommendation for the commercial revitalization area.

7. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit application, however, no such plan shall be approved by the Director until the rezoning, special exception or special permit application has been approved by the Board or BZA, respectively. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances,

regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

PART 4 A7-400 RICHMOND HIGHWAY COMMERCIAL REVITALIZATION DISTRICT

A7-401 Purpose and Intent

The Richmond Highway Commercial Revitalization District is established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-2200, 2283 and 2284 of the Code of Virginia, as amended. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

A7-402 Permitted Uses

All uses permitted by right in the underlying zoning district regulations, except vehicle transportation service establishments, and as follows:

1. In the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

A7-403 Special Permit Uses

All uses permitted by special permit in the underlying zoning district regulations

A7-404 Special Exception Uses

1. Except as qualified in Sect. 402 above for the C-8 District, all uses permitted by special exception in the underlying zoning district regulations, vehicle transportation service establishments in the C-6, C-7 or C-8 Districts, and other applicable Category 6 special exception uses shall be allowed in accordance with the provisions of Sect. 9-622. In addition, a modification or waiver of the minimum lot size requirements, minimum yard requirements and/or minimum open space requirements, increase in the maximum building height, amount of permitted office or maximum permitted floor ratio in accordance with the underlying zoning district regulations and the waivers and modifications set forth below for this district shall also be permitted in accordance with the provisions of Sect. 9-622.

A7-405 Use Limitations

As set forth in the underlying zoning district regulations

A7-406 Lot Size Requirements

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-407 Bulk Regulations

1. Maximum building height: As specified in the underlying zoning district regulations, except that for land zoned C-6 or C-8, a maximum height of fifty (50) feet shall be allowed by right, except as may be qualified by the provisions of the Woodlawn Historic Overlay District. In addition, where an increase in the maximum building height is allowed in the underlying zoning district regulations by special exception, such may be approved by the Board in accordance with the provisions of Sect. 9-622.

2. Minimum yard requirements: As specified in the underlying zoning district regulations, except that the minimum front yard in commercial districts shall be 20 feet, unless the adopted comprehensive plan specifies a front yard requirement that is equal to or less than the minimum front yard requirement of the underlying zoning district, in which case, the minimum front yard shall be in accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district regulations may be approved by the Board in accordance with the provisions of Sect. 9-622.

3. Maximum floor area ratio: As specified in the underlying zoning district regulations, except that where an increase in the floor area ratio is allowed in the underlying zoning district regulations by special exception, such may approved by the Board in accordance with the provisions of Sect. 9-622.

A7-408 Open Space

As specified in the underlying zoning district regulations, except the open space requirement may be modified or waived by the Board in accordance with the provisions of Sect. 9-622. In addition, the open space requirement shall not apply to an expansion or enlargement of an existing development, as defined in Sect. 409 below, on a lot which does not comply with the open space requirement of the underlying zoning district, provided such expansion or enlargement does not decrease the amount of existing open space.

A7-409 Additional Provisions

1. For the purpose of this district, an expansion or enlargement of an existing development shall be an increase in the gross floor area of all existing buildings on a lot, which increase is less than 100% of the total gross floor area of all such existing buildings. A redevelopment shall be the total removal of all buildings on a lot and the construction of new buildings, or the addition of gross floor area which is equal to or more than 100% of the total gross floor area of all existing buildings on a lot. A new development shall be the construction of buildings on a vacant lot.

2. The provisions of Article 2 shall be applicable, except as may be qualified by the provisions of this district.

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

   A. Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by twenty (20) percent.

      For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

   B. The provisions of Par. 1 of Sect. 11-102 shall be applicable, except that where there are practical difficulties or if the public safety and/or public convenience would be better served by parking spaces being located on other than the same lot or other than on a lot contiguous to the use to which it is accessory, the Director, acting upon a specific request for a non-residential use may authorize such alternative location subject to conditions deemed to be appropriate and the following:

      (1) Such required spaces shall be subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces, and

      (2) The applicant shall demonstrate to the Director's satisfaction that such required space shall be generally located within 500 feet walking distance of a building entrance to the use that such space serves or such spaces will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Director which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area.

      An alternative location may also be approved in accordance with the above provisions by the Board in accordance with the provisions of Sect. 9-622.

   C. The provisions of Par. 8 of Sect. 11-102 which require off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten (10) feet to any front lot line shall not apply.

4. The sign provisions of Article 12 apply, except that signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs that are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs 1 and 5 of Sect. 12-107, such signs may not be enlarged or extended but may be removed and replaced with a sign that is reduced in height and/or sign area.

5. The landscaping and screening requirements of Article 13 shall apply, except as set forth below. When the following provisions provide for a determination with regard to the feasibility of meeting the requirements on a lot, such determination may be made by either the Director in the approval of a minor site plan or site plan, or the Board in accordance with the provisions of Sect. 9-622.

   A. The interior parking lot landscaping requirements of Sect. 13-201 shall apply as follows:

      (1) When there is a proposed expansion or enlargement of an existing development which does not involve the addition of twenty (20) or more parking spaces, no additional interior parking lot landscaping shall be required.

      (2) When there is a proposed expansion or enlargement of an existing development which involves the addition of twenty (20) or more parking spaces, the interior parking lot landscaping requirements shall apply to the expanded area of the parking lot unless it is determined that it is not feasible to meet the requirement and/or that compliance with the requirement will adversely impact the provision of required off-street parking.

      (3) For redevelopments and new developments, the interior parking lot landscaping requirements shall be applicable.

   B. The peripheral parking lot landscaping requirements of Sect. 13-202 shall apply as follows:

      (1) For expansions or enlargements of existing developments, the peripheral parking lot landscaping requirements of Par. 1 of Sect. 13-202 concerning when a property line abuts land not in the right-of-way of a street shall not apply.

      (2) For redevelopments or new developments, the provisions of Par. 1 of Sect. 13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply.

      (3) For expansions or enlargements of existing developments, redevelopments and new developments, the peripheral parking lot landscaping requirements of Par. 2 of Sect. 13-202 concerning when the property line abuts the right-of-way of a street shall not apply and the following shall be required:

         (a) A landscaping strip ten (10) feet in width, which shall not include any sidewalk, trail or parallel utility easement, shall be located on the lot where it abuts a street right-of-way line.

(b) If there are no existing or proposed overhead utility lines, there shall be at least one (1) large deciduous tree planted in the landscaping strip for each thirty (30) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every thirty (30) feet on center. If there are overhead utility lines, there shall be at least one (1) small to medium deciduous tree planted in the landscaping strip for every twenty-five (25) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every twenty-five (25) feet on center. Trees planted in a landscaping strip beneath overhead utility lines shall be of a shape and character so as not to interfere with the utility lines.

(c) All trees shall be two and one-half to three inches (2 ½ to 3") in caliper at the time of planting.

However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than set forth above, the provisions of the adopted comprehensive plan shall apply.

The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.

C. The transitional screening and barrier requirements of Part 3 of Article 13 shall apply as follows:

(1) For expansions or enlargements of existing developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(2) For redevelopments or new developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(3) When the peripheral planting requirements of Par. 5B(3) above are required and provided in accordance with that paragraph, they shall be deemed to meet the transitional screening requirement for that portion of the lot.

(4) In addition to the above and to the provisions of Sect. 13-304, transitional screening may be modified or waived when a barrier is

provided and such barrier consists of a wrought iron fence, a decorative brick or block wall or a different treatment when it is determined that such would be more appropriate or reasonable due to compatibility with other alternative treatments prevalent in the District.

For all of the above, the requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

6. Notwithstanding the provisions of Sect. 17-105, a minor site plan for the following shall not be subject to the required improvements of Par. 3A and Par. 4 of Sect. 17-201 which require the construction of service drives adjacent to any primary highway, and dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan.

   A. Additions to existing buildings on a lot when such additions do not exceed a total of 5000 square feet of gross floor area and not more 100% of the gross floor area of the existing buildings.

   B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

   C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 17-104.

   D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

   For uses subject to a minor site plan for other than as specified above or a site plan and upon request of the applicant, the Board, in accordance with the provisions of Sect. 9-622 may modify or waive the required improvements of Paragraphs 1, 3A, 4, 5, and 14 of Sect. 17-201.

