County of Fairfax, Virginia

MEMORANDUM

DATE: October 14, 2016

TO: John F. Ribble, III, Chairman
Members, Board of Zoning Appeals

FROM: Leslie B. Johnson
Zoning Administrator

SUBJECT: **Status Update**

REFERENCE: Appeal A 2015-DR-032
McLean Automotive Service Center
1387 and 1389 Chain Bridge Road
Tax Map: 30-2 ((1)) 50A

This is an appeal of a determination that the appellant, McLean Automotive Service Center (McLean Auto), has enlarged or expanded an existing vehicle repair garage established before adoption of the 1978 Zoning Ordinance and is operating a vehicle major service establishment without special exception approval on property in the C-8 District, in violation of Zoning Ordinance provisions.

The public hearing on this appeal was held on September 14, 2016. On that date, the Board of Zoning Appeals continued the appeal to October 26, 2016 at 9:00 a.m. to allow staff time to submit additional information and the appellant time to respond to the additional information. Specifically, the BZA requested: (1) color copies of the aerial photographs staff used in their analysis of the site dating from 1962; (2) applicable Zoning Ordinance provisions that demonstrate parking would not have been permitted in the area between the repair garage and Chain Bridge Road prior to 1978 and that such additional parking constitutes an expansion of the use; and (3) definitions and/or provisions of the Zoning Ordinance that would deem the C-Container and the vehicle trailer as a structure for purposes of determining whether an expansion has taken place.

This submission includes the following information:

- Attachment 1 – the original published Staff Report, which contains color photographs from the inspection and color copies of aerial photographs from 1980, 1986 and 1988.
- Attachment 2 – color copies of the aerial photographs of the site from 1962 through 1978 (two-year intervals) as well as copies of aerial photographs from 1990 through 2015.

- Attachments 3 – 1959 Zoning Ordinance provisions including parking related definitions and provisions, definitions of structure and use and site plan requirements.
- Attachment 4 – 1959 Zoning Ordinance provisions, amended through 1963, including parking related definitions and provisions, definitions of building, structure and use, the C-G District Regulations and site plan requirements.
- Attachment 5 – 1959 Zoning Ordinance provisions, amended through 1965, including parking related definitions and provisions, definitions of building, structure and use, the C-G District Regulations and site plan requirements.
- Attachment 6 – definitions of building, structure, and use, and how these terms are to be interpreted, as set forth in Article 20 of the current Zoning Ordinance.

The BZA requested these documents to further inform its decision whether there has been an expansion of the use described in the Notice of Violation and the Zoning Administrator's position contained in the Staff Report.

Expansion of Parking

The aerial photographs (Attachment 11 to the Staff Report and Attachment 2 to this memorandum) show that the area between the repair garage building and Chain Bridge Road has been used for parking of vehicles since 1966. It does not appear from the photographs that this area was striped until the mid-1990s. The double stacking of cars in this area appears to have become more regular since 1980, if not earlier. At no time has this area been designated for parking on an approved site plan. In fact, the approved 1969 site plan, which is attached as Attachment 6 to the Staff Report, added a single parking space in this area, and the owner has never submitted a subsequent site plan or parking redesignation plan to add parking on the property.

Based on the provisions of the Zoning Ordinance in effect before the 1978 Zoning Ordinance, McLean Auto could not lawfully expand parking beyond what was approved on the 1969 site plan without approval of a modified site plan, and it cannot claim a current right to do so. Off-street parking was defined as "[a]ny space specifically allotted to the parking of motor vehicles; such space shall not be in a dedicated right of way" and defines parking space as "An off-street space (a) available and usable for the parking of one motor vehicle, (b) having usable access to a street or alley and (c) having a width, measured at right angle between the centers of the lines defining the space of not less than eight feet six inches. . . . The areas required for parking spaces are exclusive of passage ways and driveways appurtenant thereto and giving access thereto." 1965 Zoning Ordinance Sect. 30-1.7.7 (see Attachment 5). Areas with no delineated parking must, therefore, serve as a travel or passage way giving access to the bays and parking areas delineated on the site plan.

The site plan provisions in effect before 1978 required that the site plan show the location of all off-street parking, 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

and provided. 1965 Zoning Ordinance Sect. 30-11 (see Attachment 5). Further, as set forth in part in 1965 Zoning Ordinance Sect. 30-11.16 "[a]ny building erected or improvements constructed contrary to any of the provisions of this article or any use of any building or land which is conducted, operated or maintained contrary to any provision of this article shall be and the same is hereby declared to be unlawful." An approved site plan, therefore, establishes the permissible parking arrangement for the property, and the expansion of a lot's parking capacity without approval contradicts the regulatory purpose of the site plan process.

For these reasons, my determination remains the same. The use of the area between the garage and Chain Bridge Road constitutes an enlargement of McLean Auto, because the owner has increased the number of delineated parking spaces from 30 to approximately 43 (approximately 43% increase in parking capacity). This expansion of parking has never been approved as part of a site plan or otherwise and, therefore, constituted a violation of the site plan provisions in effect before 1978. That use remains a violation under the current site plan provisions in the Zoning Ordinance. To decide that there has been no enlargement of the use would signify that delineated parking on a site plan is advisory and not mandatory; that a 43% increase in parking capacity is not an intensification of the use sufficient to establish an enlargement of the use; or that McLean Auto obtained a vested right to use the property in a manner that was unlawful before adoption of the 1978 Zoning Ordinance. None of those conclusions would be correct.

C-Container

The presence of the C-Container on the property, which first appeared in aerial photographs from 1988 (see Attachment 11 to the Staff Report), is also an enlargement of the use that is not permitted unless by special exception, because it is a structure that is not identified on the approved 1969 site plan and adds an additional 320 square feet of storage space for the business operations. Site plans must include, among other things, "[t]he proposed location, general use, number of floors, height and the net and gross floor area for each building, to include . . . storage areas." Zoning Ordinance Sect. 17-106(12). Further, the established uses or structures on an approved site plan are "subject to the provisions of approval and any modification or alteration to the site or any additional use and structures shall only be permitted in accordance with the provisions of the Article." Zoning Ordinance Sect. 17-108(6). Therefore, if the C-Container is considered a building that is required to be shown on a site plan, then its addition without site plan approval is prohibited under the Zoning Ordinance.

A "building" is defined as "[a]ny structure used or intended for supporting or sheltering any use or occupancy," and "structure" is defined as "[t]hat which is built or constructed" Zoning Ordinance Sect. 20-300. "The word 'building' includes the word structure, and the word 'structure' includes the word building." Zoning Ordinance Sect. 20-200(5). Finally, the term "use" is defined as "[a]ny purpose for which a structure or 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." Zoning Ordinance Sect. 20-300.

Given that the words "building" and "structure" are interchangeable—and that the appellant admitted during the September 14, 2016, BZA hearing that the container is used to store materials directly associated with the automotive repair operations—the C-Container functions as a storage building used for sheltering inventory, supplies and/or equipment used in the operation of the repair garage. Therefore, the C-Container constitutes a building contributing an increase in gross floor area, and its location on the site constitutes an enlargement of the use without approval of a special exception.

At the public hearing, the appellant claimed that the C-Container was a recycling container, which is a permitted accessory use that should not be considered an expansion of the use. The provisions in Zoning Ordinance Sect. 10-104(11), Location Regulations for Accessory Uses, allow solid waste containers and recycling containers to be located in any yard, but not closer than 15 feet to a front lot line and if located in the minimum front yard must be screened from view. A C-Container is not a solid waste or recycling container simply because it is used to store discarded tires. The typical solid waste and recycling containers are provided and routinely emptied by a waste disposal service. That is not the case here. The C-Container is simply a prefabricated structure that was used to temporarily store old tires, and it cannot reasonably be characterized as a solid waste container. The C-Container's use as an integral component of the vehicle repair use renders it a building for purposes of gross floor area, and as such it enlarges the use on the property.

Vehicle Trailer

Based on testimony provided at the public hearing, staff concedes that the utility vehicle trailer, used by the tenants of the retail building as part of that use, would not constitute an expansion of the repair garage use. The determination in the Notice of Violation regarding that vehicle should not be upheld.

Summary

In determining whether the Zoning Administrator's position should be overturned, the Board of Zoning Appeals should defer to the Zoning Administrator's consistent interpretation of the applicable provisions of the Zoning Ordinance. It is irrelevant that the parking of vehicles in the area directly between Chain Bridge Road and the repair garage began before 1978. That parking, as well as the reconfiguration and addition of parking on the overall site, has never been legitimized through the submission and approval of a site plan. The appellant cannot legitimately claim that the use of that area for parking predates the Zoning Ordinance provisions requiring special exception approval and so should not be considered an expansion of the use. That area has never been approved for parking in any form or fashion. Further, it has been clearly established that the C-Container is a structure used in conjunction with the

vehicle repair operation and constituted an expansion of the use when it was added to the site in or around 1988. The facts in this case support the Zoning Administrator's position on these issues. Therefore, the Zoning Administrator respectfully requests that the BZA uphold the Notice of Violation with respect to the expansion of parking and the addition of the C-Container. The Zoning Administrator concedes, however, that the utility vehicle trailer used in conjunction with the retail building does not represent an expansion of the repair garage use. To that limited extent, the Board of Zoning Appeals should not uphold the Notice of Violation.

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Cathy S. Belgin, Deputy Zoning Administrator for Appeals
Mike Caudle, Code Compliance Investigator, DCC
Mike Adams, Code Compliance Supervisor, DCC
William M. Baskin, Jr., 301 Park Ave, Falls Church, VA 22046
McLean Automotive Service Center, 1387 Chain Bridge Road, McLean, VA 22101

Attachment 1
Staff Report

FAIRFAX COUNTY

BOARD OF ZONING APPEALS
PUBLIC HEARING DATE: August 10, 2016
TIME: 9:00 a.m.

V I R G I N I A

August 3, 2016

STAFF REPORT

APPEAL APPLICATION A 2015-DR-032

DRANESVILLE DISTRICT

APPELLANT:	McLean Automotive Service Center
LOCATION:	1387 and 1389 Chain Bridge Road
TAX MAP REF:	30-2 ((1)) 50A
ZONING DISTRICTS:	C-8, Commercial Revitalization District (CRD), Highway Corridor (HC) and Sign Control (SC) Overlay Districts
SITE AREA:	30,376 sq. ft.
NATURE OF APPEAL:	Appeal of a determination that the appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment without special exception approval on property in the C-8 District in violation of Zoning Ordinance provisions.

LBJ

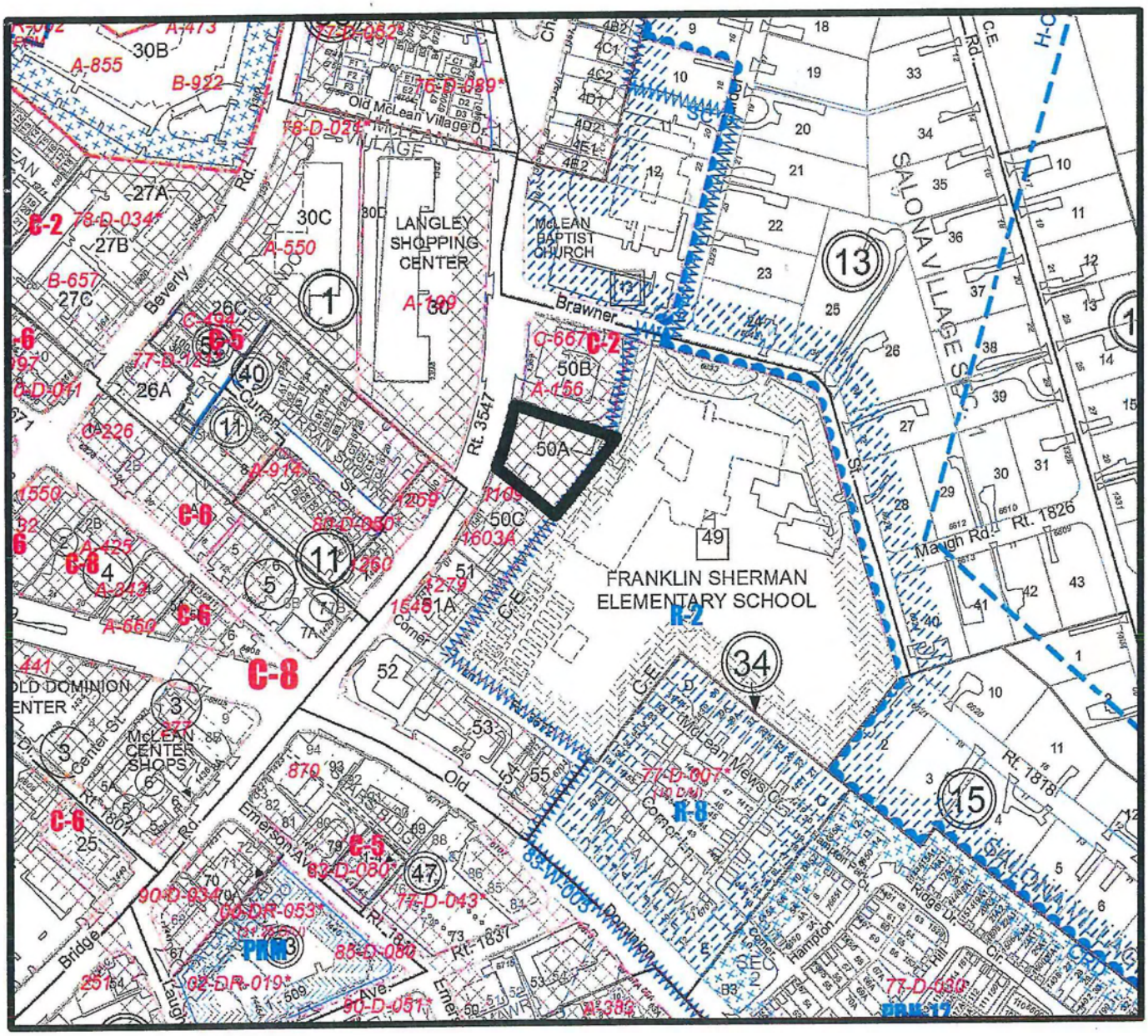
For information, contact the Zoning Administration Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.

American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) seven days in advance of the meeting to make the necessary arrangements.

APPEAL APPLICATION

A 2015-DR-032

MCLEAN AUTOMOTIVE SERVICE CENTER, A 2015-DR-032 Appl. under Sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment without special exception approval on property in the C-8 District in violation of Zoning Ordinance provisions. Located at 1387 and 1389 Chain Bridge Rd., McLean, 22101, on approx. 30,376 sq. ft. of land zoned C-8, CRD, H-C and SC. Dranesville District. Tax Map 30-2 ((1)) 50A.



DESCRIPTION OF APPEAL

Appellant: McLean Automotive Service Center

Issue: This is an appeal of a determination that the appellant has expanded an existing vehicle repair garage established prior to the 1978 Zoning Ordinance and is operating a vehicle major service establishment in the C-8 District without special exception approval.

Property Description: The property that is the subject of this appeal is located at 1387 and 1389 Chain Bridge Road, in the McLean Commercial Revitalization District. The subject property is located between Brawner Street to the north and Old Dominion Drive to the south. The property abuts Franklin Sherman Elementary School to the east, a drive-through financial institution to the north and a three story office building to the south. The property is 30,376 square feet, zoned C-8, Highway Commercial District, and is also located in the following Overlay Districts: McLean Commercial Revitalization District (CRD), Highway Corridor Overlay District (HC) and Sign Control Overlay District (SC).

The property is currently developed with two structures. A six (6) bay automotive repair garage with accessory office space on the 2nd floor is located on the north side of the property with an address of 1387 Chain Bridge Road. A three story frame residential style building constructed in the early 1900's and converted to commercial use in the early 1960's is located on the south side of the property and has an address of 1389 Chain Bridge Road. The structure at 1389 Chain Bridge Road is currently occupied by NOVA Firearms. Parking for both uses is located along the eastern property boundary and between both structures. A copy of the zoning map sheet showing the subject property is provided on the previous page.

Appellant's Position: Appellant's application and basis for appeal are set forth in Attachment 1.

ZONING ORDINANCE PROVISIONS

The provisions of the Zoning Ordinance which are germane to this appeal are listed below. The complete text of these provisions is enclosed as Attachment 2.

- Article 4, Commercial District Regulations, Part 8, Sect. 4-800, C-8, Highway Commercial District:
  - Sect. 4-802, Permitted Uses
    (Par. 35, Retail Sales Establishments and Par. 40, Vehicle Light Service Establishment, limited by the provisions of Sect. 805)
  - Sect. 4-804, Special Exception Uses,
    (Par. 4U and 4V, Vehicle Light Service and Vehicle Major Service Establishments)
  - Sect. 4-805, Use Limitations
    (Par. 1C, Vehicle Light Service Establishments shall be permitted by right when located within the main structure of a regional shopping center.)

- Article 11, Off-Street Parking and Loading, Private Streets, Sect. 11-102, General Standards, Par. 12

- Par. 2 of Sect. 15-101, Qualification of Nonconforming Uses
- Par. 1 of Sect. 15-103, Regulations Controlling other Nonconforming Uses

- Article 20, Ordinance Structure, Interpretations and Definitions
  - Sect. 20-300, Definitions: Vehicle Light Service Establishment, Vehicle Major Service Establishment

BACKGROUND

- The property was acquired by FZJ Limited Partnership, owner and operator of McLean Automotive Service Center, in May 2003 via a Deed of Gift from Frances Z. Justice, widow and not remarried, for herself and as the survivor of H. Paul Justice, deceased. A copy of the Deed of Gift is enclosed as Attachment 3.

- According to County records, a four bay service station was constructed on the property in 1962 pursuant to Building Permit P-12024. The property was zoned to the C-G District and repair garages were permitted by right. Certificate of Occupancy A-2358 was subsequently issued in the name of McLean Service Center on April 27, 1965. A copy of the Building Permit and Certificate of Occupancy is enclosed as Attachment 4.

- On November 5, 1965, the Board of Zoning Appeals approved Variance Application V-219-65 to permit a two bay addition to the existing repair garage to be located 22 feet from the rear property line abutting Franklin Sherman Elementary School. The addition was constructed in 1966 pursuant to Building Permit P-32994. County records further indicate

that while an Application for a Certificate of Occupancy was made on February 15, 1966 for the addition, the Certificate of Occupancy was never issued. A copy of the approved Variance, Building Permit and Application for Certificate of Occupancy are enclosed as Attachment 5.