   In addition, for a minor site plan or site plan, the required improvement for the construction of trails and walkways as set forth in Par. 2 of Sect. 17-201 shall be applicable unless there is a conflict with the design guidelines of the adopted comprehensive plan for a commercial revitalization area, in which case, the Director shall, in conjunction with the approval of a minor site plan or site plan, or the Board, in accordance with Sect. 9-622, may require the provision of trails or walkways in accordance with the adopted comprehensive plan recommendation for the commercial revitalization area.

7. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit application, however, no such plan shall be approved by the Director until the rezoning, special exception or special permit application has been approved by the Board or BZA, respectively. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

PART 5 A-500 SPRINGFIELD COMMERCIAL REVITALIZATION DISTRICT

A7-501 Purpose and Intent

The Springfield Commercial Revitalization District is established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-2200, 2283 and 2284 of the Code of Virginia, as amended. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

A7-502 Permitted Uses

All uses permitted by right in the underlying zoning district regulations, except vehicle transportation service establishments, and as follows:

1. In the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

A7-503 Special Permit Uses

All uses permitted by special permit in the underlying zoning district

A7-504 Special Exception Uses

1. Except as qualified in Sect. 502 above for the C-8 District, all uses permitted by special exception in the underlying zoning district regulations, vehicle transportation service establishments in the C-6, C-7 or C-8 Districts, and other applicable Category 6 special exception uses shall be allowed in accordance with the provisions of Sect. 9-622. In addition, a modification or waiver of the minimum lot size requirements, minimum yard requirements and/or minimum open space requirements, increase in the maximum building height, amount of permitted office or maximum permitted floor ratio in accordance with the underlying zoning district regulations and the waivers and modifications set forth below for this district shall also be permitted in accordance with the provisions of Sect. 9-622.

A7-505 Use Limitations

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-506 Lot Size Requirements

As specified in the underlying zoning district regulations, except that the minimum lot size requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

A7-507 Bulk Regulations

1. Maximum building height: As specified in the underlying zoning district regulations, except that for land zoned C-6 or C-8, a maximum height of fifty (50) feet shall be allowed by right. In addition, where an increase in the maximum building height is allowed in the underlying zoning district regulations by special exception, such may be approved by the Board in accordance with the provisions of Sect. 9-622.

2. Minimum yard requirements: As specified in the underlying zoning district regulations, except that the minimum front yard in commercial districts shall be 20 feet, unless the adopted comprehensive plan specifies a front yard requirement that is equal to or less than the minimum front yard requirement of the underlying zoning district**,** in which case, the minimum front yard shall be in accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district regulations may be approved by the Board in accordance with the provisions of Sect. 9-622.

3. Maximum floor area ratio: As specified in the underlying zoning district regulations, except that where an increase in the floor area ratio is allowed in the underlying zoning district regulations by special exception, such may approved by the Board in accordance with the provisions of Sect. 9-622.

A7-508 Open Space

As specified in the underlying zoning district regulations, except the open space requirement may be modified or waived by the Board in accordance with the provisions of Sect. 9-622. In addition, the open space requirement shall not apply to an expansion or enlargement of an existing development, as defined in Sect. 509 below, on a lot which does not comply with the open space requirement of the underlying zoning district, provided such expansion or enlargement does not decrease the amount of existing open space.

A7-509 Additional Provisions

1. For the purpose of this district, an expansion or enlargement of an existing development shall be an increase in the gross floor area of all existing buildings on a lot, which increase is less than 100% of the total gross floor area of all such existing buildings. A redevelopment shall be the total removal of all buildings on a lot and the construction of new buildings, or the addition of gross floor area which is equal to or more than 100% of the total gross floor area of all existing buildings on a lot. A new development shall be the construction of buildings on a vacant lot.

2. The provisions of Article 2 shall be applicable, except as may be qualified by the provisions of this district.

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

   A. The minimum off-street parking requirements for any non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. Such request may also be considered in conjunction with a rezoning and/or special exception application. The fee for a parking reduction set forth in Sect. 17-109 shall not be applicable.

      For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by the Board in accordance with Article 11 and when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the recommendations of the adopted comprehensive plan for the area and that such reduction will not adversely affect the site or the adjacent area.

   B. The provisions of Par. 1 of Sect. 11-102 shall be applicable, except that where there are practical difficulties or if the public safety and/or public convenience would be better served by parking spaces being located on other than the same lot or other than on a lot contiguous to the use to which it is accessory, the Director, acting upon a specific request for a non-residential use may authorize such alternative location subject to conditions deemed to be appropriate and the following:

      (1) Such required spaces shall be subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces, and

      (2) The applicant shall demonstrate to the Director's satisfaction that such required space shall be generally located within 500 feet walking distance of a building entrance to the use that such space serves or such spaces will be provided off-site with access via a valet or shuttle service subject to agreements or arrangements approved by the Director which will ensure the operation of such service and that there will not be any adverse impacts on the site of the parking spaces or the adjacent area.

      An alternative location may also be approved in accordance with the above provisions by the Board in accordance with the provisions of Sect. 9-622.

   C. The provisions of Par. 8 of Sect. 11-102 which require off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten (10) feet to any front lot line shall not apply.

4. The sign provisions of Article 12 apply, except that signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs that are accessory to a nonconforming use, are

deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs 1 and 5 of Sect. 12-107, such signs may not be enlarged or extended but may be removed and replaced with a sign that is reduced in height and/or sign area.

5. The landscaping and screening requirements of Article 13 shall apply, except as set forth below. When the following provisions provide for a determination with regard to the feasibility of meeting the requirements on a lot, such determination may be made by either the Director in the approval of a minor site plan or site plan, or the Board in accordance with the provisions of Sect. 9-622.

   A. The interior parking lot landscaping requirements of Sect. 13-201 shall apply as follows:

      (1) When there is a proposed expansion or enlargement of an existing development which does not involve the addition of twenty (20) or more parking spaces, no additional interior parking lot landscaping shall be required.

      (2) When there is a proposed expansion or enlargement of an existing development which involves the addition of twenty (20) or more parking spaces, the interior parking lot landscaping requirements shall apply to the expanded area of the parking lot unless it is determined that it is not feasible to meet the requirement and/or that compliance with the requirement will adversely impact the provision of required off-street parking.

      (3) For redevelopments and new developments, the interior parking lot landscaping requirements shall be applicable.

   B. The peripheral parking lot landscaping requirements of Sect. 13-202 shall apply as follows:

      (1) For expansions or enlargements of existing developments, the peripheral parking lot landscaping requirements of Par. 1 of Sect. 13-202 concerning when a property line abuts land not in the right-of-way of a street shall not apply.

      (2) For redevelopments or new developments, the provisions of Par. 1 of Sect. 13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply.

      (3) For expansions or enlargements of existing developments, redevelopments and new developments, the peripheral parking lot landscaping requirements of Par. 2 of Sect. 13-202 concerning when the property line abuts the right-of-way of a street shall not apply and the following shall be required:

(a) A landscaping strip ten (10) feet in width, which shall not include any sidewalk, trail or parallel utility easement, shall be located on the lot where it abuts a street right-of-way line.

(b) If there are no existing or proposed overhead utility lines, there shall be at least one (1) large deciduous tree planted in the landscaping strip for each thirty (30) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every thirty (30) feet on center. If there are overhead utility lines, there shall be at least one (1) small to medium deciduous tree planted in the landscaping strip for every twenty-five (25) feet of length; however, this shall not be construed as requiring the planting of such trees at a spacing of one (1) tree every twenty-five (25) feet on center. Trees planted in a landscaping strip beneath overhead utility lines shall be of a shape and character so as not to interfere with the utility lines.

(c) All trees shall be two and one-half to three inches (2 ½ to 3") in caliper at the time of planting.

However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than set forth above, the provisions of the adopted comprehensive plan shall apply.

The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.

C. The transitional screening and barrier requirements of Part 3 of Article 13 shall apply as follows:

(1) For expansions or enlargements of existing developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(2) For redevelopments or new developments, the transitional screening and barrier requirements shall apply. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width and the same or lesser number of plantings than required by Part 3, then the provisions of the adopted comprehensive plan shall apply, including any provisions for different plant materials.

(3) When the peripheral planting requirements of Par. 5B(3) above are required and provided in accordance with that paragraph, they shall be deemed to meet the transitional screening requirement for that portion of the lot.

(4) In addition to the above and to the provisions of Sect. 13-304, transitional screening may be modified or waived when a barrier is provided and such barrier consists of a wrought iron fence, a decorative brick or block wall or a different treatment when it is determined that such would be more appropriate or reasonable due to compatibility with other alternative treatments prevalent in the District.

For all of the above, the requirements may be modified or waived by the Board in accordance with the provisions of Sect. 9-622.

6. Notwithstanding the provisions of Sect. 17-105, a minor site plan for the following shall not be subject to the required improvements of Par. 3A and Par. 4 of Sect. 17-201 which require the construction of service drives adjacent to any primary highway, and dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan.

A. Additions to existing buildings on a lot when such additions do not exceed a total of 5000 square feet of gross floor area and not more 100% of the gross floor area of the existing buildings.

B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.

C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 17-104.

D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.

For uses subject to a minor site plan for other than as specified above or a site plan and upon request of the applicant, the Board, in accordance with the provisions of Sect. 9-622 may modify or waive the required improvements of Paragraphs 1, 3A, 4, 5, and 14 of Sect. 17-201.

In addition, for a minor site plan or site plan, the required improvement for the construction of trails and walkways as set forth in Par. 2 of Sect. 17-201 shall be applicable unless there is a conflict with the design guidelines of the adopted comprehensive plan for a commercial revitalization area, in which case, the Director shall, in conjunction with the approval of a minor site plan or site plan, or the Board, in accordance with Sect. 9-622, may require the provision of trails or walkways in accordance with the adopted comprehensive plan recommendation for the commercial revitalization area.

7. A site plan or minor site plan may be filed concurrently with the filing of a rezoning, special exception or special permit application, however, no such plan shall be approved

by the Director until the rezoning, special exception or special permit application has been approved by the Board or BZA, respectively. This concurrent processing shall not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and shall not prejudice the consideration of the application in any way.

APPENDIX 8

LISTING OF ROADWAYS BY FUNCTIONAL CLASSIFICATION

(Exclusive of Collectors and Local Streets)

Principal Arterials		**From**	**To**
1.	Capital Beltway (I-495 & I-95)	American Legion Memorial Bridge	Alexandria City Line
2.	Dulles Airport Access Road (DAAR Dulles Toll Road (DTR)	Loudoun County	I-66
3.	Fairfax County Parkway	Braddock Road	Route 50
4.	Franconia-Springfield Parkway	Fairfax County Parkway	Beulah Street
5.	George Washington Memorial Parkway	I-495	Arlington Co. Line
6.	I-66	Prince William Co. Line	Arlington Co. Line
7.	Shirley Highway (I-95 & I-395)	Prince William Co. Line	Alexandria City Line
8.	Sully Road (Route 28)	U.S. Route 29	Loudoun Co. Line

Other Principal Arterials		**From**	**To**
1.	Arlington Boulevard (U.S. Rt. 50)	Fairfax City Line	Arlington Co. Line
2.	Centreville Road (Route 28)	U.S. Route 29	Prince William Co. Line
3.	Chain Bridge Road (Route 123)	Fairfax City Line	I-495
4.	Chain Bridge Road (Route 123)	George Washington Parkway	Arlington Co. Line
5.	Columbia Pike (Route 244)	Route 236	Arlington Co. Line
6.	Dolley Madison Blvd (Route 123)	I-495	George Washington Pkwy.
7.	Fairfax County Parkway	Route 50	Route 7
8.	Fairfax County Parkway	Braddock Road	U.S. Route 1
9.	Lee Highway (U.S. Route 29)	Fairfax City Line	Falls Church City Line

10.	Lee Highway (U.S. Route 29)	Prince William Co. Line	Fairfax City Line
11.	Lee Jackson Memorial Hwy (U.S. Route 50)	Loudoun County Line	Fairfax City Line
12.	Leesburg Pike (Route 7)	Loudoun County Line	Falls Church City Line
13.	Leesburg Pike (Route 7)	Falls Church City Line	Alexandria City Line
14.	Little River Turnpike (Route 236)	Fairfax City Line	Alexandria City Line
15.	Manassas National Battlefield Bypass	U.S. Route 29	Prince William Co. Line
16.	Ox Road (Route 123)	Fairfax City Line	Prince William Co. Line
17.	Richmond Highway (U.S. Route 1)	Prince William Co. Line	Alexandria City Line
18.	Tri-County Parkway	Prince William Co. Line	Loudoun County Line

Minor Arterials (Type A)		**From**	**To**
1.	Baron Cameron Avenue	Herndon Town Line	Route 7
2.	Beulah Street	Franconia Road	Telegraph Road
3.	Blake Lane	Jermantown Road	Fairfax City Line
4.	Braddock Road	Backlick Road	Union Mill Road
5.	Burke Lake Road	Fairfax County Parkway	Braddock Road
6.	Centreville Road	Herndon Town Line	U.S. Route 50
7.	Franconia Road	Backlick Road	Telegraph Road
8.	Gallows Road	Route 7	I-495
9.	George Washington Memorial Parkway	Mt. Vernon Highway	Alexandria City Line
10.	Holly Knoll Drive	Route 7	Loudoun Co. Line
11.	International Drive	Route 7	Spring Hill Road
12.	Kingstowne Boulevard	Kingstowne Village Pkwy.	South Van Dorn St.
13.	Lawyers Road	Fox Mill Road	West Ox Road

14.	Lorton Road	Route 1	Route 123
15.	Manchester Blvd.	Beulah Street	Kingstowne Village Parkway
16.	McLearen Road	Route 28	Reston Parkway
17.	New Braddock Road	Union Mill Road	U.S. Route 29
18.	Old Keene Mill Road	Backlick Road	Fairfax Co. Parkway
19.	Old Mill Road	Telegraph Road	Route 1
20.	Poplar Tree Road	Sully Station Drive/ Sequoia Farms Drive	Braddock Road
21.	Reston Parkway	Route 7	Lawyers Road
22.	Shirley Gate Road	U.S. Route 29	Fairfax Co. Parkway
23.	South Van Dorn Street	Alexandria City Line	Telegraph Road
24.	Stone Road	U. S. Route 29	Braddock Road
25.	Telegraph Road	Alexandria City Line	U.S. Route 1
26.	Walney Road	U. S. Route 50	Westfields Blvd.
27.	Waples Mill Road	U.S. Route 50	U.S. Route 29
28.	West Ox Road	U. S. Route 29	Lawyers Road
29.	Westfields Blvd.	Walney Road	Sully Station Dr./ Sequoia Farms Dr.

Minor Arterials (Type B)		**From**	**To**
1.	Alban Road	Backlick Road	Rolling Road
2.	Amherst Avenue	Calamo Street	Highland Street
3.	Anderson Road	Route 123	Magarity Road
4.	Annandale Road	Route 236	Falls Church City Limit
5.	Armisted Road	Lorton Road	Route 1
6.	Backlick Road	Little River Turnpike	Fairfax Co. Parkway

7.	Beacon Hill Road	U.S. Route 1	Fort Hunt Road
8.	Beauregard Street	Route 236	Alexandria City Line
9.	Belle View Blvd.	Fort Hunt Road	George Washington Pkwy.
10.	Beulah Road	Route 7	Vienna Town Limits
11.	Braddock Road	Backlick Road	Columbia Pike
12.	Braddock Road	Pleasant Valley Road	Stone Road
13.	Browns Mill Road	Crowell Road	Beulah Road
14.	Burke Center Parkway	Burke Lake Road	Fairfax Co. Parkway
15.	Burke Lake Road	Fairfax Co. Parkway	Route 123
16.	Carlyn Springs Road	Seminary Road	Arlington Co. Line
17.	Cedar Lane	Gallows Road	U. S. Route 50
18.	Chain Bridge Road	Anderson Road	Route 123
19.	Clifton Road	U. S. Route 29	Route 123
20.	Colvin Run Road	Walker Road	Route 7 East
21.	Commerce Street	Old Keene Mill Road	Franconia Road
22.	Compton Road	Ordway Road	Clifton Road
23.	Crowell Road	Hunter Mill Road	Browns Mill Road
24.	Dranesville Road	Route 7	Herndon Town Limits
25.	Edsall Road	Backlick Road	Alexandria City Limits
26.	Fair Lakes Parkway	West Ox Road	Stringfellow Road
27.	Fort Hunt Road	U.S. Route 1	Vernon View Drive
28.	Fox Mill Road	Monroe Street	Reston Parkway
29.	Frying Pan Road	Route 28	Monroe Street
30.	Fullerton Road	Backlick Road	Fairfax Co. Parkway
31.	Furnace Road	Route 123	U.S. Route 1