- As Built Site Plan #244-B, entitled "Addition to Site Plan #244 Showing Revised Parking Layout of the Property of Henry Paul Justice" and approved by the County on July 8, 1969 depicts the six bay repair garage with office above and the three story frame building with a total of 30 parking spaces provided. This is the only approved site plan contained in the zoning property files. A copy of the as-built plan is enclosed as Attachment 6. With the adoption of the current Zoning Ordinance in 1978, the property was rezoned to the C-8 District.

- According to tax assessment records, the three story frame building located on the site, with an address of 1389 Chain Bridge Road, was constructed in the early 1900's and predates adoption of the first Fairfax County Zoning Ordinance in 1941. The first documented occupancy permit for the structure contained in County records was issued in March 1961 to permit a real estate office. A copy of Certificate of Occupancy A-584 is enclosed as Attachment 7. The structure has been continuously used for commercial purposes including office and retail sales. On September 15, 2015 a Non-Residential Use Permit (Non-RUP) was issued to NOVA Firearms to permit a retail sales establishment. A copy of the Non-RUP is enclosed as Attachment 8.

- On September 30, 2015 in response to numerous inquiries regarding the opening of NOVA Firearms at 1389 Chain Bridge Road, the Zoning Administrator requested the Department of Code Compliance to conduct an inspection of the property, including both the McLean Automotive Service Center and NOVA Firearms. An inspections of the property was conducted on October 9, 2015. The inspection as well as a review of the website for the McLean Service Center revealed that the type of automotive repair being conducted on the site would be considered a vehicle major service establishment under the current Zoning Ordinance. (See Attachment 2 for definition). In addition, the inspection revealed the addition of a large metal storage container (aka C Container) used for storage of supplies, the addition of a trailer which was used for storage associated with Nova Firearms, the addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair, the reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair garage and the retail sales establishment and parking of vehicles in the travel aisled, all of which were not in conformance with As Built Site Plan #244-B. Photographs of the property taken during the October 9, 2015 inspection are enclosed as Attachment 9.

- Based upon a review of County records, photographs from the inspection and As-Built Site Plan 244-B, the Zoning Administrator determined that the sale of firearms and other accessory related equipment was a retail sales establishment which is a permitted use in the C-8 District and that the Non-RUP issued on September 15, 2015 was valid. However, it was determined that the McLean Automotive Service Center under the current Zoning Ordinance

was a vehicle major service establishment which is a Category 5 Special Exception Use in the C-8 District and is only permitted in that District with special exception approval. Further, it was determined that the addition of the metal storage container and the trailer, which added gross floor area to the site and the addition and reconfiguration of parking spaces beyond that shown on the as-built site plan, constituted an expansion of the vehicle repair garage. Such expansion is only permitted with approval of a special exception by the Board of Supervisors. Therefore, McLean Automotive Service Center was in violation of Par. 1 of 18-901 of the Zoning Ordinance, which states that:

> "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."

- On October 20, 2015, the Zoning Administrator issued a Notice of Violation to FZJ Limited Partnership, the property owner and Mclean Automotive Service Center.

- The appeal application was received on November 19, 2015 and accepted on December 28, 2015. Prior to the scheduled public hearing, staff and the appellant agreed to a deferral to allow the appellant an opportunity to bring the parking into conformance with that shown on the as-built site plan, remove the C-Container and trailer or file a special exception application. No agreement could be reached and the public hearing on the Appeal is scheduled for August 10, 2016.

ZONING ADMINISTRATOR'S POSITION

This is an appeal of a determination that the appellant has expanded an existing vehicle repair garage that was established prior to the adoption of the 1978 Zoning Ordinance and is currently operating a vehicle major service establishment without special exception approval. There is no debate that the automotive repair garage known as the McLean Automotive Service Center was lawfully established in 1962 under the Zoning Ordinance in effect at that time. The property at that time was zoned to the C-G, Commercial General District, which District allowed a vehicle repair garage as a permitted use. On July 11, 1977 the Board of Supervisors adopted an amendment to the Zoning Ordinance, in effect at that time, to delete vehicle repair garage as a permitted use in the C-G District and to only allow that use in the C-G District with special permit approval by the Board of Supervisors. A copy of Amendment #304 to Chapter 30 (Zoning Ordinance) of the 1961 Code of the County Of Fairfax is set forth in Attachment 10. With the adoption of the current Zoning Ordinance in 1978, the C-G District became the C-8 District and a repair garage became either a Vehicle Light Service Establishment or a Vehicle Major Service Establishment. The major difference between the two uses is that a vehicle light service establishment does not perform major mechanical or body work. (See Definitions in Appendix 2). Vehicle major service establishments are only permitted in the C-8 District with special

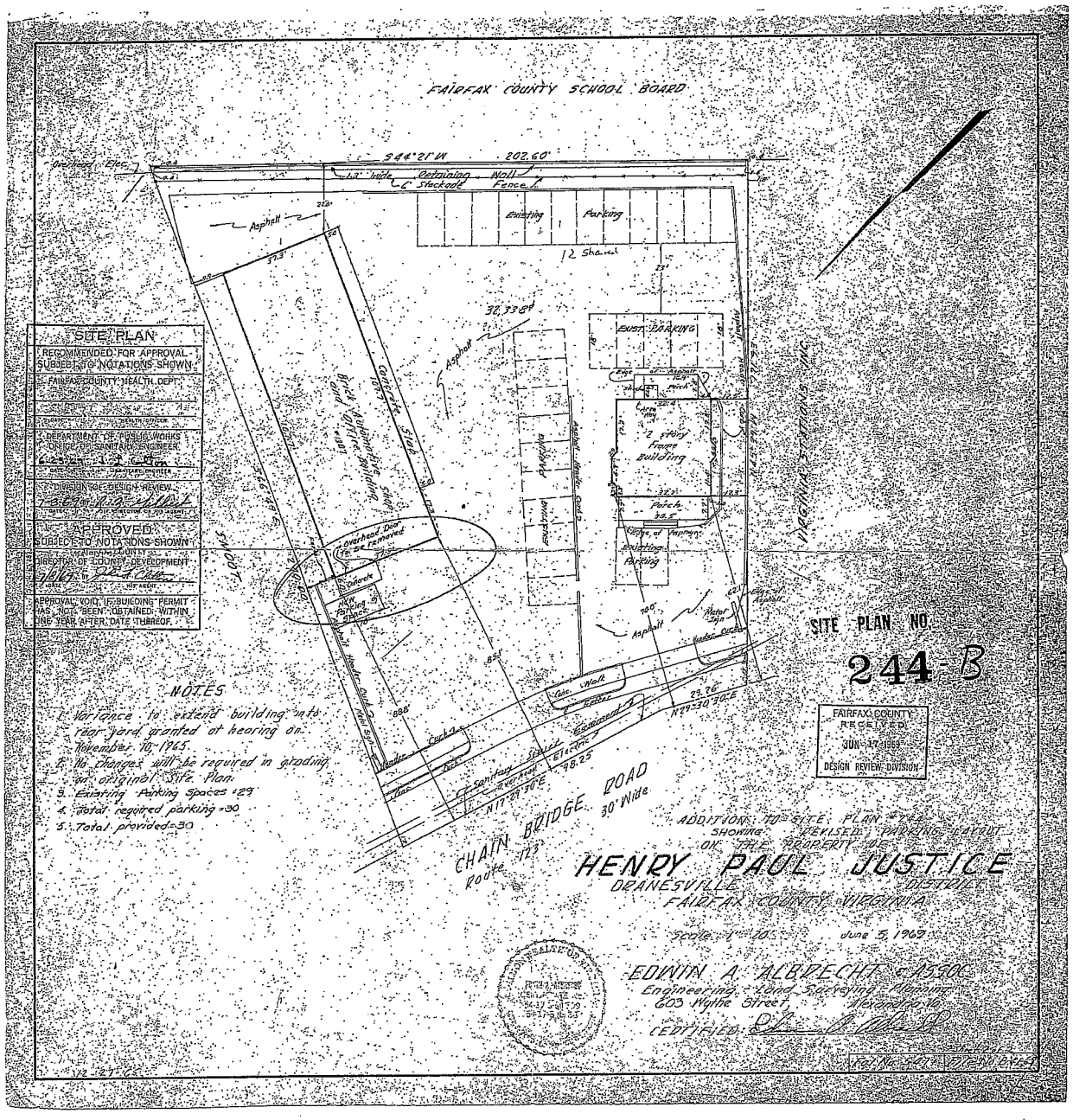
exception approval by the Board of Supervisors. At the time of the inspection, based on observations, it was determined that the use was most similar to a vehicle major service establishment. The appellant contends that McLean Automotive Service Center is a vehicle light service establishment, rather than a vehicle major service establishment. For purposes of this appeal, that issue is moot as a vehicle light service establishment is only permitted by right in the C-8 District if located under the roof of a regional shopping center, otherwise special exception approval is required. Clearly, the automotive service center is not located under the roof of a regional shopping center, therefore, special exception approval would still be required.

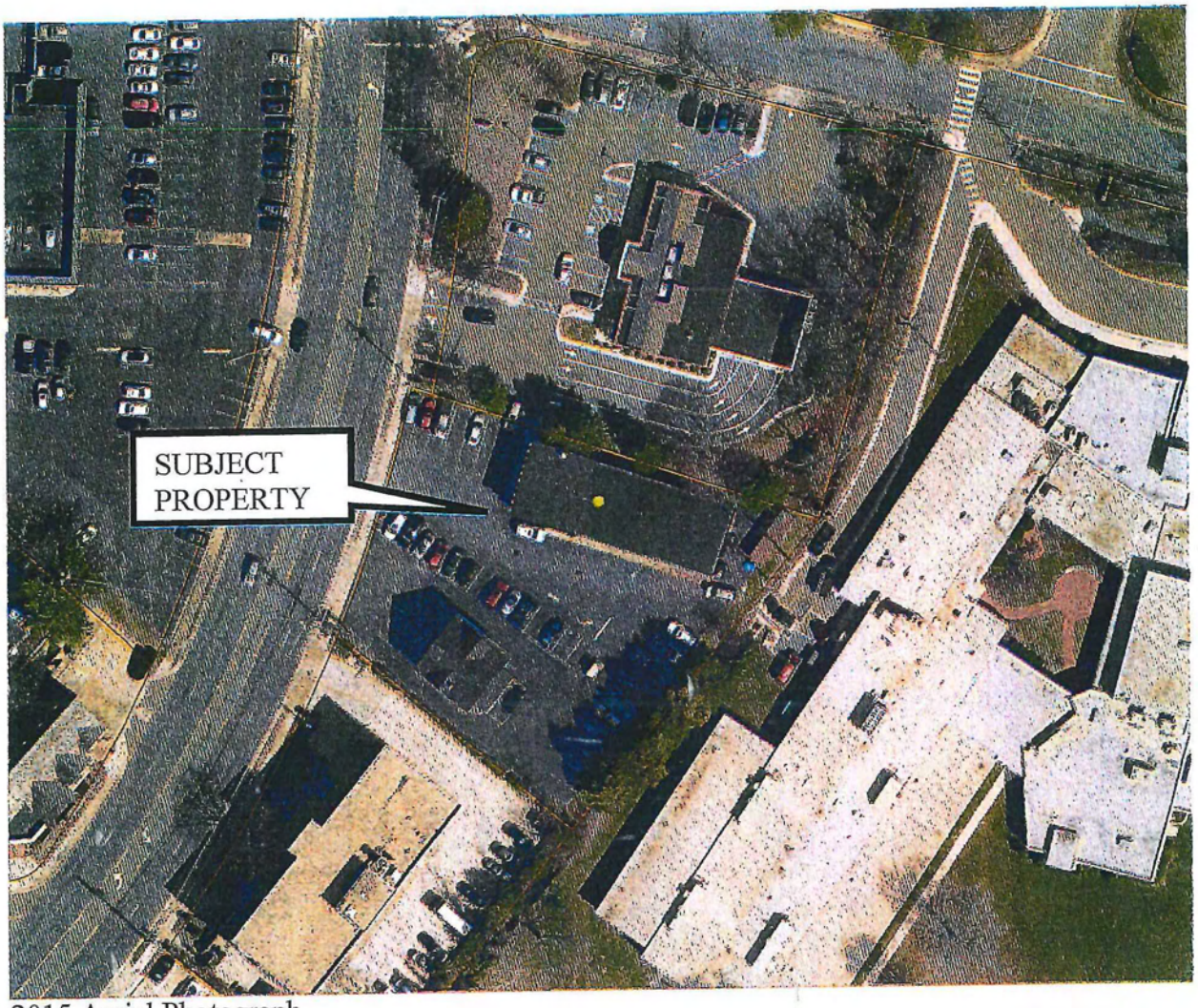
It is the Zoning Administrator's position that the McLean Automotive Service Center is subject to the provisions set forth in Par. 2 of Sect. 15-101, Qualification of Nonconforming Uses which states:

> 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, <u>may continue and shall not be deemed to be a nonconforming use in such district.</u> (emphasis added) 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.

Contrary to the appellant's claims, the McLean Automotive Service Center is not a nonconforming use, as the use is permitted in the C-8 District with special exception approval. What is at issue is whether the use has been expanded or enlarged beyond the extent which existed prior to the 1978 effective date of the current Zoning Ordinance.

The property is subject to As-Built Site Plan #244-B which was approved in 1969 to permit minor changes to the automotive service center building and revision to the parking layout of the site. The site plan depicts the 6-bay automotive service center and the 2 story frame structure that has been utilized for commercial purposes since 1961 and which is not at issue in this appeal. A total of 30 parking spaces are provided. No other structures are depicted on the As-Built plan as evidenced on the copy of the as-built site plan included below.


FAIRFAX COUNTY SCHOOL BOARD
S44°21'W 202.60'
Retaining Wall
Stockade Fence
Existing Parking
12 Shared
Asphalt
32,338 sf
EXIST. PARKING
2 story Frame Building
Patch
Existing Parking
Brick Automobile Sales Office Building
Concrete Block
Overhead Door
Parking
Asphalt
Water Circle
Gate
Walk
Concrete
Curb
Water Line
Electric
Contour
N29°30'30"E
98.25
N11°31'30"E
Virginia Electric Power Co.
SITE PLAN
RECOMMENDED FOR APPROVAL SUBJECT TO NOTATIONS SHOWN
FAIRFAX COUNTY HEALTH DEPT.
DEPARTMENT OF PUBLIC WORKS
DIVISION OF DESIGN REVIEW
APPROVED
SUBJECT TO NOTATIONS SHOWN
DIRECTOR OF COUNTY DEVELOPMENT
APPROVAL VOID IF BUILDING PERMIT HAS NOT BEEN OBTAINED WITHIN ONE YEAR AFTER DATE ISSUED.
NOTES
1. Variance to extend building into rear yard granted at hearing on November 10, 1965
2. No changes will be required in grading on original site plan.
3. Existing Parking Spaces = 29
4. Total required parking = 30
5. Total provided = 30
SITE PLAN NO.
244-B
FAIRFAX COUNTY RECEIVED JUN 17 1968 DESIGN REVIEW DIVISION
CHAIN BRIDGE ROAD
Route 123
30' Wide
ADDITIONS TO SITE PLAN TO SHOWING REVISED PARKING LAYOUT ON THE PROPERTY OF
HENRY PAUL JUSTICE
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
Scale 1" = 10'
June 5, 1968
EDWIN A. ALBRECHT & ASSOC.
Engineering, Land Surveying, Planning
603 Wythe Street, Alexandria, Va.
CERTIFIED:



2015 Aerial Photograph

As noted in the Notice of Violation issued on October 20, 2015, an inspection of the property revealed the following changes to the property that were not in conformance with the approved site plan:

- Addition of a large metal storage container (aka C Container) used for storage of supplies located at the northeast end of the repair establishment between the building and the property boundary adjacent to Franklin Sherman Elementary School.
- Addition of a trailer, which appears to be used for storage, adjacent to the two story building occupied by JM Custom Protection Services LLC
- Addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair along the northern property boundary between Chain Bridge Road and the vehicle repair building (See Aerial Photograph above)
- Reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair establishment and the retail sales establishment.
- Parking of vehicles in the travel aisles

The addition of the metal storage container and trailer, which adds additional floor area to the existing automobile repair use, as well as the reconfiguration and addition of parking spaces beyond that shown on the approved site plan to store vehicles waiting for repair and the parking in the travel aisles constitutes an enlargement of the vehicle major service establishment use on the property. Pursuant to Par. 2 of Sect. 15-101, such expansion is only permitted with special exception approval in accordance with the provisions of the Zoning Ordinance.

It is worth noting that staff reviewed aerial photos of the site dating back to 1966 and while there was some parking of vehicles between Chain Bridge Road and the vehicle repair establishment, it appears that the double stacking of vehicles was occurring on a regular basis in 1980 and continues to the present. The actual delineation of these double stacked spaces through striping on the ground did not occur until the mid 1990's. The 1988 aerial photograph shows about 40 to 45 cars on the site, well in excess of the 30 parking spaces shown on the as-built site plan. The addition of a C Container first appears in 1988 and appears to be located near the middle of the rear lot line abutting Franklin Sherman Elementary School. The C Container was subsequently moved to the northeast corner of the site where it is currently located. Copies of aerial photos from 1980, 1988 and 1990 are enclosed as Attachment 11.

The appellant claims that there has been no expansion of the automotive service center use beyond the extent which existed prior to 1978, the effective date of the current Zoning Ordinance, but fails to provide any justification for this claim. The C Container is clearly visible and is used for storage of supplies. It is noted that the vehicle trailer used for storage by Nova Firearms has been removed. When current photos and aerial photos of the site are compared with the as-built site plan, it is clear that the parking on the site has been reconfigured and expanded. There are now approximately 43 marked spaces on the site including 8 double stacked spaces located between the repair center and Chain Bridge Road, an increase of over 13 spaces from that shown on the as-built site plan. Pursuant to Par. 12 of Sect. 11-102 any proposal to redesignate parking space delineations which changes the existing space size, configuration or number shall require the submission and approval by the Director of the Department of Public Works and Environmental Services (DPWES) of a plan certified by an engineer or land surveyor authorized by the State to practice such. In this case no such plan has been submitted for review and approval and any such increase in parking would constitute an enlargement of the use and require approval of a special exception by the Board of Supervisors. It is also unclear whether any of these additional spaces would meet the geometric standards set forth in the Public Facilities Manual (PFM).