32.	Gallows Road	I-495	Hummer Road/Annandale Road
33.	Gallows Road	Annandale Road/Hummer Road	Columbia Pike
34.	Georgetown Pike	Route 7	Route 123
35.	Glen Carlyn Road	Route 7	Arlington Co. Line
36.	Gosnell Road	Route 7	Old Courthouse Rd.
37.	Graham Road	Annandale Road	Route 29
38.	Great Falls Street	Route 123	Falls Church City Line
39.	Guinea Road	Route 236	Route 123
40.	Haycock Road	Route 7	Westmoreland St.
41.	Hayfield Road	Manchester Blvd.	Telegraph Road
42.	Henderson Road	Old Yates Ford Road	Clifton Road
43.	Hooes Road	Fairfax Co. Parkway	Route 123
44.	Hummer Road	Route 236	Gallows Road
45.	Hunter Mill Road	Baron Cameron Avenue	Blake Lane
46.	Huntington Avenue	Fort Hunt Road	Telegraph Road
47.	Idylwood Road	Cedar Lane	Great Falls Street
48.	Jermantown Road	Fairfax City Line	Blake Lane
49.	John Marr Drive	Ravensworth Road	Columbia Pike
50.	Kirby Road	Great Falls Street	Route 123
51.	Lawyers Road	Fox Mill Road	Vienna Town Line
52.	Lee Chapel Road	Burke Lake Road	Route 123
53.	Lee Road	Route 50	Stonecroft Blvd.
54.	Lewinsville Road	Route 7	Route 123
55.	Lincolnia Road	Columbia Pike	Beauregard Street

56.	Loisdale Road	Franconia Road	Newington Road
57.	Magarity Road	Lisle Avenue	Great Falls Street
58.	Monroe Street	West Ox Road	Herndon Town Line
59.	Mt. Vernon Highway	Route 1	Mt. Vernon Memorial Hwy.
60.	Mt. Vernon Memorial Hwy.	Route 1	Mt. Vernon Highway
61.	Newington Road	Loisdale Road	Fairfax Co. Parkway
62.	North Kings Highway	U. S. Route 1	Telegraph Road
63.	Nutley Street	Vienna Town Line	U. S. Route 50
64.	Old Courthouse Road	Beulah Road	Gallows Road
65.	Old Dominion Drive	Georgetown Pike	Arlington Co. Line
66.	Old Yates Ford Road	Prince William Co. Line	Henderson Road
67.	Ordway Road	Prince William Co. Line	Compton Road
68.	Park Street	Vienna Town Line	Cedar Lane
69.	Patrick Henry Drive	Route 7	Route 50
70.	Pleasant Valley Road	Route 29	Route 50
71.	Pohick Road	Fairfax County Parkway	Route 1
72.	Poplar Tree Road	Stringfellow Road	Westfields Boulevard
73.	Prosperity Avenue	Route 236	Gallows Road
74.	Ravensworth Road	Route 236	Braddock Road
75.	Roberts Parkway	Fairfax County Parkway	New Guinea Road
76.	Rolling Road	Braddock Road	Franconia-Springfield Parkway
77.	Rolling Road	Fairfax County Parkway	Pohick Road
78.	Seminary Road	Carlyn Springs Road	Alexandria City Limits
79.	Sherwood Hall Lane	U.S. Route 1	Fort Hunt Road
80.	Shreve Road	U. S. Route 29	Route 7

81.	Silverbrook Road	Route 123	Lorton Road
82.	Sleepy Hollow Road	Columbia Pike	Route 7
83.	South George Mason Drive	Seminary Road	Arlington Co. Line
84.	South Kings Highway	Telegraph Road	U. S. Route 1
85.	Spring Hill Road	Route 7	Georgetown Pike
86.	Springvale Road	Georgetown Pike	Route 7
87.	Stonecroft Blvd.	Route 50	Westfield Blvd.
88.	Stringfellow Road	Route 50	U. S. Route 29
89.	Sunrise Valley Drive	Centreville Road	Hunter Mill Road
90.	Sunset Hills Road	Herndon Town Line	Hunter Mill Road
91.	Swinks Mill Road	Georgetown Pike	Lewinsville Road
92.	Sydenstricker Road	Old Keene Mill Road	Fairfax Co. Parkway
93.	Towlston Road	Old Dominion Drive	Trap Road
94.	Trap Road	Towlston Road	Beulah Road
95.	Twinbrook Road	Braddock Road	Guinea Road
96.	Vale Road	West Ox Road	Vienna Town Line
97.	Vernon View Drive	Fort Hunt Road	George Washington Pkwy.
98.	Wakefield Chapel Road	Route 236	Braddock Road
99.	Walker Road	Georgetown Pike	Colvin Run Road
100.	Waples Mill Road	U. S. Route 50	West Ox Road
101.	West Ox Road	Centreville Road	Lawyers Road
102.	West Street	U. S. Route 29	Falls Church City Limit
103.	Westmoreland Street	Chain Bridge Road	Arlington Co. Line
104.	Westpark Drive	International Drive	Route 7
105.	Wiehle Avenue	Crestview Road	Sunrise Valley Dr.

106.	Willard Road	Stonecroft Road	Walney Road
107.	Wilson Boulevard	Route 7	Arlington Co. Line

ZONING ADMINISTRATOR INTERPRETATIONS

Presented on the following pages are official interpretations of the various provisions of the Zoning Ordinance that have been made by the Zoning Administrator in accordance with the provision set forth in Sect. 18-103 of the Ordinance. It is to be noted that the interpretations as presented in this form are not all encompassing. Many other interpretations have been and are continually made on a daily basis and are presented in either oral or letter form.

The interpretations presented on the following pages are provided for the benefit and common understanding of those parties who reference the Zoning Ordinance. Several of the interpretations have been superseded by subsequent interpretations or amendments to the provisions of the Zoning Ordinance that have been adopted. Those that have been superseded are as follows:

Interpretation #3, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #4, issued August 24, 1978, was superseded by Interpretation #52, issued June 14, 1984.

Interpretation #5, issued August 25, 1978, was superseded by Zoning Ordinance Amendment #92-234, adopted December 14, 1992, effective December 15, 1992.

Interpretation #7, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #8, issued August 22, 1978, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #9, issued September 27, 1978, was superseded by Zoning Ordinance Amendment #85-117, adopted February 25, 1985.

Interpretation #10, issued December 8, 1978, was superseded by Zoning Ordinance Amendment #79-9, adopted January 16, 1979.

Interpretation #11, issued February 9, 1979, was superseded by Zoning Ordinance Amendment #90-194, adopted August 6, 1990, effective August 7, 1990.

Interpretation #13, issued February 28, 1979, was superseded in part by Zoning Ordinance Amendment #92-229, adopted August 3, 1992, effective August 4, 1992.

Interpretation #15, issued February 28, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #19, issued April 11, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.

Interpretation #21, issued April 12, 1979, revised March 1, 1985, was superseded by Zoning Ordinance Amendment #89-184, adopted October 30, 1989, effective October 31, 1989, at 12:01 AM.

Interpretation #24, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #87-141, adopted April 27, 1987, effective April 28, 1987, at 12:01 AM.

Interpretation #25, issued June 19, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #25A, issued October 17, 1979, was superseded by Zoning Ordinance Amendment #90-189, adopted March 26, 1990, effective March 27, 1990, at 12:01 AM.

Interpretation #29, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #82-59, adopted March 22, 1982.

Interpretation #30, issued August 7, 1979, was superseded by Zoning Ordinance Amendment #87-150, adopted October 19, 1987, effective October 20, 1987, at 12:01 AM.

Interpretation #31, issued August 7, 1979 and revised November 9, 1988, was superseded by Zoning Ordinance Amendment #91-197, adopted February 25, 1991, effective February 26, 1991, at 12:01 AM.

Interpretation #37, issued May 16, 1980, was superseded by Interpretation #37 (Clarified), issued October 29, 1980.

Interpretation #38, issued September 30, 1980, was superseded by Zoning Ordinance Amendment #90-193, adopted July 23, 1990, effective July 31, 1990.

Interpretation #41, issued April 13, 1981, was superseded by Zoning Ordinance Amendment #83-79, adopted March 28, 1983.

Interpretation #46, issued October 29, 1982, was superseded by Zoning Ordinance Amendment #83-81, adopted March 28, 1983, effective April 4, 1983, and #83-83, 83-84, and 83-85, adopted April 25, 1983, effective May 2, 1983.

Interpretation #50, issued February 10, 1984, was superseded by Zoning Ordinance Amendment #85-115, adopted January 28, 1985, effective January 29, 1985.

Interpretation #52, issued June 14, 1984, was superseded by Zoning Ordinance Amendment #85-118, adopted April 29, 1985.

Interpretation Number 1

Subject Provision: Submission Requirements

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: August 15, 1978

Background/Issue:

The following sections set forth submission requirements for the various types of applications provided for in the Zoning Ordinance which became effective on August 14, 1978. Many applications were filed with the County prior to August 14 but were not scheduled for public hearing until a subsequent date. The question is posed whether the applicants are required to amend their submission requirements in accordance with the provisions of the new Zoning Ordinance.

The subject provisions of the Zoning Ordinance are as follows: Sect. 8-011, 9-011, 18-104, 18-202, 18-403, 18-602, 18-703, 18-802.

Zoning Administrator Interpretation:

If an application was complete, in accordance with the applicable provisions at the time of filing, and filed prior to August 14, 1978, there will be no requirement to amend the submission requirements in accordance with the above referenced provisions. All applications filed on August 14 or on a later date shall be filed in accordance with the above referenced provisions.

Philip G. Yates

Zoning Administrator

Interpretation Number 2

Subject Provision: Par. 1 of Sect. 2-308

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 17, 1978

Background/Issue:

In many instances a parcel can be subdivided into lots which exceed the average lot area and/or the minimum lot area, whichever may be applicable, of the zoning district in which located and result in a total lot yield which exceeds the maximum density provision of the district. For example, a 2.98 acre parcel zoned R-3 could easily be subdivided into nine (9) lots which satisfy the lot size requirements, however, since the parcel size is less than three (3) acres, the maximum density provision would be exceeded.

Zoning Administrator Interpretation:

In all instances, the maximum density provision will govern. Unless there are other applicable provisions which would dictate to the contrary, in no instance will a subdivision be approved where the lot yield exceeds the maximum density provision of the district in which located.

Philip G. Yates
Zoning Administrator

Interpretation Number 6

Subject Provision: Par. 5 of Sect. 10-303

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 22, 1978

Background/Issue:

Can a piano tuner and repairman repair pianos or piano parts in a garage on the property of his dwelling as a home occupation?

Zoning Administrator Interpretation:

By definition piano repair is deemed a repair service establishment. Par. 5 of Sect. 10-303 specifically lists repair service as a home occupation which is not permitted. Based on this provision, piano repairs cannot be performed on the premises of a dwelling used for a home occupation.

Philip G. Yates
Zoning Administrator

Interpretation Number 12

Subject Provision: Par. 1 of Sect. 11-102

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: February 22, 1979

Background/Issue: The question has been posed as to whether parking accessory to a given motel which is located on property zoned C-7 can be provided on an adjacent parcel in the same ownership zoned C-4. In essence, an interpretation of the term "zoning classification" in Par. 1 of Sect. 11-102 has been requested.

Zoning Administrator Interpretation: For the purpose of Par. 1 of Sect. 11-102, the term "zoning classification" shall be deemed to be as follows:

If the use is a permitted use and is located in an R District, the off-street parking required by the provisions of Article 11 must be located on contiguous land in the same identical R District.

If the use is a permitted use and is located in a C District, the off-street parking required by the provisions of Article 11 may be located in any C District contiguous to the lot of the permitted use.

If the use is a permitted use and is located in an I District, the off-street parking required by the provisions of Article 11 may be located in any I District contiguous to the lot of the permitted use.

If the use is a permitted use and is located in a C District, the off-street parking required by the provisions of Article 11 may be located in any I District contiguous to the lot of the permitted use, if the subject use is also a permitted use in the I District. The converse of this situation would also be applicable.

If the use is represented on a proffered development plan; is in a P District; or is the subject of a special permit or special exception, the off-street parking required by the provisions of Article 11 must be located in accordance with the development plan or plat approved with such rezoning, special permit or special exception.

This interpretation shall not be construed to prevent one from applying for a special exception for parking in R Districts in accordance with the provisions of Part 6 of Article 9.

Philip G. Yates

Zoning Administrator

Interpretation Number 13

Subject Provision: Sect. 13-201 and Sect. 13-202

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: February 28, 1979
Revised April 1997*

Background/Issue:

The subject sections require in essence that any parking lot which contains twenty (20) or more spaces shall provide interior and peripheral landscaping. The question is posed as to whether the provisions are applicable to the expansion of an existing parking lot, which expansion in itself does not contain twenty (20) spaces, but the resulting combined total number of spaces would be twenty (20) or more.

Zoning Administrator Interpretation:

There can be no question but that the underlying purpose of these provisions is to have application on all parking lots of certain size, i.e., those containing twenty (20) or more spaces. Within the area of the proposed expansion of a parking lot, the Director shall require both interior and peripheral landscaping measures in accordance with the subject provisions, except where the requirement of same would not be feasible or would result in unsafe traffic movements within the parking lot in which case the Director may modify or waive the requirement.

*Interpretation revised to reflect current Section references and to delete reference to parking spaces for handicapped persons (accessible parking spaces). (Necessitated by Amendments #90-190 and #92-229)

Zoning Administrator

Interpretation Number 14

Subject Provision: Definition of YARD, REAR

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: February 27, 1979

Background/Issue:

By definition, "where corner lots are designed for single family detached dwellings in the R-E through R-8 Districts, the rear yard may be of such minimum dimension as the side yard requirements for that district." In those R Districts where the side yard requirement is expressed, for example, as "12 feet, but a total minimum of 40 feet", the question is posed as to whether the two yards (side and rear) on a corner lot must satisfy the combined total minimum of 40 feet.

Zoning Administrator Interpretation:

No - the two yards (side and rear) on a corner lot do not have to satisfy the combined total of 40 feet illustrated above. They each must be a minimum of 12 feet as presented in the above example.

This interpretation is based on the fact that on a corner lot, the other two yards lying between the principal building and the intersecting streets are deemed front yards. When the required minimum front yards dimensions are combined with those for the minimum side yard dimensions, the combined total will consistently exceed the total side yard requirement presented for single family detached dwellings in the R Districts - therefore, the intent of the provisions will be achieved.

Philip G. Yates
Zoning Administrator

Interpretation Number 16

Subject Provision: Definitions of Street, Street Line and Front Yard

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: March 7, 1979

Background/Issue:

If interpreted literally, an access or ingress-egress easement, regardless of width, would be considered a street. Consequently, based on the definition of yard, and more specifically front yard, it would appear that a minimum required front yard would have to be provided between any principal building and an access easement. Paradoxically, if the access to the lot was via a pipestem driveway, only a 25-foot minimum distance from the lot line formed by the pipestem or the edge of pavement, whichever is greater, would be required. The question is posed as to what is the required yard from an access easement.

Zoning Administrator Interpretation:

A lot bordered by a public or private street on one side and an access easement on another side shall not be considered a corner lot or a through lot unless said access easement serves more than five (5) existing or potential lots or dwelling units based on the existing zoning or comprehensive plan. Based on the definition of Street Line, an access easement is equivalent to a travel lane or private street and on such the street line is established at the curb line. Since the function and purpose of an access easement which serves five (5) or less existing or potential lots or dwelling units is the same as that of a pipestem driveway, the same yard requirements should be applicable. Thus the required yard from an access easement, as qualified above, shall be 25 feet measured from the edge of pavement or face of curb within the easement and not from the easement line itself.