Further, there is precedence both through previous Zoning Administrator determinations and appeals that the addition of structures such as cargo containers, sheds, or the trailer of a tractor trailer used for storage constitutes the addition of floor area and an expansion of the use. Similarly, the parking of vehicles on site in excess of the number of marked spaces shown on an approved site plan and in travel aisles would constitute an expansion or enlargement of the use under the provisions of Par. 2 of Sect. 15-101. In Appeal A 2008-LE-073, Bentley Properties, LLC and Paper Moon-Springfield, Inc. (Paper Moon Appeal), the BZA upheld the Zoning Administrator's determination that the appellant in the recommencement of an existing nonconforming commercial nudity establishment exceeded the previously established occupancy

limitation of 104 persons and was parking vehicles on the site in excess of capacity of the existing site plan thereby expanding the nonconforming use, in violation of Zoning Ordinance provisions. Unlike the McLean Automotive Service Center, which has the opportunity to apply for special exception approval to permit expansion of the use under the specific provisions of Par. 2 of Sect. 15-101, the zoning district in which the commercial nudity establishment was located did not permit this use in any form or fashion within the zoning district. Therefore, pursuant to Par. 1 of Sect. 15-103, while a nonconforming use can be continued it cannot be expanded or enlarged, nor can any structural alteration be made in any building in which the use is conducted.

In the Paper Moon Appeal, the Zoning Administrator determined that an expansion of the use could result from an increase in floor area or an increase in occupancy. Further, she determined that the parking of vehicles on site in excess of the number of marked spaces available for the building and the stacking of vehicles in the travel aisle and entrance areas also constitutes an expansion of the nonconforming use and was also a violation of Sect. 11-102 of the Zoning Ordinance which requires that on-site parking must be limited to the spaces currently delineated on the subject property. The BZA upheld the Zoning Administrator in this appeal and the appellants subsequently appealed the BZA's decision to uphold the Zoning Administrator to the Fairfax County Circuit Court, Case No. CL-2009-0006589. The Circuit Court affirmed the decision of the BZA and noted that the Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated Sect. 15-103 of the Zoning Ordinance by allowing more than 104 persons to occupy the commercial nudity establishment and by expanding the parking areas on the subject property, thereby unlawfully expanding such nonconforming use. The Appellants, subsequently filed a Petition to appeal the Circuit Court decision to the Virginia Supreme Court, which declined to accept the appeal. A copy of the Circuit Court's Final Order is enclosed as Attachment 12.

Appeal A 2002-LE-009 Wal-Mart Stores East, Inc. was an appeal of a Notice of Violation issued to Wal-Mart Stores East operating the Kingstowne Town Center Wal-Mart for locating metal storage containers on property in the PDC District as an accessory secondary use without approval of a proffered condition amendment, final development plan amendment and site plan. The metal storage containers in this appeal were of a standard size, 9'6" in height, 8' in width and 40' in length and were used to store merchandize associated with the retail store. The storage container utilized by the McLean Automotive Service Center is of a similar size and is used to store supplies utilized in the operation of the automotive center. In the Wal-Mart appeal the Zoning Administrator had determined that the storage containers constituted the addition of a secondary use in the PDC District and was not in conformance with the approved development plans. The remedy in this appeal is not that different than the remedy in the subject appeal. In both instances, the addition of metal storage containers was deemed an expansion of the existing use on the property and therefore the remedy in both instances is either to remove the structure(s) or obtain the appropriate legislative approval to remain. The Wal-Mart appeal was ultimately withdrawn and the appropriate legislative approvals were obtained.

SUMMARY

It is clear based on a review of photographs of the site, including aerial photography, that additional parking spaces and a metal storage container have been added to the site. The Zoning Administrator has determined based on longstanding interpretations and a number of appeals, two of which have been highlighted above, that the addition and reconfiguration of parking spaces and the addition of the metal storage container to store supplies constitutes an expansion of the automotive repair use and pursuant to Par. 2 of Sect. 15-101, special exception approval is now required for the use to continue. The appellant has the option of either removing the metal storage container and restoring the parking to the configuration shown on the approved as-built site plan #244-B or submit a special exception application for approval by the Board of Supervisors. The appellant has not provided any evidence to demonstrate that the automotive repair establishment has not been enlarged beyond the extent which existed in 1978. Therefore, staff respectfully requests that the BZA uphold the October 20, 2015 Notice of Violation.

ATTACHMENTS:

1. Appellant's Application and Basis for Appeal
2. Applicable Zoning Ordinance Provisions
3. Deed of Gift from Frances Z. Justice to FZJ Limited Partnership
4. Building Permit P-12024 and Certificate of Occupancy A-2358 for construction of the McLean Automotive Service Center Building
5. Approved Variance, Building Permit and Application for Certificate of Occupancy for two bay expansion.
6. As Built Site Plan #244-B
7. Original Certificate of Occupancy for 1389 Chain Bridge Road dated March 7, 1961
8. Non-RUP# 152580214 issued to NOVA Firearms
9. Photographs from October 9, 2016 inspection
10. Amendment #304 to Chapter 30 (Zoning Ordinance) 961 County Code
11. Aerial Photographs from 1980, 1988 and 1990
12. Final Order in Circuit Court Case No. CL-2009-0006589

ATTACHMENT 1

Please type or Print in Black Ink

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL

FAIRFAX COUNTY RECEIVED
NOV 19 2015
DIVISION OF ZONING ADMINISTRATION

APPLICATION NO. A 2015-DR-032
(Assigned by Staff)

NAME OF APPELLANT: McLean Automotive Service Center

NATURE OF THE APPEAL:
Appeal of a notice of zoning violation dated October 20, 2015 (copy attached)

(See attached grounds for appeal)

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL October 20, 2015

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:
Appellant is the owner of the premises and operates his business there.

IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:

POSTAL ADDRESS OF PROPERTY: 1387 & 1389 Chain Bridge Road

TAX MAP DESCRIPTION: 030-2 ((01)) 50A

William M. Baskin, Jr.
Type or Print Name of Appellant or Agent

William M. Baskin Jr.
Signature of Appellant or Agent

301 Park Avenue, Falls Church, Virginia 22046
Address

Telephone No: Home (703) 534-3610 **Work** **Cell**

Please type or print name, address, and phone number of contact person if different from above:

DO NOT WRITE IN THIS SPACE

Subdivision Name: McLean
Total Area (Acres/Square Feet): 30,376 sq-ft.
Present Zoning: C-8, CRD, H-C, SC
Supervisor District: Dranesville
Date application received: 11/19/15 **Application Fee Paid: $** 1000.00
Date application accepted: 12/28/15

GROUNDS OF APPEAL OF ZONING VIOLATION FOR

1387 & 1389 CHAIN BRIDGE ROAD

Appellant asserts the following as grounds for appeal of the Notice of Zoning Violation dated October 20, 2015 for premises located at 1387 & 1389 Chain Bridge Road, McLean, Virginia:

1. It appears from the Notice of Violation being appealed, that no allegations of violations are made against operation of the retail sales establishment located at 1389 Chain Bridge Road and that no relief is sought against the business operated at that address.
2. The premises located 1387 Chain Bridge Road was lawfully established in 1962 for the purpose of providing automobile repair services; and has not been replaced or enlarged for use beyond the extent which existed prior to1978, the effective date of the zoning ordinance. As such, it is a valid nonconforming use to which Appellant has a vested right.
3. Appellant denies that it has operated or expanded a major vehicle repair establishment in violation of the zoning ordinance.

Wherefore, Appellant, demands that the Notice of Violation against it be dismissed and that the $600.00 filing fee for this appeal be refunded to Appellant.

William M. Baskin, Jr.
Baskin, Jackson & Lasso, PC
301 Park Avenue
Falls Church, Virginia 22046

County of Fairfax, Virginia

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

NOTICE OF VIOLATION
Fairfax County Zoning Ordinance

DATE OF ISSUANCE:	October 20, 2015
METHOD OF SERVICE:	CERTIFIED MAIL #7015 1730 0001 2742 1438
LEGAL NOTICE ISSUED TO:	McLean Automotive Service Center
ADDRESS:	Gary V. Davis, Registered Agent 1315 Vincent Place McLean, VA 22101-0000
LOCATION OF VIOLATION:	1387 and 1389 Chain Bridge Road
TAX MAP REF:	Zoning Map No. 030-2 ((01)) 50A
ZONING DISTRICT:	C-8, CRD, HC, SC

Dear Property Owner:

An inspection of the above-referenced property was conducted on October 9, 2015. Pursuant to As-Built Site Plan #244-B, entitled "Addition To Site Plan #244 Showing Revised Parking Layout of the Property of Henry Paul Justice" approved by the County on July 8, 1969, the property was zoned to the C-G District and developed with a six bay automotive repair garage and office and a two story frame building with a total of 30 parking spaces provided. A review of County records indicates that a four bay automobile repair garage was constructed on the property in 1962 pursuant to Building Permit P-12024. Certificate of Occupancy A-2358 was subsequently issued in the name of McLean Service Center on April 27, 1965. On November 5, 1965, the Board of Zoning Appeals approved Variance Application V-219-65 to permit an addition to the existing automotive repair garage to be located 22 feet from the rear property line. The addition was constructed in 1966 pursuant to Building Permit P-32994 and expanded the repair garage to six bays. Our records further indicate that while an Application for Certificate of Occupancy was made on February 15, 1966 for the addition, the Certificate of Occupancy was never issued. The two story structure located on the property, with an address of 1389 Chain Bridge Road, according to tax assessment records was constructed in the early 1900's and predates adoption of the first Fairfax County Zoning Ordinance in 1941. County records indicate that the two story structure was first utilized for commercial purposes in 1961 pursuant to Certificate of Occupancy A-584 for a real estate office. The structure has been used since that time for commercial purposes including office and retail sales. On September 15, 2015 a Non-Residential Use Permit (Non-RUP) was issued to JM Custom Protection Services, LLC to permit unspecified retail sales.

With the adoption of the current Zoning Ordinance in 1978 the property was rezoned to the C-8 District. The property is also located within the McLean Commercial Revitalization District and the Highway Corridor and Sign Control Overlay Districts. The October 9, 2015 inspection, as well as a review of the website for the McLean Service Center, revealed that the type of automotive repair being conducted on the site would be considered a vehicle major service establishment under the current Zoning Ordinance which is defined as follows:

> 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.

The inspection also revealed the following:

- Addition of a large metal storage container (aka C Container) used for storage of supplies located at the northeast end of the repair establishment between the building and the property boundary adjacent to Franklin Sherman Elementary School.
- Addition of a trailer, which appears to be used for storage, adjacent to the two story building occupied by JM Custom Protection Services LLC
- Addition of 8 double stacked parking spaces for the storage of vehicles waiting for repair along the northern property boundary between Chain Bridge Road and the vehicle repair building
- Reconfiguration and addition of parking spaces on the remainder of the site serving both the vehicle repair establishment and the retail sales establishment.
- Parking of vehicles in the travel aisles

Under the current Zoning Ordinance, while retail sales is a permitted use in the C-8 District, a vehicle major service establishment is a Category 5 Special Exception Use and is only permitted with special exception approval by the Board of Supervisors. Pursuant to Par. 2 of Sect. 15-101, Nonconforming Uses, of the Zoning Ordinance:

> 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.

The addition of the metal storage container and trailer, which adds additional gross floor area to the existing automobile repair use, as well as the reconfiguration and addition of parking spaces beyond that shown on the approved Site Plan #244-B to store vehicles waiting for repair and the parking in the travel aisles constitutes an enlargement of the vehicle major service establishment use on the property. Pursuant to Zoning Ordinance § 15-101(2), such expansion is only permitted with special exception approval in accordance with the provisions of the Zoning Ordinance.

Therefore, by failing to obtain special exception approval for the expansion of the major vehicle repair establishment, you are in violation of Par. 1 of Sect. 18-901 of the Fairfax County Zoning Ordinance, which states:

> 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.

You are hereby directed to clear this violation within 10 days after receipt of this notice by taking the following action:

- Permanently remove all storage structures from the site and restore the original parking layout for the site in conformance with Site Plan #244- B; and
- Permanently remove the 8 double stacked parking spaces used for vehicle storage; and
- Permanently cease the storage and/or parking of vehicles in the travel aisles; and
- Permanently restore the use to its original scope and extent as reflected on approved Site Plan #244-B and Building Permit P-32994; or
- Obtain special exception approval in accordance with the provisions of the Zoning Ordinance.

You have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, a notice of appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) and a notice of appeal and filing fee must be filed with the Zoning Administrator

in accordance with Part 3 of Article 18 of the Zoning Ordinance. Those provisions require submission of an application form, a written statement setting forth the grounds for the appeal, how the appellant is an aggrieved party and a $600.00 filing fee. Once an appeal application is accepted, it will be scheduled for consideration and decision by the BZA. For additional information and forms related to appeal applications, please see http://www.fairfaxcounty.gov/dpz/bza/appeals/ or you may contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Office: 703-324-1314

Failure to comply with this notice shall result in the initiation of appropriate legal action to gain compliance. Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me or Mr. Mike Caudle, Code Compliance Investigator at (703) 324-1300.

LEGAL NOTICE ISSUED BY:

Leslie B. Johnson

Leslie B. Johnson
Zoning Administrator

ATTACHMENT 2

ZONING ORDINANCE 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. Churches, chapels, temples, synagogues and other such places of worship.
7. Colleges, universities.
8. Contractor's offices and shops.
9. Commercial swimming pools, tennis courts and similar courts, indoor.
10. Community clubs, centers and meeting halls.
11. Cultural centers, museums.
12. Drive-in financial institutions, limited by the provisions of Sect. 805 below.
13. Drive-through pharmacy, limited by the provisions of Sect. 805 below.
14. Eating establishments.
15. Fast food restaurants, 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. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.
25. New vehicle storage, limited by the provisions of Sect. 805.
26. Offices, limited by the provisions of Sect. 805 below.
27. Parking, commercial off-street, as a principal use.
28. Personal service establishments.
29. Private clubs and public benefit associations.
30. Private schools of general education, private schools of special education.
31. Public uses.
32. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 805 below.
33. Quick-service food stores, limited by the provisions of Sect. 805 below.
34. Repair service establishments.
35. Retail sales establishments.
36. Retail sales establishments-large, limited by the provisions of Sect. 805 below.
37. Skating facilities, indoor.
38. Telecommunication facilities.
39. Theatres.
40. Vehicle light service establishments, limited by the provisions of Sect. 805 below.
41. Vehicle transportation service establishments, limited by the provisions of Sect. 805 below.
42. Veterinary hospitals.
43. Wholesale trade 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. Alternate uses of public facilities
   - B. Child care centers and nursery schools

C. Churches, chapels, temples, synagogues and other such places of worship with a child care center or nursery school

D. Conference centers and retreat houses, operated by a religious or nonprofit organization

E. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

F. Medical care facilities

G. Quasi-public parks, playgrounds, athletic fields and related facilities

H. 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

H. Drive-through pharmacy

I. Fast food restaurants

J. Golf courses, country clubs

K. Golf driving ranges

L. Marinas, docks and boating facilities, commercial

M. Mini-warehousing establishments

N. Offices

O. Pawnshops

P. Quick-service food stores

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. Fast food restaurants, automobile-oriented uses, drive-in financial institutions, quick-service food stores and vehicle light service establishments shall be permitted by right in accordance with the following:

   A. Fast food restaurants without any drive-through facilities shall be permitted by right:

      (1) When located in a shopping center, and the fast food restaurant does not occupy (a) more than 1500 square feet of gross floor area and (b) more than thirty-five (35) percent of the gross floor area of the building in which located; or

      (2) When located in a shopping center of 25,000 square feet or more of gross floor area, the fast food restaurant may occupy more than 1500 square feet but not to exceed 2500 square feet of gross floor area, provided that the fast food restaurant does not occupy more than twenty-five (25) percent of the gross floor area of the building in which located.

   B. Fast food restaurants, other than those permitted under Par. 1A above, automobile-oriented uses, drive-in financial institutions, and quick-service food stores shall be 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 fast food restaurants other than those permitted by Par. 1A above, 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.

   C. Vehicle light service establishments shall be permitted by right when located within the main structure of a regional shopping center.

   D. For all of the above, the shopping center and the building in which such automobile-oriented use, drive-in financial institution, fast food restaurant, quick-service food store or vehicle light service establishment is located shall 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.

Automobile-oriented uses, drive-in financial institutions, fast food restaurants, 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.

11-102 General Provisions

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.

15-101 Qualification of Nonconforming Uses

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.....

PART 3 20-300 DEFINITIONS

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.

ATTACHMENT 3

Fairfax County Land Records
Cover Sheet - JUSTICE

Instrument(s)
DEED OF GIFT
Grantor(s)
JUSTICE, FRANCES Z _I_N; JUSTICE, H PAUL _I_N
Grantee(s)
FZJ LIMITED PARTNERSHIP _F_T

Consideration			Consideration %	100	
Tax Exemption	None		Amount Not Taxed		
DEM Number			Tax Map Number	030-2- /01/ /0050	
Original Book	2438		Original Page	298	
Title Company	GARY V DAVIS			Title Case	
Property Descr.	METES AND BONDS				
Certified	No	Copies	0	Page Range	

Print Next Page

GRANTEE'S ADDRESS
1387 Chain Bridge Road
McLean, Virginia 22101

Pursuant to §58.1-811D

Tax Map No. 030-2-01-0050-A

DEED OF GIFT

THIS DEED, made this 15th day of May, 2003, by and between **FRANCES Z. JUSTICE**, widow and not remarried, for herself and as the survivor of **H. PAUL JUSTICE**, deceased, Grantor, party of the first part; and **FZJ LIMITED PARTNERSHIP**, Grantee, party of the second part:

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars ($10.00), in hand paid, the receipt of which is hereby acknowledged, and other good and value considerations, and the existence of a partnership known as **FZJ LIMITED PARTNERSHIP** made and entered into on the 15th day of October, 1994, the said party of the first part does hereby grant, sell, bargain and convey with GENERAL WARRANTY OF TITLE, unto the said party of the second part, the following described property, situate and being in the County of Fairfax, State of Virginia,

> BEGINNING at a point in the easterly line of Chain Bridge Road, said point marking the NW corner of the Virginia Stations, Inc. lot; thence with the easterly line of Chain Bridge Road N. 29 30' 30" E. 29.26'; N. 17 29' 30" E. 98.25 feet to a pipe, a corner to Smoot; thence with the line of Smoot S. 66 49' E. 240.00' to a pipe, a corner to the school property, thence with the line of the school property s. 44 21' W. 202.60' to a pipe, a corner to Virginia Stations, Inc.; thence with the line of Virginia Stations, Inc. N. 45 39' W. 171.93' to the point and place of beginning, containing 32,338 square feet of land, more or less.
>
> AND BEING the same property conveyed to the Grantor, **FRANCES Z. JUSTICE** and **H. PAUL JUSTICE**, by Deed recorded in Deed Book 2438, at Page 298, among the aforesaid land records.

This conveyance is made subject to any liens and Deeds of Trust or other encumbrances on the property that would be found by a full title search therein. This conveyance is made subject to the restrictions, easements, rights-of-way and conditions contained in the deeds forming the chain of title to the property.