Philip G. Yates

Zoning Administrator

Interpretation Number 17

Subject Provision: Article 13

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: March 7, 1979
Revised April 1997*

Background/Issue:

The question has been posed as to whether the Director's decision concerning the provisions of Article 13, Landscaping and Screening, and in particular those of Sect. 13-304, Transitional Screening and Barrier Waivers and Modifications, can be appealed.

Zoning Administrator Interpretation:

The provision of landscaping and screening in accordance with Article 13 can be appealed in accordance with the provisions of Par. 3 of Article 18, Appeals.

*Interpretation revised to reflect correct Section reference and to delete reference to site plan appeal. (Necessitated by Amendments #90-190 and #92-232)

Zoning Administrator

Interpretation Number 18

Subject Provision: Sect. 8-009, Sect. 19-206 and Sect. 18-110

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: March 7, 1979

Background/Issue:

Under the provisions of Sect. 8-009, Application for a Special Permit, and Sect. 19-206, Referral to Planning Commission, it is noted that there is no requirement that the Planning Commission hold a public hearing on special permits or other applications that have been referred to it from the Board of Zoning Appeals. By policy, the Planning Commission may elect to hold a public hearing. The question is posed as to whether the Planning Commission must abide by the provisions of Sect. 18-110, Required Notice for Public Hearings, in those instances where it does choose to hold a public hearing on a special permit or other application that has been referred to it by the BZA.

Zoning Administrator Interpretation:

Since a public hearing by the Planning Commission is not required by the provisions of the Zoning Ordinance, the notification requirements set forth in Sect. 18-110 are not mandatory. The Planning Commission may establish its own policy on the notification measures that will be taken when it elects to hold a public hearing on a special permit or other application referred to it by the BZA.

Philip G. Yates
Zoning Administrator

Interpretation Number 20

Subject Provision(s): Par. 3A of Sect. 6-208

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: April 12, 1979
Revised March 27, 1989*

Background/Issue:

The subject provision allows the Board to grant an increase in the maximum floor area ratio in a PDC District when additional open space is provided. The provision reads as follows:

> A. More open space than the minimum required by Sect. 209 below - Not more than 2% for each additional 1% of the gross area provided in open space.

An interpretation has been requested as to the exact meaning of the clause "each additional 1% of the gross area provided in open space." Is this 1% computation based on the required area of open space specified for the district or is it based on the gross area of the site?

Zoning Administrator Interpretation:

As was the procedure under the provisions of the previous Zoning Ordinance, the 1% computation is based on the required area of open space specified for the PDC District. To illustrate this density bonus provision, consider a proposed 10 acre PDC District which requires 15% of the gross area in open space and would permit a maximum floor area ratio of 1.5.

10 acres x .15 = 1.5 acres of required open space

Open space proposed is 108,900 square feet or 2.5 acres which is 43,560 square feet or .66 (66 2/3%) more open space than required.

Thus, 1.5 FAR x .02 (2%) x .66 (66 2/3%) = .0198 bonus floor area ratio for a total permissible FAR of 1.5198.

*Interpretation revised to delete reference to Par. 2A of Sect. 6-109. (Necessitated by Amendment #87-149)

Zoning Administrator

Interpretation Number 22

Subject Provision: Sect. 9-615

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: May 14, 1979
Revised April 1997*

Background/Issue:

Can cluster and conventional lots be combined within one subdivision?

Zoning Administrator Interpretation:

The Zoning Ordinance is silent on combination cluster/conventional lot subdivisions. It is my interpretation, however, that whereas they definitely can be combined, it is clearly the intent that the combination would be permitted only if all the zoning district regulations, i.e., minimum district size, maximum density and open space, for cluster subdivisions are met within the cluster portion of the subdivision. To this end, all preliminary subdivision plats, if applicable, will specify that portion of the subdivision on which the cluster subdivision calculations are established.

Where appropriate, one homeowners' association will be established covering both the cluster and the conventional lots.

*Interpretation revised to delete reference to Sect. 2-408 and to revise preliminary subdivision plat reference. (Necessitated by Zoning Ordinance Amendment #87-150 and Amendment 47-96-101 to the Subdivision Ordinance)

Zoning Administrator

Interpretation Number 23

Subject Provision: Definition of YARD, PRIVA

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: June 4, 1979

Background/Issue:

Several inquiries have been received requesting clarification of the definition of Privacy Yard, especially the size and means of enclosing such yards. The traditional means for providing a privacy yard is to construct two parallel 6-foot fences perpendicular to the rear wall of a dwelling, thus providing a small private area enclosed on three sides. The basic question is: Is this the only way a privacy yard may be provided?

Zoning Administrator Interpretation:

The traditional means described above is one way to provide a privacy yard, however, such yards need not be limited to this configuration. For example, in the case of an end townhouse dwelling unit or a semi-detached dwelling unit which may have substantial rear/side yards, any portion or all of such yards may be included in the "privacy yard" so long as the area in question is a minimum of 200 square feet and is "contiguous to (the) building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height."

Philip G. Yates
Zoning Administrator

Interpretation Number 26

Subject Provision: Definition: Floor Area, Gross

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: June 25, 1979

Background/Issue:

The question is posed as to whether or not an atrium mall is to be computed in the gross floor area of a building.

Zoning Administrator Interpretation:

As would be the case with a center courtyard, an atrium mall between buildings or building areas will not be computed in the gross floor area if the atrium is designed to serve as a solar energy gathering element for the related buildings or building areas, and is used for no other purpose incidental to the use(s) of the buildings other than to provide open space.

Philip G. Yates
Zoning Administrator

Interpretation Number 27

Subject Provision: Par. 1 of Sect. 15-101

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: July 10, 1979

Background/Issue:

Is a building which was grandfathered under the provisions of Sect. 2-103 or was constructed prior to the effective date of the Zoning Ordinance deemed to be a nonconforming building if the floor area ratio (FAR) exceeds the maximum FAR set forth in the zoning district in which located?

Zoning Administrator Interpretation:

Par. 1 of Sect. 15-101 states that a building or use shall not be deemed a nonconforming use if such was a conforming use prior to the effective date of the Ordinance, and such building or use would otherwise be a conforming use under the provisions of the Ordinance except that it does not meet the minimum district or lot size or minimum yard requirements of the zoning district in which located. Under a strict interpretation of the provisions of this paragraph, the referenced building would be deemed a nonconforming building.

However, it is my interpretation that it is not the intent to deem such buildings which were approved or constructed under the previous Zoning Ordinance to be nonconforming. Therefore, until an amendment to this paragraph can be duly adopted by the Board of Supervisors, a building will not be deemed nonconforming if such was a conforming building prior to the effective date of this Ordinance and such would be a conforming building except that it does not meet the minimum lot size requirements or bulk regulations of the zoning district in which located.

Philip G. Yates
Zoning Administrator

Interpretation Number 28

Subject Provision: Sect. 11-106

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: July 11, 1979
Revised November 9, 1988
and April, 1997*

Background/Issue:

The question has been raised as to the appropriate number of parking spaces that are required for racquetball and handball courts. Is it the same requirement as set forth for tennis courts?

Zoning Administrator Interpretation:

Whereas a tennis club is the most similar type of use listed in Sect. 11-106, there is a definite dissimilarity between racquetball/handball and tennis in that a great deal of tennis is played in the form of doubles (four people), whereas racquetball and handball are predominately singles games (two people). Therefore, under the provisions of Par. 19 of Sect. 11-102, it is my determination that the parking standard for racquetball/handball courts is three (3) spaces per court, plus such additional spaces as may be required for affiliated uses.

*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

Zoning Administrator

Interpretation Number 32

Subject Provision: Par. 9 of Sect. 18-704

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: September 26, 1979

Background/Issue:

The question has been raised as to whether or not the completion of all trails within a subdivision is a prerequisite to the issuance of any Residential Use Permit (RUP) within that subdivision.

Zoning Administrator Interpretation:

Where a trail or walkway is required by the provisions of Sect. 17-201, but is not located upon a specific lot or is not required for access to and from that lot, then it need not be completed in order to obtain a Residential Use Permit for the dwelling on that lot.

The primary purpose of the Residential Use Permit is to assure that a specific dwelling is complete, safe and habitable, and that ample access and protection can be afforded to it. The RUP is not intended to assure completion of public improvements which are otherwise guaranteed by bond, and which do not relate directly to the dwelling for which a RUP is sought.

Philip G. Yates

Zoning Administrator

Interpretation Number 33

Subject Provision: Par. 1 of Sections 18-108 and 18-211

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: October 15, 1979
Revised February 21, 1989 *

Background/Issue:

Paragraphs 1 of Sections 18-108 and 18-211 present a twelve (12) month limitation on rehearing for applications or appeals which have been denied, dismissed or withdrawn. The question is posed as to whether these paragraphs preclude the filing of a new application within the twelve (12) month period.

Zoning Administrator Interpretation:

These paragraphs only impose a limitation on the rehearing of an application or appeal - not the refiling. Thus, an application could be refiled within this period, but public hearing dates could not be scheduled until twelve (12) months after the date of the denial, dismissal or withdrawal of the previous application, unless this limitation is waived by the approving body as provided for in these Sections.

Zoning Administrator

* Interpretation revised to include reference to Par. 1 of Sect. 18-108 and to reflect correct Section reference of Sect. 18-211. (Necessitated by Amendments #80-38 and #81-53)

Interpretation Number 34

Subject Provision: Par. 3 of Sect. 2-308

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: November 6, 1979
Revised April, 1997*

Background/Issue:

The questions has been posed as to whether the provisions of Par. 3 of Sect. 2-308 are applicable to a utility easement acquired after the effective date of the Zoning Ordinance, i.e., August 14, 1978, if such easement is located entirely within an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978. And secondly, when do the subject provisions apply if such easement is located partially within and partially outside an easement twenty-five (25) feet or greater in width which existed prior to August 14, 1978?

Zoning Administrator Interpretation:

The underlying purpose of the provisions set forth in Par. 3 of Sect. 2-308 is to preclude that area subject to a new major utility easement or right-of-way as defined from being used in the calculation of permitted residential density on a given parcel. This purpose originates from the premise that a major utility easement or right-of-way does pose a site development constraint on a given property because it reduces flexibility in lot layout and often necessitates a tighter clustering or crowding of the residential units on the remainder of the property. A second premise is there is a compensation rendered for the easement by the utility company and consequently a second compensation in the form of density credit is inappropriate.

Based on this background consideration, it is my interpretation that a new easement located entirely within a pre-existing easement is not subject to the provisions of Par. 3 of Sect. 2-308 because such new easement generally will not pose any additional development constraint than the pre-existing easement. Based on this same logic, it is my interpretation that in the second instance referenced above, i.e., where a new easement is located partially within and partially outside a pre-existing easement which combined total width is twenty-five (25) feet or greater, then only that area of the new easement outside of the pre-existing easement shall be subject to the provisions of Par. 3 of Sect. 2-308.

*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendment #95-269)

Zoning Administrator

Interpretation Number 35

Subject Provision: Sect. 13-103 & Sect. 18-101

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: November 6, 1979

Background/Issue:

The question has been posed as to whether the Zoning Administrator can override a decision of the Director (Department of Environmental Management) or one of the Director's agents concerning the administration of the provisions of Article 13, Landscaping and Screening. Sect. 13-103 clearly states that the Director shall be responsible for the administration of Article 13; however, Sect. 18-101 tends to suggest that the Zoning Administrator has the final authority to administer and enforce all of the provisions of the Zoning Ordinance.

Zoning Administrator Interpretation:

By Ordinance provision, namely Sect. 13-103, the Director is given the responsibility for administering the provisions of Article 13. Such responsibility must by necessity include the authority to exercise discretion in the continuing administration of the provisions set forth in this Article. It is my determination that it would not be appropriate for the Zoning Administrator to become involved with the discretion and decisions related to the ongoing administration of Article 13 unless a decision concerns a question of interpretation of one of the provisions of the Article.

Philip G. Yates
Zoning Administrator

Interpretation Number 36

Subject Provision: Definition of Landscaped Open Space

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: November 6, 1979

Background/Issue:

The question has been posed as to whether or not a landscaped area beneath a building on "stilts" can qualify and/or satisfy the Zoning Ordinance requirements for landscaped open space.

Zoning Administrator Interpretation:

Open Space is defined in part, as "That area within the boundary of a lot that is intended to provide light and air..." The definition of landscaped open space states "That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing...a general appearance of openness...." Therefore, based on these definitions, it is my interpretation that a landscaped plaza beneath a building on stilts cannot be used to satisfy the minimum open space or landscaped open space requirement set forth for a given district.

Philip G. Yates
Zoning Administrator

Interpretation Number 37 (Clarified)

Subject Provision: Part 2 of Article 11, Off-Stre
Parking

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: May 16, 1980
October 29, 1980

Background/Issue:

The question has been posed as to whether a developer should provide loading spaces for townhouse style office complexes based on the total combined gross floor area of all units, or based on the gross floor area of each individual unit.

Several parties have indicated the need to clarify the interpretation presented in the original response to this question.

Zoning Administrator Interpretation:

The loading space requirements for townhouse style office complexes should be based on the gross floor area of each individual unit rather than the combined gross floor area of all units. Consequently, the provision set forth in Par. 14 of Sect. 11-202 will generally be applicable.

This position is based on the fact that the continuing requirements for loading spaces for a townhouse style office complex are not the same as they are for a single, more conventional single-entry office building. Secondly, the practicality of providing conveniently located loading spaces to the several or many entrances in a townhouse style office complex is quite remote.

Philip G. Yates
Zoning Administrator

Interpretation Number 39

Subject Provision: Par. 2 of Sect. 2-308

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: October 27, 1980

Background/Issue:

When a given lot is comprised of more than thirty (30) per cent of the features enunciated in Par. 2 of Sect. 2-308, the question has been posed as to whether the fifty (50) per cent density limitation applies to the entire area of the lot comprised of such features. For example, if 42% of a lot is in floodplains and adjacent slopes in excess of fifteen (15) cer cent grade would the entire 42% of the lot be subject to the density limitation?

Zoning Administrator Interpretation:

No--in the above example, the 42% of the lot would not be subject to the density limitation. Only 12%, or 42% - 30%, would be subject to the limitation. There is no density limitation on the first 30% of any lot.

This interpretation is supported by both the original wording and the current wording in the subject provision which reads "...then fifty (50) per cent of the maximum permitted density shall be calculated for that area of the lot which exceeds thirty (30) per cent of the total area of the lot..." Furthermore, the legislative history of this provision substantiates the interpretation, as the final version of the provision as adopted represents a compromise position that was reached which in essence did not penalize any lot with density limitations for the first 30%.

To interpret or administer the provision otherwise would indeed be unjust, e.g., a parcel comprised of 29% of the features--no density limitation, in contrast to a parcel comprised of 34% of the features--34% subject to density limitation. Such was not the intent when the provision was adopted, and it has consistently been administered in accordance with the interpretation noted above since August 1978.

Philip G. Yates
Zoning Administrator

Interpretation Number 40

Subject Provision(s): Par. 3C of Sect. 6-208

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: March 6, 1981
Revised March 23, 1989*

Background/Issue:

The question has been posed as to exactly what constitutes a below-surface off-street parking facility as that term is used in Par. 3C of Sect. 6-208.

Zoning Administrator Interpretation:

For the purpose of the above-referenced provision, a below-surface off-street parking facility shall be a structure so designed to park a minimum of ten (10) vehicles, which structure is located completely below the finished grade on the site on at least two (2) sides.

*Interpretation revised to delete reference to Par. 2C of Sect. 6-109. (Necessitated by Amendment #87-149)

Zoning Administrator

Interpretation Number 42

Subject Provision: Par. 1 of Sect. 10-102

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: April 13, 1981

Background/Issue:

The question has been posed as to how many amusement machines are permitted as an accessory use to the various establishments identified in the subject provision.

Zoning Administrator Interpretation:

Because the size of the establishments identified in the subject provision can vary greatly, it is difficult to prescribe a set maximum number of amusement machines that may be permitted as an accessory use in any one establishment. Judgment will have to be exercised on a case by case basis to ensure that amusement machines are indeed an accessory use as defined.

In general, however, the area occupied by such amusement machines should not exceed 10% of the net floor area of the establishment nor should the total number of amusement machines as an accessory use exceed ten (10) in any one establishment.