Prepared By:
LAW OFFICES OF
GARY V. DAVIS
1315 VINCENT PLACE
McLEAN, VIRGINIA
22101-3615
(703) 356-2442
FAX (703) 821-8994

RETURN TO:
GARY V. DAVIS
BOX 155

The Grantor covenants that she has the right to convey the aforesaid property unto the Grantee; that the Grantee shall have quiet possession thereof; that the said Grantor has done no act to encumber the said property except as herein stated and that she will execute such further assurances of land as may be requisite.

WITNESS the following signature and seal:

Frances Z. Justice (SEAL)
FRANCES Z. JUSTICE for herself
And as sole survivor of **H. PAUL JUSTICE**, Grantor

STATE OF VIRGINIA AT LARGE: to wit:

I, the undersigned Notary Public in and for the State aforesaid, whose commission expires on the 31st day of January, 2004, do hereby certify that **FRANCES Z. JUSTICE**, for herself and as sole survivor of **H. PAUL JUSTICE**, whose name is signed to the foregoing Deed, bearing date on the 15th day of May, 2003, has personally appeared before me in the State aforesaid and acknowledged the same.

GIVEN under my hand this 15th day of May, 2003.

Sharon D. Benza
Notary Public

LAW OFFICES OF
GARY V. DAVIS
1315 VINCENT PLACE
McLEAN, VIRGINIA
22101-3615
(703) 356-2442
FAX (703) 821-8994

ATTACHMENT 4

MAP REFERENCE			
PLAT NUMBER	Subd. Des.	Blk. or Sec.	PARCEL OR LOT
30	22		504

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

CENSUS TRACT NO. 140-I

7-19-1962 (DATE) P-12224 (PERMIT NO.)

To: BUILD ☒ Alter or Repair ☐ Add to ☐ Demolish ☐ Move ☐ ☐

JOB LOCATION

B2653 DIRECTIONS

Route 123

Street 5020 Chain Br. Rd.

Lot No. ____ Block ____ Section ____

Subdivision ____

OWNER

Name John C. Hampton

Address 5020 Chain Br. Rd.

City McLean, Va. Tel. No. EL 4-4231

ARCHITECT ENGINEER

Name McLean Service Center

Address ____

City ____ State Reg. No. ____

CONTRACTOR

Name Owner

Address ____

City ____ State Reg. No. ____

DESCRIPTION

For: Residential ☐ Commercial ☒ Institutional ☐ Industrial ☐

No. of Bldgs. 1 Type Garage & Office

No. of Units ____ Est. Const. Cost $22,000

No. of Kitchens ____ No. of Stories 2

No. of Baths ____ Ht. of Building ____ Ft.

No. of Rooms (Exclude Kit. & Bath) ____ Total Area ____

Basement ☐ Slab ☐ Crawl ☐ FILL ☐ SOLID ☐ Soil

Footing Size ____ Depth from Finish Grade ____ Ft.

Material of Exterior Walls ____

Basement ____ 1st Floor ____

2nd Floor ____ Other ____

Material of Interior Walls ____

HEAT: Gas ☐ Oil ☐ Hot Air ☐ Hot Water ☐

Boiler ☐ Air Conditioner ☐ Sprinkler ☐

ROOF: Flat ☐ Pitch ☐ Shed ☐

SEWAGE: Public ☒ Community ☐ Septic Tank ☐ Pit Privy ☐ None ☐

WATER: Public ☒ Individual Well ☐ None ☐

Remarks: All Construction Must Conform To Site Plan # 244 ST. Design By J.L.

AUTHORIZATION

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

EL. 4-4231 (Phone No.) July-9-62 (Date) John R. Hampton (Signature of Owner or Auth. Agent)

PLAN APPROVAL

Use Group of Building B-1

Type of Construction 3-C

Fire District 1

Date Checked 7-19, 1962 By DSB

Area of Bldg. 7000 @ .007 per Sq. Ft. $ 49.00

Area of Bldg. ____ @ ____ per Sq. Ft. $ ____

Total Each Bldg. $ ____

TOTAL FEE $ 49.00

Approved by Building Inspector: Dewey G. Gray DSB

ROUTING

	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
V	Land Office	112	7-9-62	MH	
V	Zoning Administrator	210	7-16-62	[illegible]	JCV.
	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
	Sanitary Engineer	Bsmt	7-9-62	[illegible]	
V	Finance Office	120			
V	Building Inspector	203			Return to secure Bldg. Permit

ST Design 7-16-62 J.L.

CERTIFICATION

Supervisor of Assessments

Property is listed in name of John R. Hampton

Magisterial District Dranesville-3 Deed Book Reference 1848-224

32,338 SQ FT Authorization: John W. Ferguson M.H.

ZONING

Subdivision Acreage Lot No. ____ Block ____ Section ____ Zone C-G

No. Acres or Sq. Ft. 32,338 ☐

Street Address Chain Bridge Road (5020)

LOT SIZE: Front ____ Right Side ____ Left Side ____ Rear ____

Use of Bldg. Garage & Office Use after Alteration ____ No. Families ____

Per Site Plan #244

Set Back: Front ____ Rt. Side ____ Left Side ____ Rear ____ 7/11/62 Authorization [illegible]

RETURN THIS COMPLETED APPLICATION TO THE BUILDING INSPECTOR'S OFFICE FOR ISSUANCE OF BUILDING PERMIT.

MAP REFERENCE SHEET NO. 30-2 (22) Parcel 50A PROPERTY IDENTIFICATION NO. _____

FORM ZA

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK) Date 4-21-64

occupied

Name of Proposed Occupant or Trade Name

Applicant McLean Service Center

Premises number ~~5000~~ 1387 Chain Bridge Road, McLean

Lot number _____ Block _____ Section _____

Subdivision or
Acreage Description _____

To be used as Garage + Office

Last used as New

Site Plan # 244

Non Conforming Use _____

Material of Building _____

No. of stories high _____

Which floor do you propose to use? _____

Owner of Building (or agent)

_____

Address _____

_____

TO BE FILLED IN BY CLERK

ZONE C-G

HEIGHT _____

FIRE ZONE _____

BUILDING PERMIT NO. P-12024

DATE 4-21-64 Gst
INITIALS

This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-20 (d) of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Signature of Proposed Occupant

Applicant Paul Jupiter

Address by J Frank Wright, atty

_____

Telephone number _____

Zoning Section

No. A-2358

Issued Gst

Date 4-27-65

ELECTRICAL-FINAL-O.K.
PLUMBING-FINAL-O.K.
FIRE MARSHAL-O.K.
MECHANICAL-O.K.
HEALTH-FINAL-O.K.
FINAL INSPECTION,
BUILDING-O.K.

D.G.C.

RECEIVED
APR 23 1964
Office of the Zoning Administrator

St Design OK 7/20/64
Planning OK WKM 4/23/65

V-219-65

ATTACHMENT 5

COUNTY OF FAIRFAX
Fairfax, Virginia

Office of the Zoning Administrator

November 12, 1965

Mr. Martin Eugene Morris
P. O. Drawer M
Mc Lean, Virginia

Dear Mr. Morris:
This letter will confirm the decision of the Fairfax County Board of Zoning Appeals on Tuesday ~~November 9, 1965~~ (granting) (~~denying~~) (~~deferring~~) your application to ~~permit erection of a repair garage 22 feet from rear property line, 1387 Chain Bridge Road. Granted as applied for and that all other provisions of the Ordinance shall be met.~~

*Construction (operation) must start within twelve (12) months from the date of this hearing, otherwise this approval is no longer valid. Permit will be issued if you fill out the necessary papers in this office.

Yours truly,

J. O. Woodson,
Zoning Administrator.

*If your application is denied, this does not apply, and an application for substantially the same subject cannot be filed for a period of twelve (12) months.

November 9, 1965

10:30 - HENRY PAUL JUSTICE, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from the rear property line (1387 Old Chain Bridge Road), Dranesville District. C-G. V-219-65.

Mr. Martin G. Morris was present representing the applicant. Mr. Morris stated the property in question comes under Section 30-6.6.5.1 of the Ordinance, specifically, because it is commercial area abutting public property (school). There are 3 gasoline stations and a laundry in area that are located 25 feet from the line all the way down Chain Bridge Road. Mr. Morris stated the building was constructed with

4 bays. The proposed 1 story addition to the rear of the existing building will house 2 more bays. The original Use Permit was granted by the Board of Zoning Appeals in 1961. The lot is a narrow one and the addition will be fully utilizing the building already there. The applicant does not sell gasoline.

Mr. Morris further stated that of the 4 existing bays one is used for inspection purposes only and not for repairs. He stated there is only one other inspection station in the McLean area and the need was great for establishments of this kind. By installing the 2 new bays it will enable the applicant to bring more repair work inside the building.

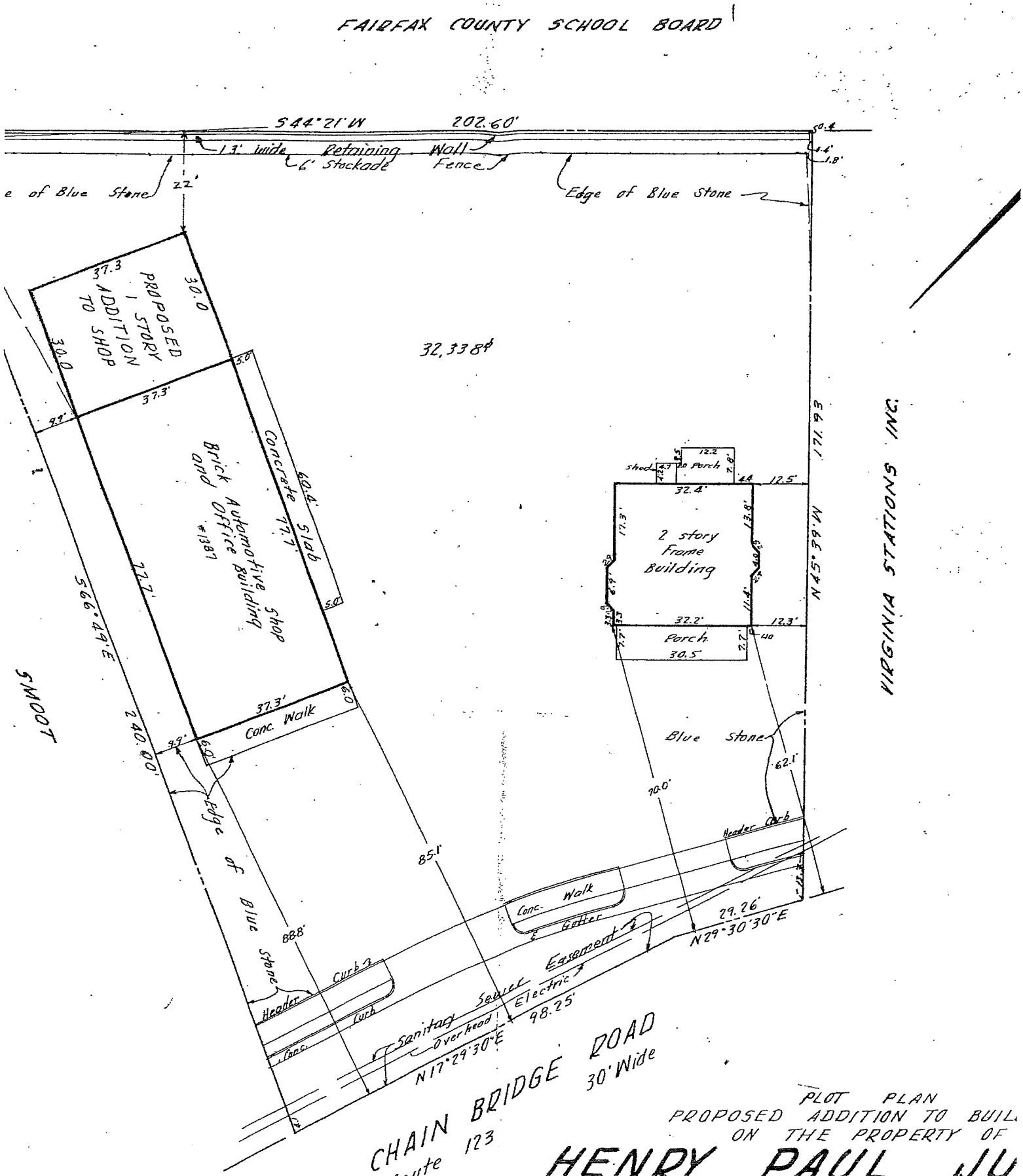
Mr. Smith stated the applicant warranted consideration.

There was no opposition to the application.

Mr. Smith moved the application of Henry Paul Justice, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from rear property line, (1387 Old Chain Bridge Road) Dranesville, be approved as applied for and that all other provisions of the Ordinance must be met. Mr. Smith stated there is a great need for repair facilities in the area and apparently the applicant has done a great job for the past 15 years in the servicing of a growing number of people in the area.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

//



PLOT PLAN
PROPOSED ADDITION TO BUIL
ON THE PROPERTY OF
HENRY PAUL JU
DRANESVILLE MAGISTERIAL
FAIRFAX COUNTY, VIRGI

Scale : 1" = 20' September 27,

MAP REFERENCE			
Plat Number	Subd. Des.	Blk. or Sec.	Parcel or lot
30 2	01		50 A

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

APPLICATION NO. 83994
DATE _____ 19__ PERMIT NO. 82994

To: BUILD ☐ ALTER OR REPAIR ☐ ADD TO ☒ DEMOLISH ☐ MOVE ☐ ☐

JOB LOCATION
Street: 1389 Chain Bridge Rd.
Lot No.: McLean Service Center Block Section
Subdivision: Jubs Realty

DESCRIPTION
For: addition to building

OWNER
Corp. Name: Henry Paul Justice
Name (Reg. Agent): P.O. Box 359
Address:
City: McLean Va. Telephone Number

No. of Bldgs. _____ Est. Const. Cost $ 15,000.00
No. of Units _____ No. of Stories _____
No. of Kitchens _____ Penthouse _____
No. of Baths _____ Ht. of Bldg. _____ ft.
No. of Rooms _____ Bldg. Area _____ sq. ft.
(Exclude Kit. & Bath)
Basement ☐ Slab ☐ Crawl ☐ Soil: Solid ☒ Fill ☐

ARCHITECT ENGINEER
Name:
Address:
City: State Reg. No.

Ftg: Concrete ☐ Pile ☐ Caisson ☐
Ext. Walls: Wood ☐ Metal ☐ Brick ☐
Int. Walls: Plast ☐ Drywall ☐ Panel ☐
Roof: Flat ☐ Pitch ☐ Shed ☐
Roofing: Built-up ☐ Shingle ☐ Roll ☐

CONTRACTOR
Name: J. H. Chatwell
Address: 1249 Knuth Rd.
City: Falls Church Va.
County Reg. #: State Reg. #: 267

Heat: Oil ☐ Gas ☐ Electric ☐
Equipment: Boiler ☐ Furnace ☐ Heat Pump. ☐ Air Cond. ☐

Sewage: Public ☒ Community ☐ Septic Tank ☐ None ☐
Water: Public ☐ Individual Well ☐ None ☐

Remarks:

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

256-4287 — Phone No. 2-15-66 — Date J. Chatwell — Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
Use Group of Building: B-1 Area of Bldg.: 1120 @ .007 per Sq. Ft. $ 8.00
Type of Construction: 3-C @ $
Fire District: @ $
Date Checked: 2/15, 1966 By: JES TOTAL FEE $ 8.00
Approved by Building Inspector: VESTA 82/021

ROUTING

	OFFICE	Rm. No.	DATE	BY		OFFICE	Rm. No.	DATE	BY
X	Land Office	112	2-15-66	BB		Fire Marshall			
X	Zoning Administrator	210	2-15-66	C.W.	X	Streets & Drainage	[illegible]	2-15-66	[illegible]
X	~~Sanitary~~ Engineer					Housing & License	139		
	Health Officer	Rt. 237				PLANNING	214	2/15/66	AR

CERTIFICATION
I hereby certify to the following statement:
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date _____ 19 ____ Property Owner _____ By _____ Authorized Agent

Supervisor of Assessments
Property is listed in name of H. Paul Justice
Magisterial District Dranesville - 3 Deed Book Reference 2438 - 298
Supervisor: John W. Ferguson (BB)

Subdivision _____ Lot No. 50A Block _____ Section _____ Zone C.G.
Street Address 1389 Chain Bridge Rd. McLean, Va.
Use of Bldg. Addition to Building Use after Alteration _____ No. Families _____
BZA _____ SITE PLAN # 244B
Set Back: Front _____ Rt. Side _____ Left Side _____ Rear _____ Zoning Administrator

MAP REFERENCE SHEET NO. 30-2 PROPERTY IDENTIFICATION NO. D-3303

FORM ZA

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK) DATE 2-15-66

Name of Proposed Occupant or Trade Name

Applicant Henry Paul Justice

Address P.O. Box 359, McLean, Va

Lot number 50 A Block _____ Section _____

Subdivision or

Acreage Description McLean Service Center

To be used as _____

Last used as Head Addition

Non Conforming Use _____

Material of Building _____

No. of stories high _____

Which floor do you propose to use: _____

Owner of Building (or agent)

_____

Address _____

_____

TO BE FILLED IN BY CLERK

ZONE C-G-

HEIGHT _____

FIRE ZONE _____

BUILDING PERMIT NO. _____

DATE 2-15-66

INITIALS on

Hicks Realty

Site plan # 244-B

This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-9.4.4 of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

_____
Zoning Section

No. _____

Issued _____

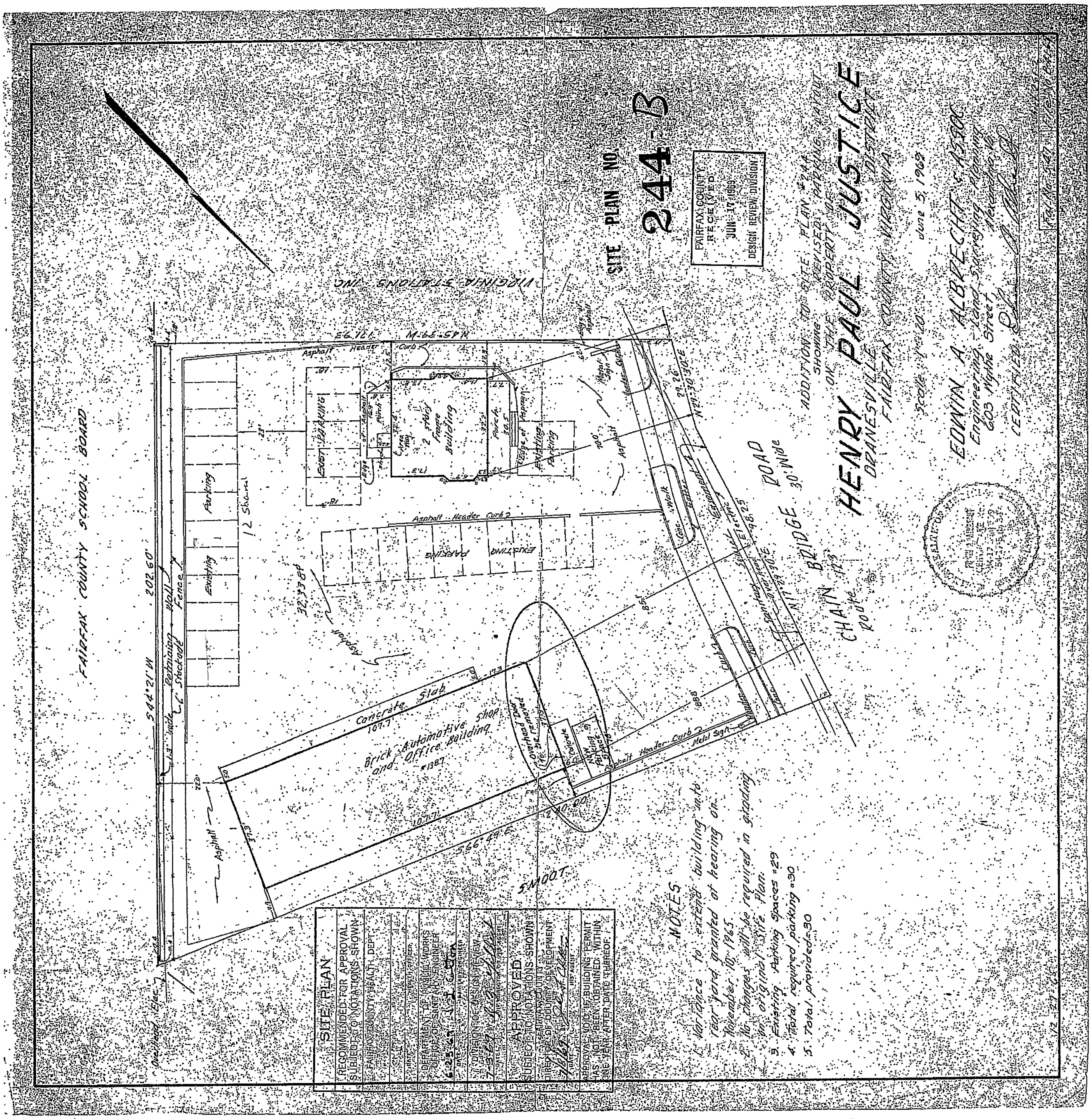
Date _____

Signature of Proposed Occupant or Applicant F. Shotwell

Address 1249 Kurtz Rd
McLean, Va.

Telephone number 356-4287

ATTACHMENT 6



30-2 50-A ATTACHMENT 7

Map Reference -- Sheet No._____. Property Identification No._____.

FORM ZB

COUNTY OF FAIRFAX, VIRGINIA

Office of the Zoning Administrator

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE EXCEPT IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK) Date March 7 1961

Name of Proposed Occupant or Trade Name

Applicant Frederick W. Berens Sales of Virginia, Inc

Premises Number 5020 Chain Bridge Rd, McLean

Lot Number_____ Block_____ Section_____

Subdivision or

Acreage Description Lot E side #123 first Tr #738

To be used as Real Estate Office

Last used as Same

Non-Conforming Use_____

Material of building_____

No. of stories high Two

Which floor do you propose to use?_____

Owner of building (or agent)

John R. Hampton

Address Dolsby Mill Rd

McLean, Va

TO BE FILLED IN BY CLERK

Zone C G

Height Two

Fire Zone_____

Building Permit No._____

Date 3/7/61 JB

Initials

This application constitutes a written request for a Certificate of Occupancy upon its Receipt

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Signature of Proposed Occupant

Applicant Frederick W. Berens Sales of Va Inc

Address 2060 North Glebe Road Arl Va

Telephone Number TA 5-07[illegible]

Zoning Section

No. A-584

Issued JB

Date 3/7/61

COUNTY OF FAIRFAX

Department of Planning and Zoning
Zoning Administration Division

NON-RESIDENTIAL USE PERMIT

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES IN THE ESTABLISHMENT

Non-RUP #: 152580214

Issued September 15, 2015

enant Name: **NOVA FIREARMS**

ddress: 1389 CHAIN BRIDGE RD

Bldg: N/A Floor: 1-3; Suite #: N/A

MC LEAN VA 22101-3905

ax Map: 0302 01 0050A

quare Footage: 3000 Zoning District: C-8

se: RETAIL SALES ESTABLISHMENT

ust comply with Zoning Case No. :

onst. Type	Use Grp
VB	M
VB	B

Building Permit No.: N/A Additional Building Permit No.: N/A

NFORMATION PROVIDED BY BUILDING PLAN REVIEW

is Non-Residential Use Permit is issued subject to the following limitations and conditions: Retail Sales on first floor, office and classroom on second floor, and assroom on third floor. Maximum of 12 students and 2 instructors at the premises at one time.

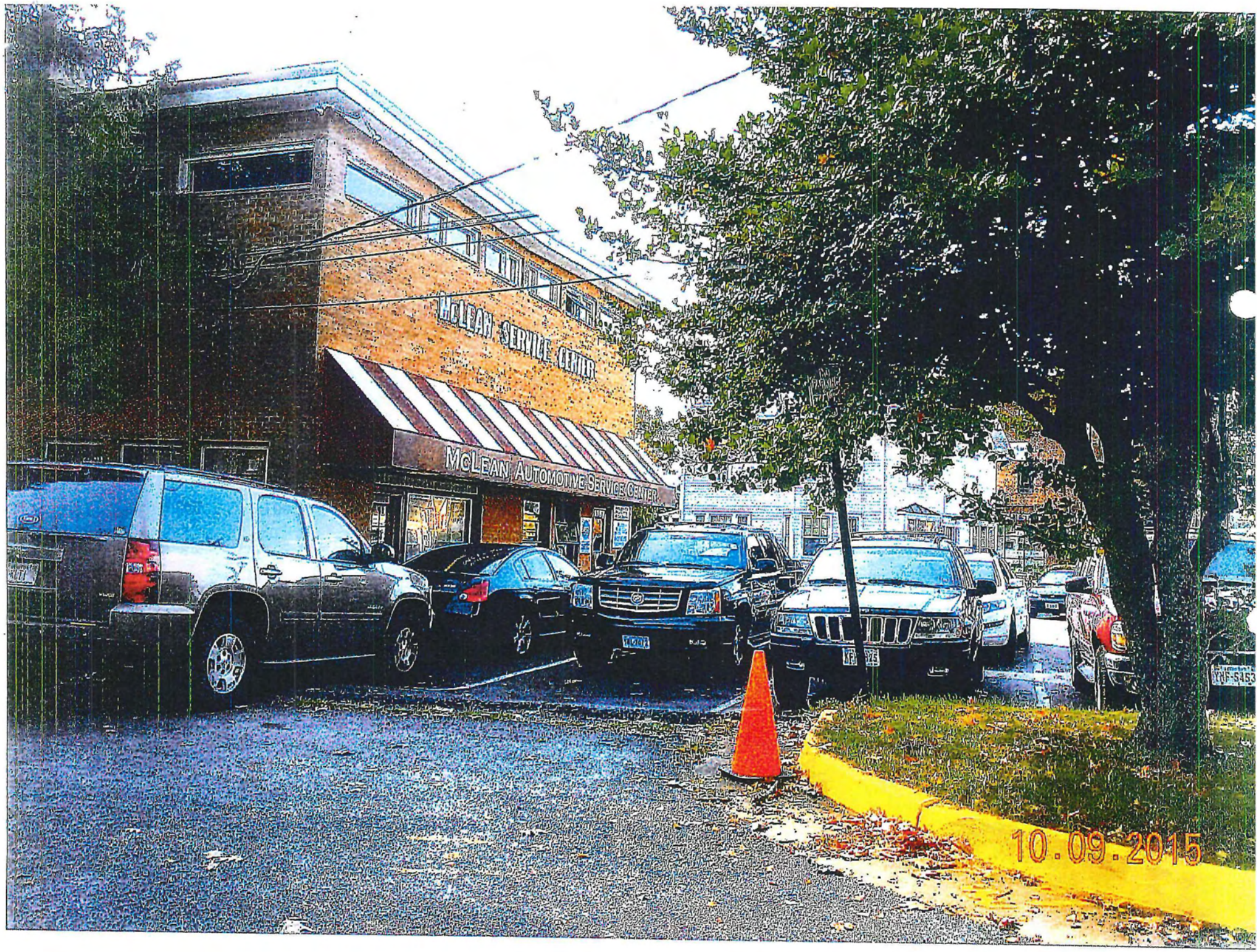
Leslie B Johnson

Zoning Administrator

e: Occupancy approval subject to final inspection by the Fairfax County Fire Marshal's office. Please call 703 246-4849 to schedule final occupancy inspection.
s permit does not take the place of any license or other permit required by law. Any change in the use, occupancy or proprietorship, or any enlargement or expansion of the mises for which this permit is issued shall require the application and approval of a new Non-Residential Use Permit.

ted on 11/19/2015

ATTACHMENT 8


McLEAN SERVICE CENTER
McLEAN AUTOMOTIVE SERVICE CENTER
10.09.2015

McLEAN SERVICE CENTER
McLEAN AUTOMOTIVE SERVICE CENTER
10.09.2015

10.09.2015

10.09.2015

NOVA
FIREARMS
1389
VIRGINIA
INSPECTIONS

ADOPTION OF AMENDMENT TO CHAPTER 30
(ZONING ORDINANCE) OF THE 1961 CODE OF
THE COUNTY OF FAIRFAX, VIRGINIA
AS AMENDED

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia held in the Board Room in the Massey Building, at Fairfax, Virginia, on Monday, July 11, 1977, the Board, after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 30 (Zoning Ordinance), of the 1961 Code of the County of Fairfax, Virginia, as amended, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY:

Amend Chapter 30 (ZONING) Article I (Definitions), by changing or adding the following wording at the appropriate place according to the Section numbers given:

30-1.8.29 Eating Establishments.

30-1.8.29a Restaurant. Any coffee shop, cafeteria shortorder cafe, lunchroom, lucheonette, hotel dining room, dinner theater, tavern, soda fountain, eating place or other establishment maintained and operated where there is furnished for compensation, food or drink of any kind for consumption primarily therein; provided, however, that a restaurant qualified as a fast food restaurant shall not be included within the meaning of this term, and that a snack bar or refreshment stand at a public or non-profit recreational facility operated solely by the agency or group operating the recreational facility and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant. Dancing by patrons shall be considered as entertainment, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 10 of the County Code.

30-1.8.29b Fast Food Restaurant. Any establishment which provides as a principal use, wrapped and/or packaged food and drink which is ready for consumption in cars or off premises.

30-1.8.27a Quick Service Food Store. Any food store selling convenience items in a retail establishment of less than 5,000 square feet of floor area (commercial).

30-1.8.16 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 occupant of a motor vehicle while seated therein.

30-1.8.10.3 Garage, Repair. A building or part thereof, other than an accessory or parking garage, used for the storage, care or repair of motor vehicles.

30-1.8.11 Gasoline Station. An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery to motor vehicles of motor fuel, lubricating oil and minor accessories for such vehicles and the sale of cigarettes, candy, soft drinks and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs or otherwise servicing motor vehicles, but not including auto body work, welding, painting or major repair work.

30-1.8.38a Vehicle Sales, Rental and Service Establishments. Any use of land whereon a primary occupation is the sale or rental of any vehicle in operating condition such as automobile, motorcycle, truck, trailer, ambulance, taxicab, recreation vehicle, mobile home, boat, farm machinery, construction equipment or any other vehicle. For the purposes of this Ordinance, vehicle sales, rental and service establishments shall not include any gasoline station or repair garage other than that which is clearly accessory to the sales and/or rental activities on that lot.

30-1.8.7.2 Drive-in Bank. Any bank, savings and loan institution, or any other financial institution which offers their service to persons within a motor vehicle.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) in the C-O (Commercial Office) District, by rewording Item Number 9 to read as follows: #31

9. Bank and Savings and Loan Institutions, ~~but without drive-in windows or other out-door services~~ other than drive-in banks.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) in the C-N District, by adding at the end of that Column the following wording:

The uses enumerated within this column of the C-N District shall not

be deemed to include any fast food restaurant, any automobile-oriented use, any drive-in bank, nor any quick service food store.

Amend Article II, Section 30-2.2.2(Schedule of Regulations), Column 1 (Uses Permitted by Right) of the C-D District, to read as follows:

1. All uses permitted in C-N districts, but not including any dwelling of any kind, mobile house, motel, rooming house, tourist house or any other place of human habitation either permanent or temporary, except the quarters of caretakers or watchmen serving uses within the district.

2. Stores for the retail sale of goods and personal service establishments other than those permitted in the C-N District, except that no fast food restaurant, quick service food store, drive-in bank, vehicle sales, rental and service establishment, gasoline station, repair garage, automobile laundry, nor any automobile-oriented use shall be included in the uses permitted by right within this District.

3. Restaurants

4. Catering establishments.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the C-G District, by adding the following paragraph at the beginning of that column; by eliminating items number 4(automobile laundries), 5 (automobile and truck...sales...), 11 (gasoline stations, parking garages, repair garages...) and 22 (farm equipment and machinery sales...) and by renumbering the remaining items accordingly.

The following uses are permitted uses within the C-G district, subject to site plan approval for each development, provided that nothing within this column shall be construed to include any fast food restaurant, quick service food store, drive-in bank, vehicle sales, rental and service establishment, repair garage, gasoline station, automobile laundry, nor any automobile-oriented use.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the I-P District, by rewording the initial paragraph to read as follows:

The following uses shall be permitted in the I-P District subject to approval of site plan for each development; provided that no use permitted herein shall include any fast food establishment, any automobile-oriented use, any quick service food store, drive-in bank, vehicle sales, rental and service establishment, repair garage, gasoline station nor automobile laundry.

Amend Article II, Section 30-2.2.2 (Schedule of Regulations), Column 1 (Uses Permitted by Right) of the I-L District, Item Number 1 to read as follows:

bowling or skating rink #316

All uses listed in Column 1 and Column 2 for the C-G District, except as specified in Column 2 of this I-L District, without any of the limitations specified therefore in the C-G District, and subject to the provisions of Article XI of this Chapter. No dwelling of any kind, motel, rooming house, tourist house, mobile home or any other place of human habitation either permanent or temporary, church, chapel, temple, synagogue, convent, monastery, seminary, nunnery or similar place of worship, general retail food store, drug store, shopping center (as defined within Section 30-1.8.33.4 of this Chapter, department store, or free-standing or fast food restaurant, quick service food store, gasoline station, automobile laundry, automobile-oriented use, repair garage, vehicle sales, rental and service establishment, nor drive-in bank, shall be included among the uses permitted by right within this I-L District. However, within or on the property of any permitted use, there may be the quarters of a watchman or caretaker.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.2 (In C-O Districts), by adding thereto a new item as follows:

30-7.2.10.2.3 Drive-in banks.

Amend Article VII (Special Permits, Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.3 (In C-N Districts), to read as follows:

30-7.2.10.3 In C-N Districts.

30-7.2.10.3.1 Gasoline stations.

30-7.2.10.3.2 Quick service food stores.

30-7.2.10.3.3 Fast food restaurants.

30-7.2.10.3.4 Recreation center limited to billiard tables, ping pong tables and indoor archery ranges.

30-7.2.10.3.5 Automobile laundries (car washes)

30-7.2.10.3.6 Small animal hospitals, provided that any permit issued for any such use shall be conditional as follows: All operations shall be within an 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 and plans and provisions for such construction and operation be approved by the Health Department prior to issuance of any building permit or Non-Residential Use Permit.

30-7.2.10.3.7 Automobile-oriented uses.

30-7.2.10.3.8 Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.4 (In C-D Districts), by rewording paragraphs 30-7.2.10.4.1, 30-7.2.10.4.2, 30-7.2.10.4.6 and 30-7.2.10.4.7, and by adding new paragraphs 30.7.2.10.4.11, 30-7.2.10.4.12, and 30-7.2.10.4.13, which paragraphs shall read as follows:

30-7.2.10.4.1	Gasoline stations.
30-7.2.10.4.2	Fast food restaurants.
30-7.2.10.4.6	Automobile laundries (car washes).
30-7.2.10.4.7	Vehicle sales, rental and service establishments.
30-7.2.10.4.11	Quick service food stores.
30-7.2.10.4.12	Automobile-oriented uses.
30-7.2.10.4.13	Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact) Subsection 30-7.2.10.6 (In C-G Districts), to read as follows:

30-7.2.10.6.4	~~Vehicle sales~~, rental and service establishments.
30-7.2.10.6.15	Fast food restaurants.
30-7.2.10.6.20	Automobile laundries.
30-7.2.10.6.21	Quick service food stores.
30-7.2.10.6.22	Automobile-oriented uses.
30-7.2.10.6.23	Gasoline stations.
30-7.2.10.6.24	Repair garages.
30-7.2.10.6.25	Drive-in banks.

Amend Article VII (Special Permits), Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.7 (In I Districts), by rewording paragraphs 30-7.2.10.7.1, 30-7.2.10.7.5, and by adding new paragraphs 30-7.2.10.7.6, 30-7.2.10.7.7, 30-7.2.10.7.8, 30-7.2.10.7.9, 30-8.2.10.7.10 and 30-7.2.10.7.11, which paragraphs shall read as follows:

30-7.2.10.7.1	Gasoline stations.
30-7.2.10.7.5	Automobile laundries (car washes)
30-7.2.10.7.6	Automobile-oriented uses.
30-7.2.10.7.7	Fast food restaurants.
30-7.2.10.7.8	Quick service food stores.

30-7.2.10.7.9 Repair garages.

30-7.2.10.7.10 Vehicle sales, rental and service establishments.

30-7.2.10.7.11 Drive-in banks.

Amend Article VII (Special Permits) Section 30-7.2.10 (Group X Business and Industrial Uses of Special Impact), Subsection 30-7.2.10.8 (Specific Requirements in Group X) by adding a new third paragraph to read as follows:

Gasoline stations, automobile laundries, fast food restaurants, quick service food stores, repair garages, vehicle sales, rental and service establishments, drive-in banks and automobile-oriented uses shall be permitted subject to the following specific requirements.

a. Special permits shall be heard and decided only by the Board of Supervisors.

b. Where a free-standing sign is permitted by the provisions of Article XVI of this Chapter, the height and area of such sign shall be subject to approval of the Board of Supervisors in connection with the Special Permit.

c. Gasoline station pump islands may be setback only twenty-five feet (25') from the right-of-way line of any street; provided the gasoline station building meets the required front setback required by the district.