Philip G. Yates
Zoning Administrator

Interpretation Number 43

Subject Provision: Par. 3B and Par. 6 of Sect. 3-Sect. 3-806; Par. 3A and Par. Sect. 3-1206, Sect. 3-1606, Sect. 3-2006; and Par. 1 of Sect. 2-409

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: April 13, 1981

Background/Issue:

When read and administered collectively, the subject provisions would tend to suggest that every single family attached dwelling in the R-5 through R-20 Districts must be located on a lot that has a minimum width of 18 feet, unless the minimum lot width requirement is waived by the Board of Supervisors in accordance with the provisions of Sect. 9-613. If this circumstance is correct, the question is posed as to how the subject provisions will be administered for single family attached dwellings in instances where there are no proposed lots, as for example in a rental development or a condominium development comprised of "triminiums" or "piggyback" units.

Zoning Administrator Interpretation:

The definition of single family attached dwelling is quite clear that "dwellings such as semidetached, garden court, patio house, zero lot line, 'piggyback' town house, 'back to back' town house and town house shall (all) be deemed single family attached dwellings." In addition, it is noted that single family attached dwellings as defined are permitted uses in the R-5 through R-20 Districts. With these givens, it is difficult to conclude that only single family attached dwellings on individual lots having a minimum width of 18 feet, such as conventional town houses or patio house, are permitted as a matter of right, whereas other unit styles as defined, such as "piggyback" town houses which cannot be developed on lots regardless of the lot width, must be approved by the Board. There is no logic to such a conclusion.

It must be noted, however, that the Zoning Ordinance does prescribe an 18 foot minimum lot width requirement for single family attached dwellings, and such a requirement must be administered in a uniform manner irrespective of the proposed subdivision and ownership/occupancy of the units, i.e., the zoning provisions should remain constant for rental, condominium and individual unit/lot sale developments. Consequently, in recognition of the intent of the 18 foot minimum lot width requirement, it is my interpretation that all types of single family attached dwellings as defined will be considered permitted uses and except as may be required by Sect. 2-409, will not require Board approval if all units have a minimum 18 foot width, measured at the centerline of the walls. Conversely, any such proposed unit(s) that is less than 18 feet wide must be approved by the Board in accordance with the provisions of Sect. 9-613.

Philip G. Yates
Zoning Administrator

Interpretation Number 44

Subject Provision: Par. 1 of Sect. 11-102

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: September 4, 1981

Background/Issue:

The question has been posed as to whether additional or overflow parking that is accessory to a multiple family dwelling development in an R-30 District can be located on an adjacent parcel zoned R-12.

Zoning Administrator Interpretation:

Yes, accessory parking which is in addition to that required by the provisions of Article 11, may be located on an adjacent parcel(s) which has a different zoning classification if the following conditions are satisfied:

- The subject parcels are under the same ownership.
- The subject parcels are developed under a common site plan, and otherwise satisfy the definition of LOT as presented in Article 20.
- The parking is accessory to a dwelling type that is a permitted use in the zoning district in which the parking is provided, e.g. parking accessory to a multiple family dwelling development may be located in the R-12 through R-30 Districts.

It is to be noted that this interpretation does not encompass accessory parking that is required by the provisions of Article 11. Attention is directed to Interpretation Number 12 on that subject.

Philip G. Yates
Zoning Administrator

Interpretation Number 45

Subject Provision: Par. 3 of Sect. 9-101
Par. 2 of Sect. 10-102

ZONING ORDINANCE

CHAPTER 112 OF THE 1976 CODE OF THE

COUNTY OF FAIRFAX, VIRGINIA

Date: September 10, 1982

Background/Issue:

Numerous inquiries have been made recently in reference to cable television systems and their associated dish antennae. The basic question concerns the determination as to whether these structures are to be deemed antennae and permitted as an accessory use in accordance with the provisions of Part 1 of Article 10 or should they be deemed satellite earth stations as regulated by the provisions set forth in Part 1 of Article 9.

Zoning Administrator Interpretation:

A cable television system with its associated satellite earth station which is in accordance with the definition of cable television system as set forth in Par. h of Sect. 9-2-1 of The Code of the County of Fairfax shall be deemed a light public utility use and shall require approva of a Category 1 special exception.

A dish antenna or satellite earth station which is not part of a cable television system as defined and is located on the same lot as the use to which it is accessory shall be deemed an antenna and shall be permitted as an accessory use in accordance with the provisions of Part 1 of Article 10. If such dish antenna or satellite earth station is not located on the same lot as the use to which it is accessory, it shall be deemed a light public utility use and shall require approval of a Category 1 special exception.

Philip G. Yates
Zoning Administrator

Interpretation Number 47

Subject Provision: Sect. 11-106

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: July 20, 1983
Revised November 9, 1988
and April, 1997*

Background/Issue:

The question has been raised as to the number of parking spaces that are required for riding and boarding stables. An applicable requirement is not set forth in Part 1 of Article 11.

Zoning Administrator Interpretation:

In accordance with the provision set forth in Par. 19 of Sect. 11-102, it is my determination that the minimum number of parking spaces that are required for a riding and boarding stable shall be as follows:

> One (1) space per 4 stalls, plus one (1) space per employee, plus sufficient spaces to accommodate the largest number of vans/trailers and vehicles that may be expected at any one time.

*Interpretation revised to reflect current Paragraph reference. (Necessitated by Amendments #88-164 and #93-241)

Zoning Administrator

Interpretation Number 48

Subject Provision: Definition of PUBLIC USE

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 23, 1983

Background/Issue:

A U.S. Postal Service facility is a use not specifically listed or defined in the Zoning Ordinance. Which use listed in the Zoning Ordinance has the most similar characteristics?

Zoning Administrator Interpretation:

Notwithstanding the fact that a U.S. Postal Service facility is not controlled exclusively for public purposes by a department or branch of the Federal Government, it is my interpretation that the term PUBLIC USE as defined in the Zoning Ordinance is the use that has the most similar characteristics to a U.S. Postal Service facility. Consequently, a U.S. Postal Service facility will be deemed a PUBLIC USE and will be regulated accordingly.

Philip G. Yates
Zoning Administrator

Interpretation Number 49

Subject Provision: Definition of PUBLIC USE

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 24, 1983

Background/Issue:

Parks and facilities operated by the Northern Virginia Regional Park Authority are uses not specifically listed or defined in the Zoning Ordinance. Which use listed in the Zoning Ordinance has the most similar characteristics?

Zoning Administrator Interpretation:

Notwithstanding the fact that a Northern Virginia Regional Park Authority facility is not controlled exclusively for public purposes by a department or branch of the Commonwealth of Virginia, the Fairfax County government under the direct authority of the Board of Supervisors or the Fairfax County Park Authority, it is my interpretation that the term PUBLIC USE as defined in the Zoning Ordinance is the use that has the most similar characteristics to a Northern Virginia Regional Park Authority facility. Consequently, a Northern Virginia Regional Park Authority facility will be deemed a PUBLIC USE and will be regulated accordingly.

Philip G. Yates
Zoning Administrator

Interpretation Number 51

Subject Provision: Par. 3 of Sect. 11-104

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: June 12, 1984

Background/Issue:

On June 4, 1984, the Board of Supervisors adopted an amendment to the definition of CAR WASH as set forth in Article 20 to incorporate an establishment which washes and waxes motor vehicles by hand. Prior to the amendment, a car wash was defined as an establishment or structure using only production-line, automated or semi-automated methods for washing. As a consequence of this amendment, the question has been posed as to the appropriate parking standard for a car wash establishment which washes and waxes motor vehicles only by hand.

Zoning Administrator Interpretation:

A review of the parking standard for car washes as set forth in Par. 3 of Sect. 11-104 indicates that the standard is definitely oriented to an automated or self-service type car wash. Such a standard is excessive for a low-volume car wash establishment where motor vehicles will be washed and waxed exclusively by hand.

Based on this conclusion, it is my determination that the parking standard for a car wash establishment which washes and waxes motor vehicles exclusively by hand shall be:

> Two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces.

This is the same parking standard as set forth in the Zoning Ordinance for a service station.

Philip G. Yates
Zoning Administrator