GIVEN under my hand this 11th day of July, 1977.

Ethel Wilcox Register

Ethel Wilcox Register
Clerk to the Board

ATTACHMENT 11

1980

1986
NW

1988

ATTACHMENT 12

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

BENTLEY PROPERTIES, LLC, *et al.*,	:	
Petitioners,	:	
v.	:	**CASE NO. CL-2009-0006589**
BOARD OF ZONING APPEALS OF FAIRFAX COUNTY, VIRGINIA, *et al.*,	:	
Respondents.	:	

FINAL ORDER

THIS CAUSE came before the Court on November 20, 2009, for a hearing upon the Writ of Certiorari filed in this case by the Petitioners, Bentley Properties, LLC ("Bentley"), and Papermoon-Springfield, Inc. ("Papermoon") (collectively, "Petitioners"), against Respondent the Board of Zoning Appeals of Fairfax County, Virginia ("BZA"); and

IT APPEARING TO THE COURT that the Board of Supervisors of Fairfax County, Virginia ("Board"), and Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), were permitted to intervene in this case as Respondents pursuant to an Order of this Court entered on July 9, 2009; and

IT FURTHER APPEARING TO THE COURT that the property at issue in this case is located at 6315 Amherst Avenue, Springfield, Virginia (Tax Map No. 80-4((1)) parcel 9) ("subject property"), which is owned by Bentley and occupied by a commercial nudity establishment operated by Papermoon; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator issued a Notice of Violation to the Petitioners on December 2, 2008 ("Notice of Violation"), determining that the Petitioners were in violation of Fairfax County Zoning Ordinance

1 CC ◁ 11-20-09

("Zoning Ordinance") §§ 18-701 and 15-103 for violating the terms of a Non-Residential Use Permit No. A-0599-08 ("Non-RUP") issued on June 2, 2008, and for expanding the existing nonconforming use on the subject property by allowing more than 104 persons to occupy the club operated Papermoon; and

IT FURTHER APPEARING TO THE COURT that the Petitioners thereafter appealed the Notice of Violation to the BZA, and on April 7, 2009, the BZA affirmed the determinations of the Zoning Administrator in the Notice of Violation; and

IT FURTHER APPEARING TO THE COURT that the Petitioners thereafter filed a Petition for Writ of Certiorari in this Court pursuant to Va. Code Ann. § 15.2-2314 (2008), the BZA duly returned the record of its proceedings to the Court, and the Court held a hearing upon the issues presented in the Petition for Writ of Certiorari on November 20, 2009; and

IT FURTHER APPEARING TO THE COURT that the decision of the BZA on April 7, 2009, should be affirmed and all of the orders, requirements, decisions, and determinations of the Zoning Administrator in the Notice of Violation should be affirmed; now, therefore, it is

ADJUDGED and ORDERED as follows:

1. The April 7, 2009, decision of the BZA in Appeal Application No. A 2008-LE-073 is affirmed.

2. The orders, requirements, decisions, and determinations set forth in the December 2, 2008, Notice of Violation of the Zoning Administrator to the Petitioners are affirmed. The Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated Zoning Ordinance § 18-701 by allowing more than 104 persons to occupy the club operated by Papermoon contrary to the explicit terms of the Non-RUP. Further, the Zoning Administrator correctly determined in the Notice of Violation that the Petitioners violated

Zoning Ordinance § 15-103 by allowing more than 104 persons to occupy the commercial nudity establishment on the subject property and by expanding the parking areas on the subject property, thereby unlawfully expanding such nonconforming use.

AND THIS CAUSE IS FINAL.

ENTERED this 20 day of Nov 2009.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By

Elizabeth D. Teare (VSB No. 31809)
Senior Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
Counsel for the Respondents, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator

~~SEEN:~~ SEEN AND OBJECTED

REES BROOME PC

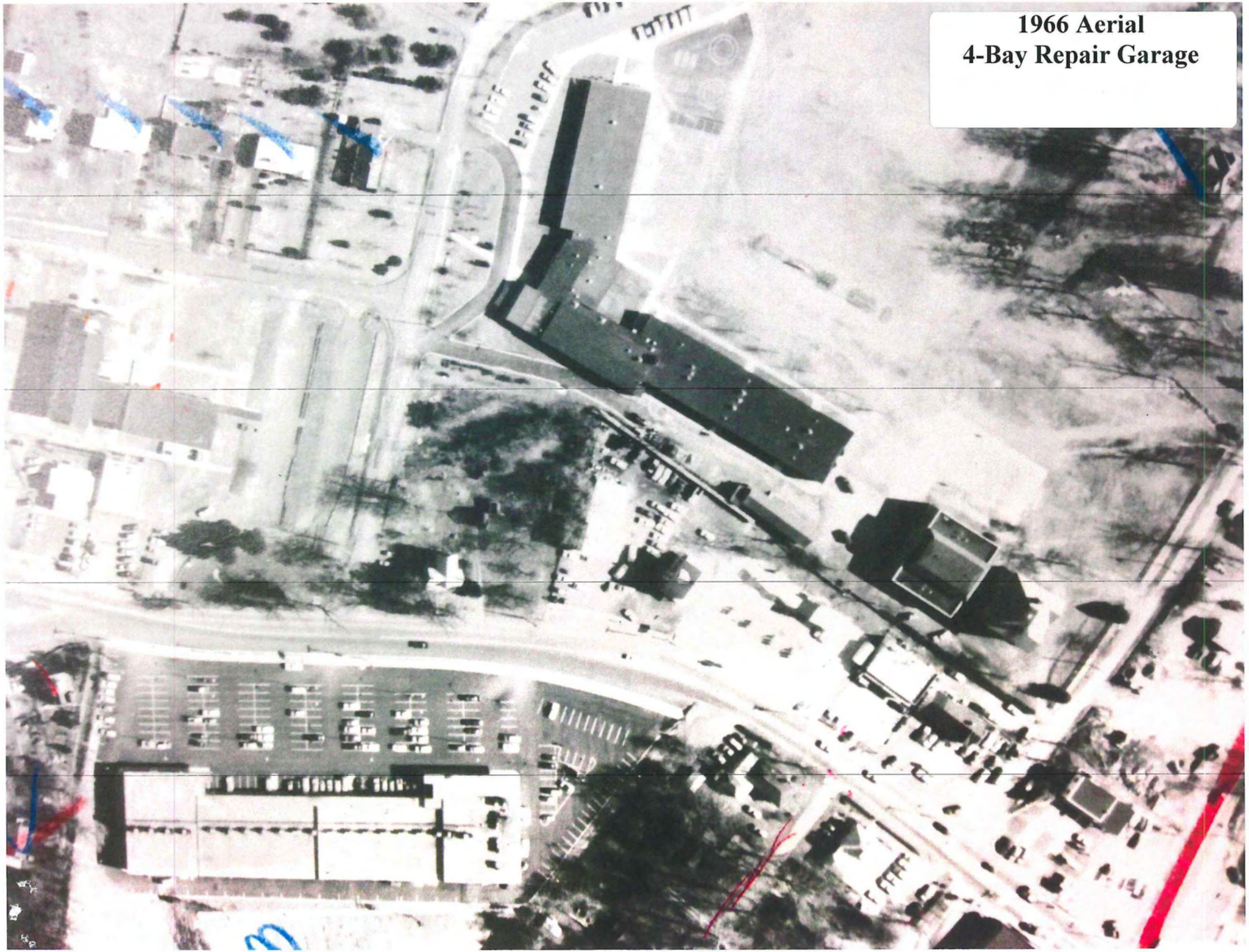
By

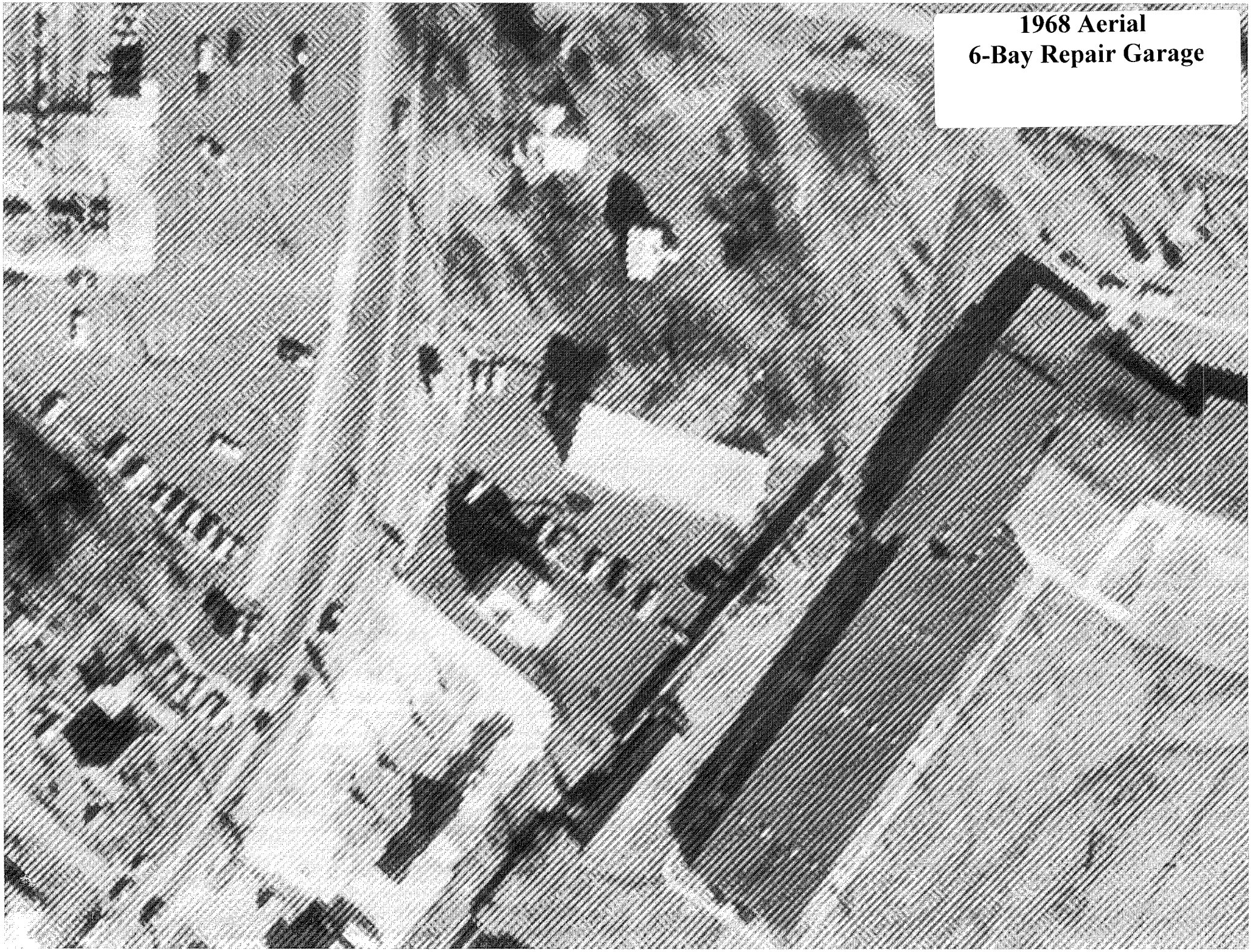
Patrick M. Via (VSB No. 28181)
8133 Leesburg Pike, Ninth Floor
Vienna, Virginia, 22182
Phone: (703) 790-1911; Fax: (703) 848-2430
Counsel for the Petitioners, Bentley Properties, LLC, and Papermoon-Springfield, Inc.

A COPY TESTE:
JOHN T. FREY, CLERK
BY: Deputy Clerk
Date: 11/20/09
Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia

Attachment 2
Aerial Photographs from 1962-2015

1962 Aerial
No Repair Garage

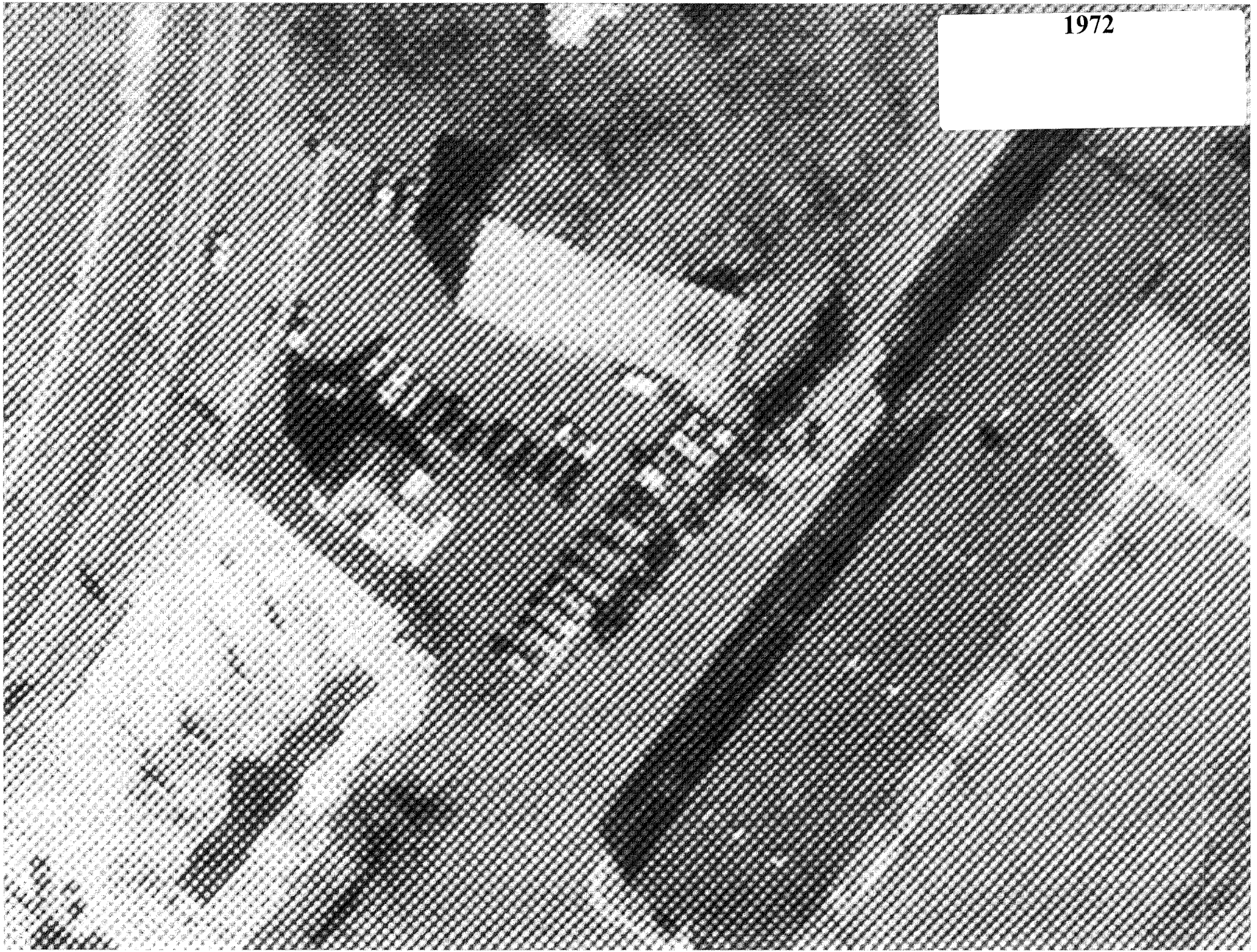

1966 Aerial
4-Bay Repair Garage



1968 Aerial
6-Bay Repair Garage

1970

1972



1974

1976

1978

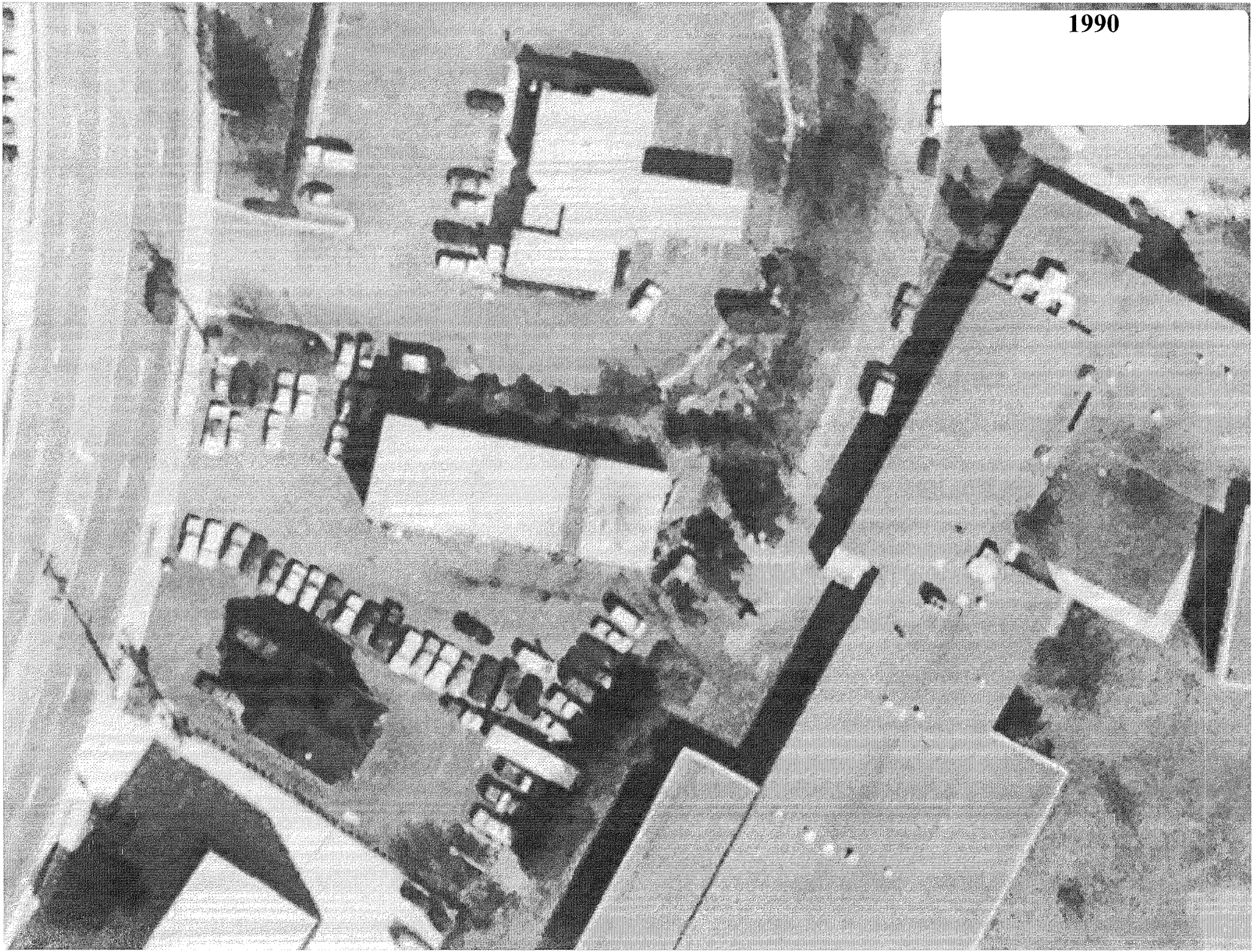
1980

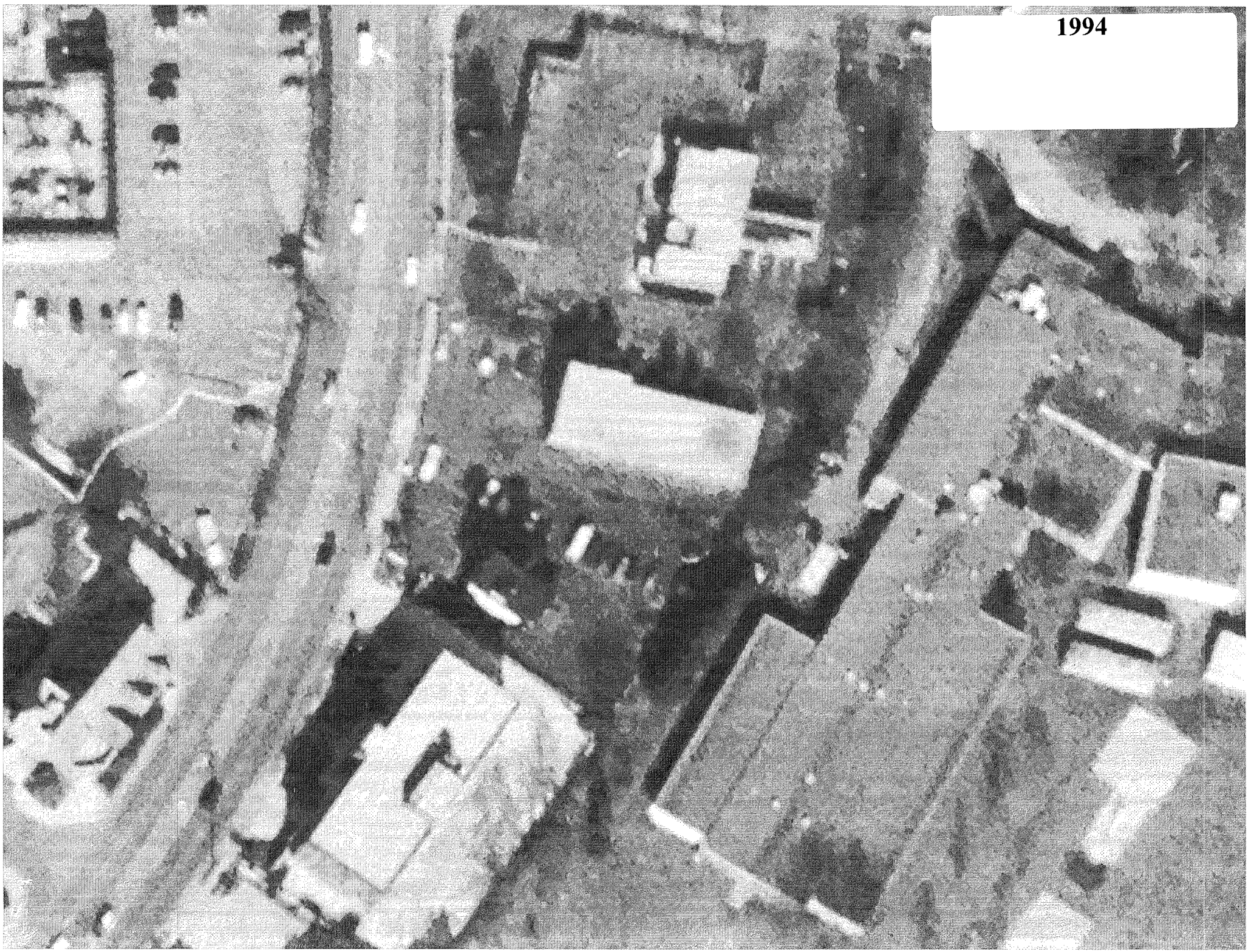
1984

1986

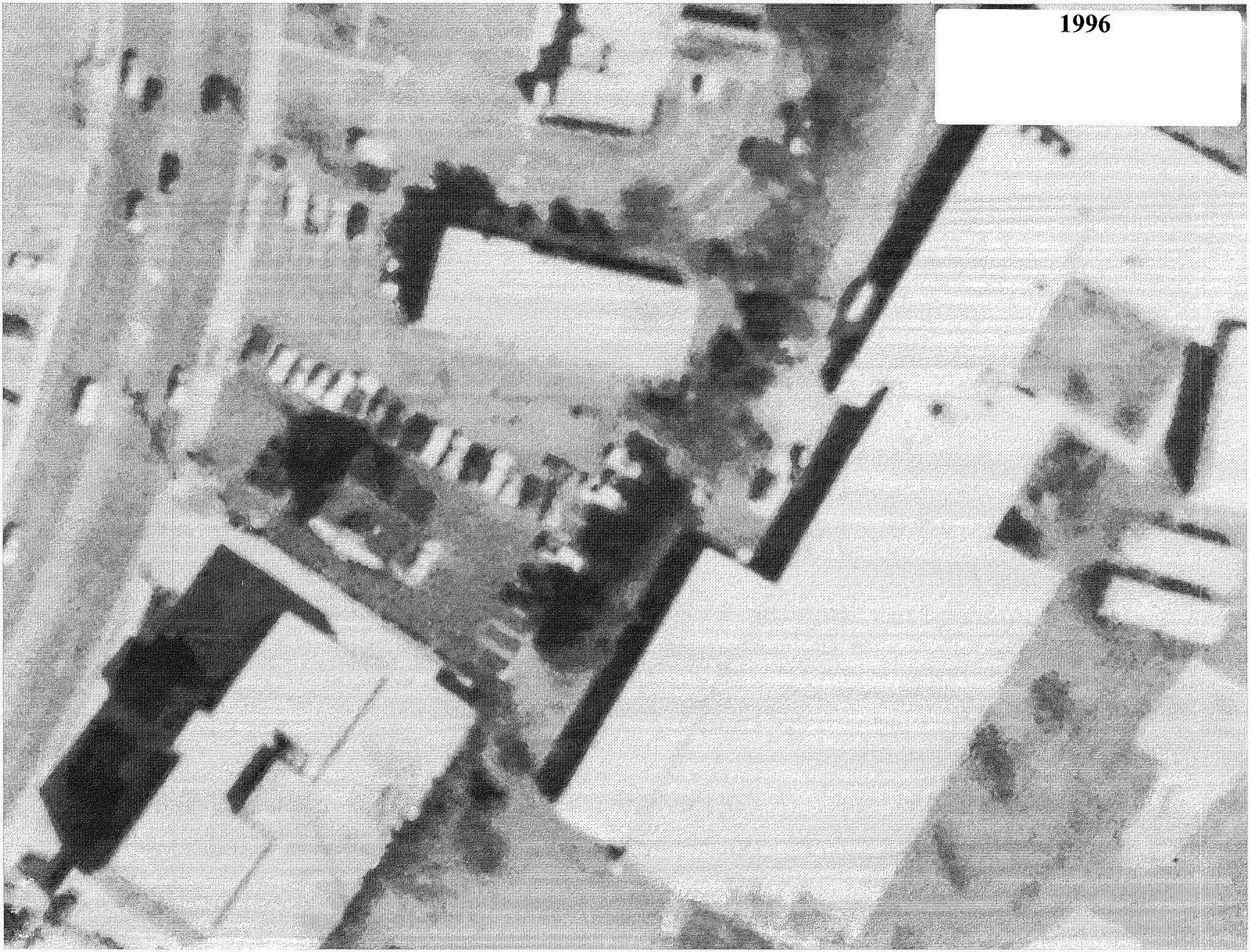
1988

1990

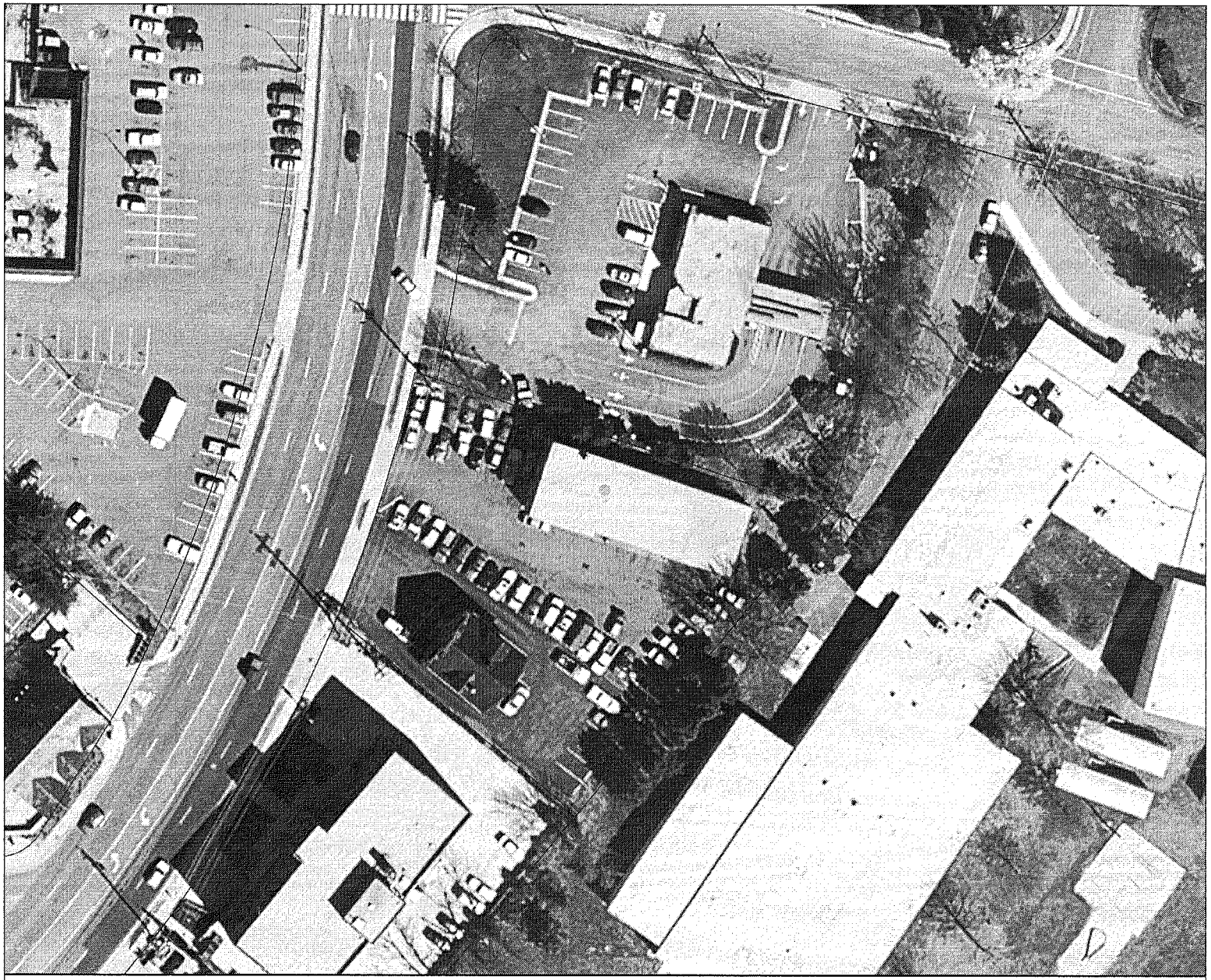



1994

1996

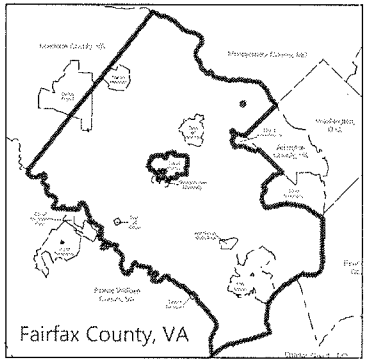


1997



0 0.04 0.1 Miles

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Legend

- Parcels
- Fairfax County Border

Notes:

Map produced: 7/28/2016

2002

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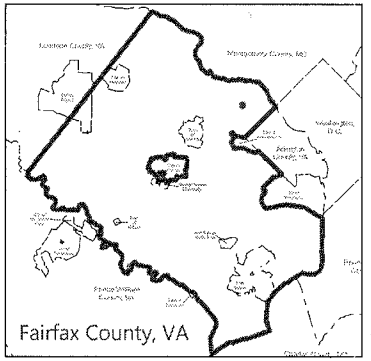
This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Legend

- Parcels
- Fairfax County Border

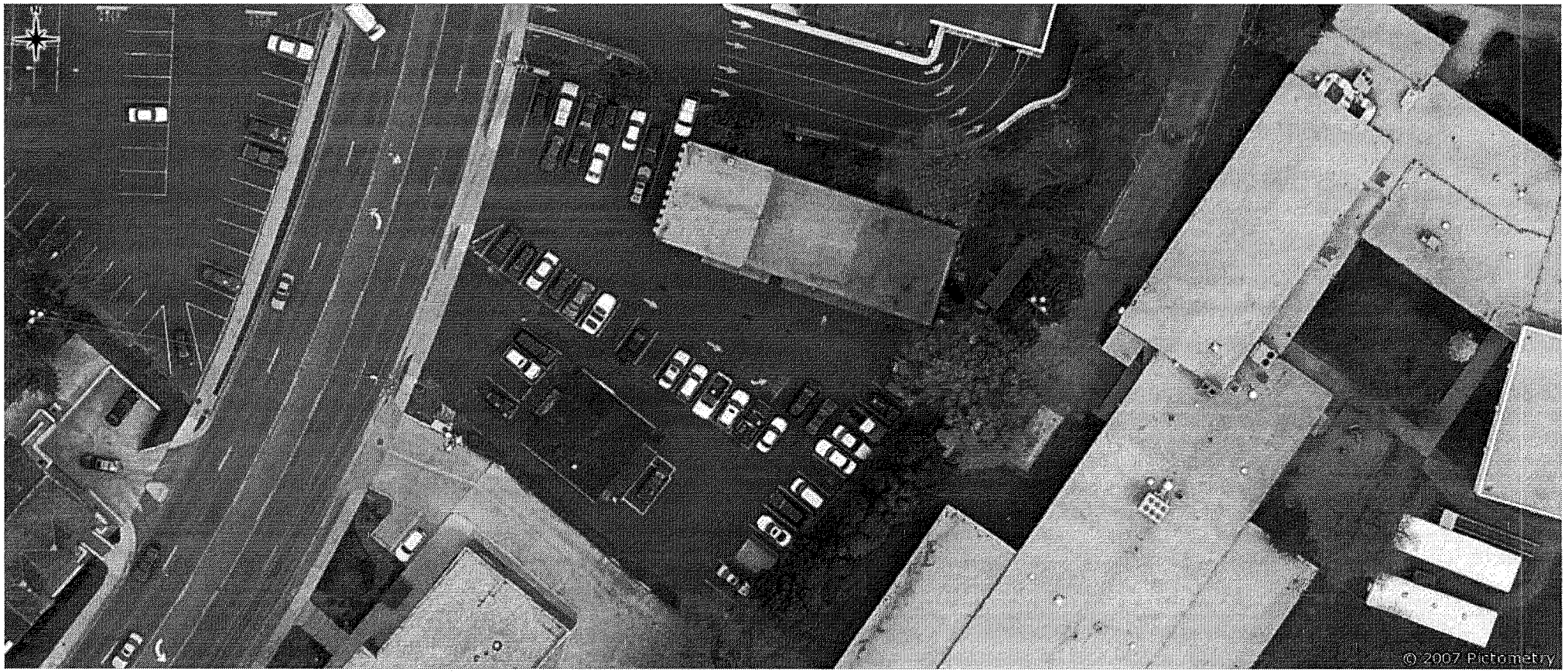
Notes:

Map produced: 7/28/2016

2005

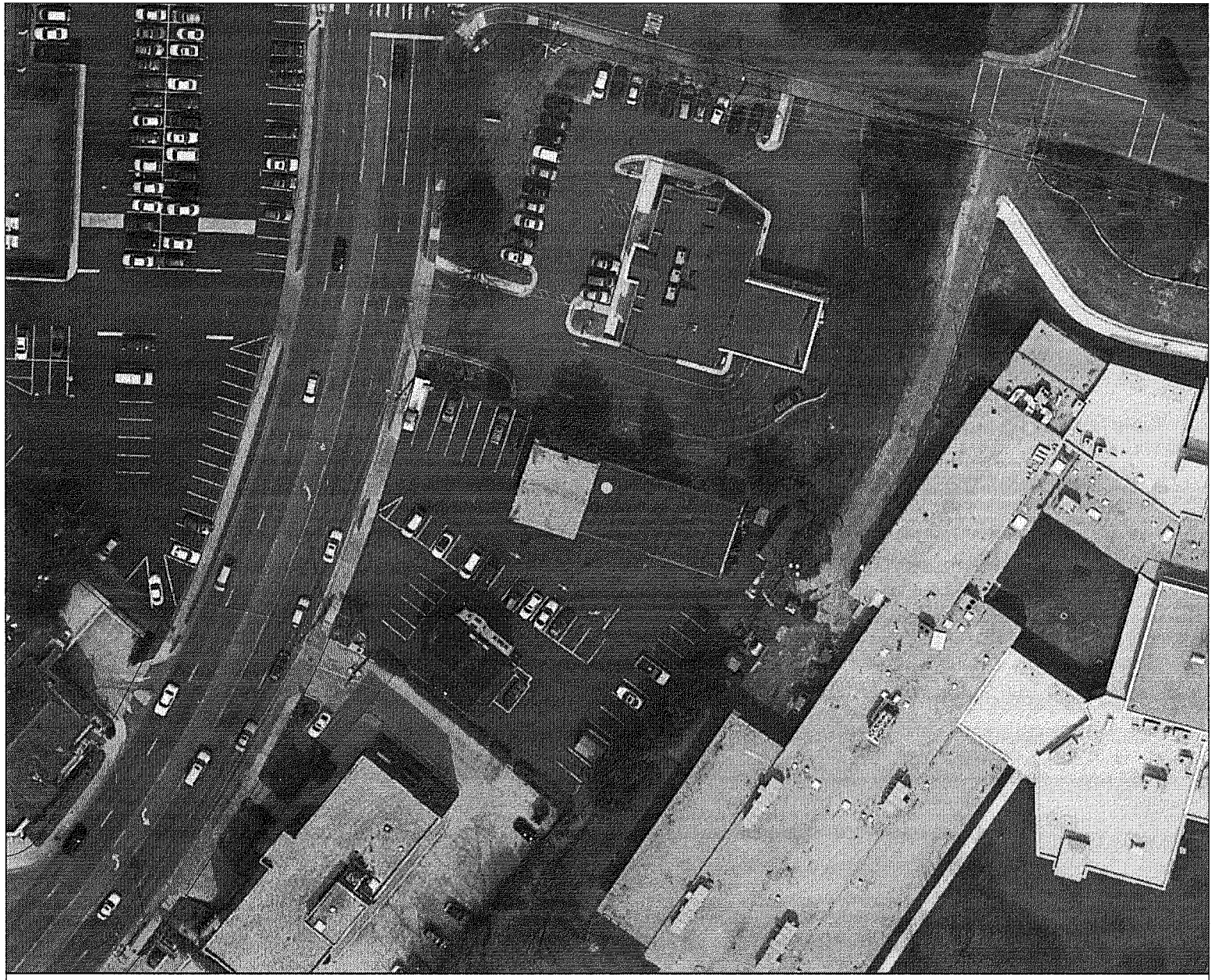
04/01/2005

2007



04/06/2007

2009



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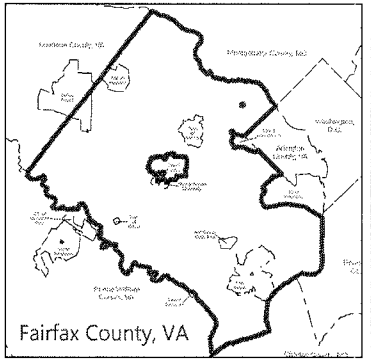


Legend

- Parcels
- Fairfax County Border

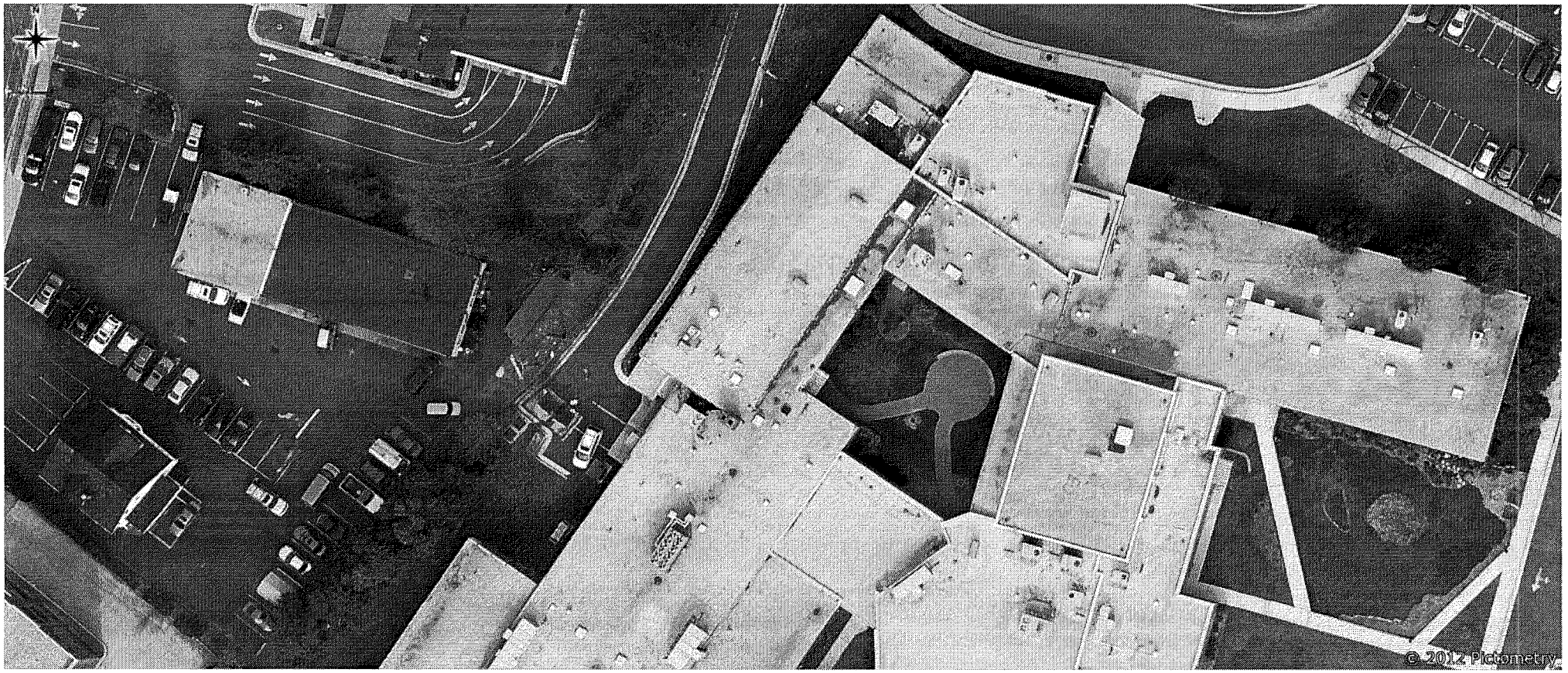
Notes:

Map produced: 7/28/2016

2011

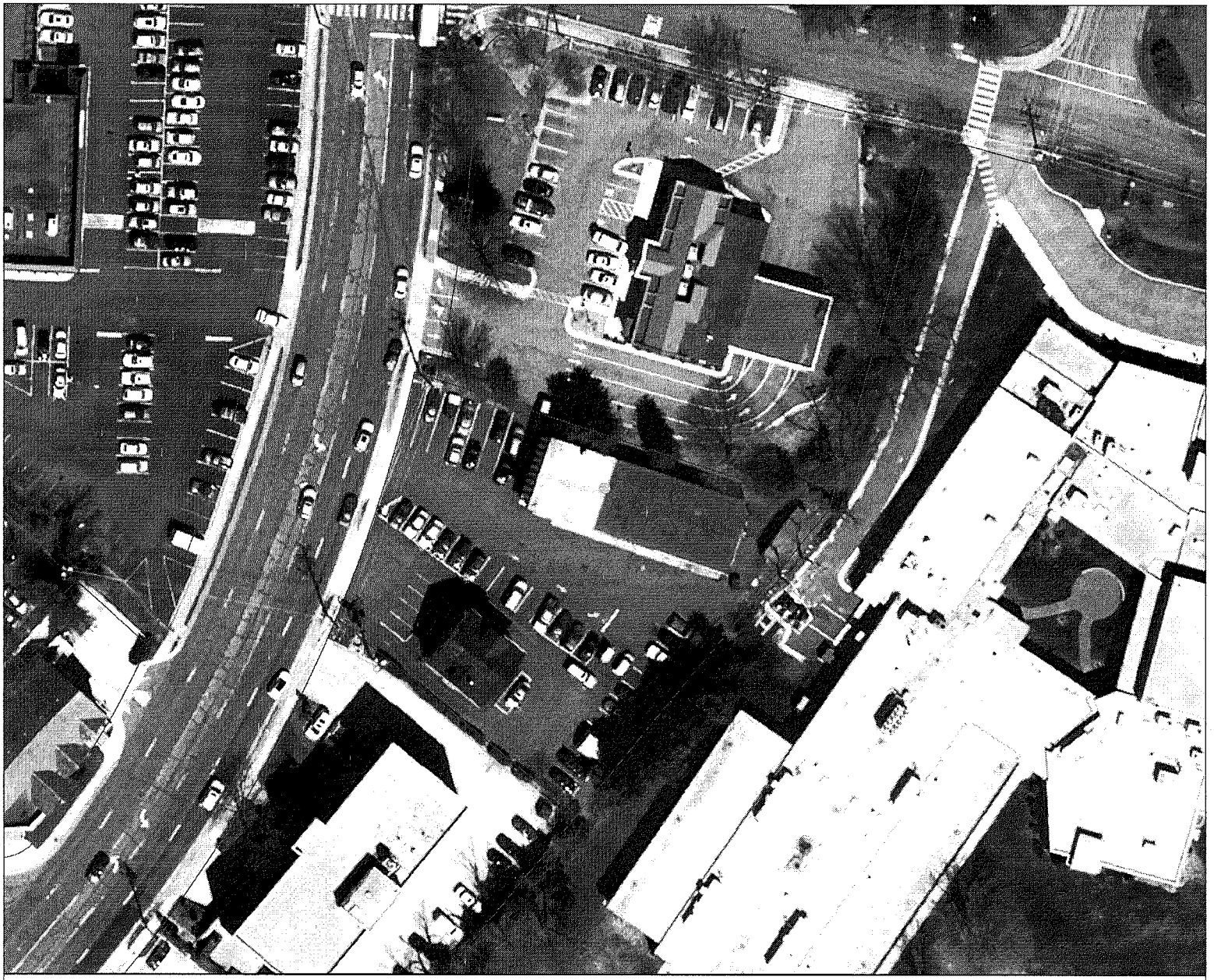
3/25/2011

2012



11/30/2012

2013



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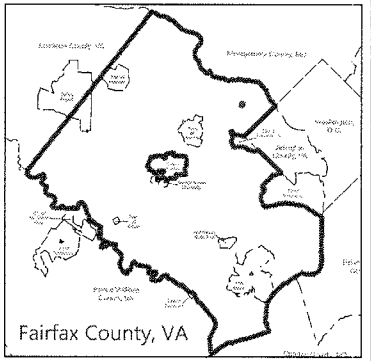


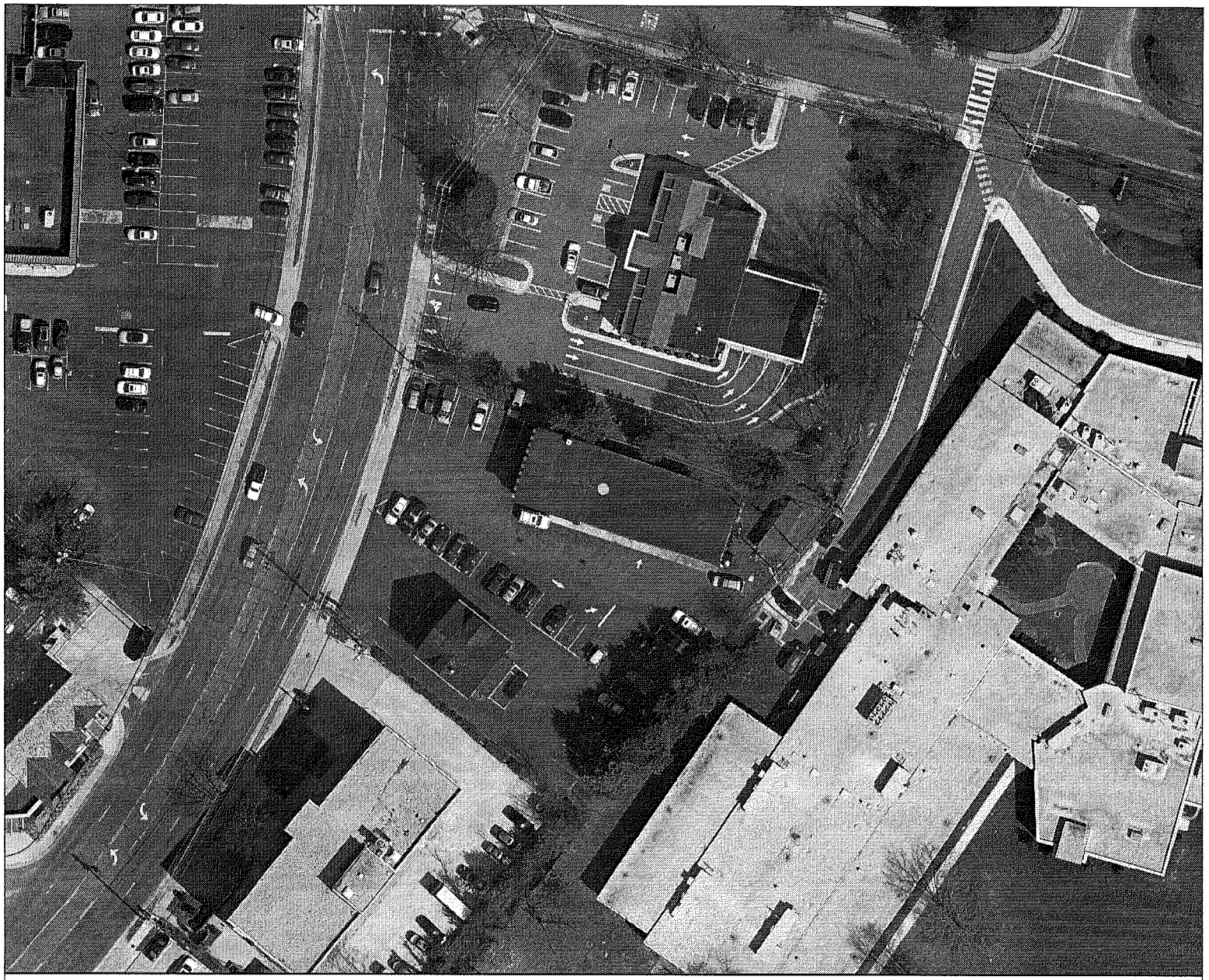
Legend

- Parcels
- Fairfax County Border

Notes:

Map produced: 7/28/2016

2015



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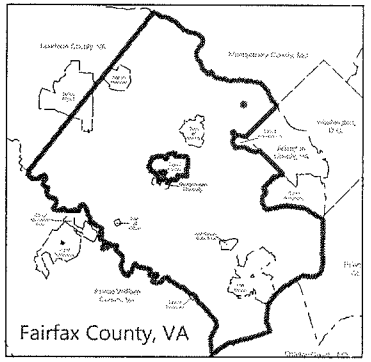

Legend

- Parcels
- Fairfax County Border

Notes:

Map produced: 7/28/2016

Attachment 3
Relevant 1959 Zoning Ordinance Provisions

ZONING ORDINANCE

FOR

FAIRFAX COUNTY, VIRGINIA

CHAPTER 6 OF VOLUME II
OF THE CODE OF
FAIRFAX COUNTY, VIRGINIA
AS AMENDED

ADOPTED . . . . . JULY 22, 1959

EFFECTIVE . . SEPTEMBER 1, 1959

RE

AUGUST 4, 1959

Section 1. Definitions - Ctd.

Lot line, rear: The lot line that is generally opposite the lot line along the frontage of the lot; if the rear lot line is less than ten feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot, and farthest from the front lot line.

Mobile dwelling park: Any space, however designated, that is occupied or designated for occupancy by one or more mobile dwellings.

Motel: Any building or portion thereof containing sleeping accommodations in 6 or more rooms for persons who are not members of a family as defined in this section, whether such establishment is designated as a hotel, inn, motel, motor hotel, motor lodge, or otherwise.

Non-conforming building or use: A building or use lawfully existing at the time of adoption of this or prior ordinances and which does not conform with the use regulations of the district in which it is located.

Nursery school: Any place, however designated, operated for the purpose of providing training, guidance, education, or care for 4 or more children under 6 years of age, separated from their parents or guardians during any part of the day other than from 6 p.m. to 6 a.m., including kindergartens, day nurseries, and day care centers.

One ownership: Possession of land under single or unified control, whether by sole, joint, common, or other ownership, or by a lease having a term of not less than 30 years.

Parking lot: An area not within a building where passenger vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking, other than as an accessory use.

Parking space: An off-street space (a) available and usable for the parking of one motor vehicle, (b) having an area of not less than 180 square feet, exclusive of passage ways and driveways appurtenant thereto and giving access thereto, and (c) having direct usable access to a street or alley.

Play space: An off-street space available and usable for play by children.

Section 1. Definitions - Ctd.

cluded in any computation of sign area, provided that the area of any band of lighting (including a string of individual lights) less than one foot in width shall be computed at the rate of one square foot for each one foot of the length thereof.

Sign structure: Any structure located outdoors primarily for the purpose of providing a support for the display of signs, regardless of whether or not any sign is actually displayed thereon at any particular time.

Story: That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if its ceiling is more than six 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.

Story, half: That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

Street: A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.

Street line: The dividing line between a street and a lot.

Structure: Any combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground and including, among other things: display stands; fences and walls (other than retaining walls not exceeding 3 1/2 feet above ground level on one side and 6 feet above ground level on the other); gasoline pumps; gates and gate posts; mobile dwellings (whether mobile or stationary at the time); outdoor bins; pergolas; platforms; pools; porches; reviewing stands; sales stands; signs; stadiums; stagings; standpipes; tanks of any kind; tents; towers of any kind, including radio and television towers and antennae; trellises; vending machines. The word "structure" shall be construed as though followed by the words "or part thereof."

Section 1. Definitions - Ctd.

Structural alteration: Any change in or addition to the supporting members of a structure.

Tourist house: A dwelling, occupied as such, in which sleeping accommodations in less than 6 rooms with not more than 4 persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes.

Use: The specific purpose for which a parcel of land or a building is designed, arranged, intended, occupied, or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use, accessory: A use which is customarily incidental and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

Use, public: (a) Uses of land and buildings maintained by the county for administrative, cultural, educational, health, or welfare purposes; for water supply, sewerage, police protection; or for park, playground, or automobile parking purposes; but not including any materials or equipment yard in any district more restricted than a C-G district; nor a fire station which may be established under Group VI, Section 12. (b) Buildings owned by and uses conducted by the United States of America, or the Commonwealth of Virginia, provided that the Planning Commission shall submit to the agency proposing to establish any such use its recommendations with regard to the location of buildings or any other matter on which the Commission may deem it advisable to offer any recommendation.

Use, community: Country clubs, golf courses and similar recreational uses conducted by membership organizations for use only by members thereof and not for gain. Also, community clubs or centers, civic or cultural centers not in public ownership and not conducted for gain, but not including community swimming pools.

Yard: An open space on the same lot with a building or a building group, lying between the building or building group and the nearest lot line, and unoccupied and unobstructed from the ground upward except for certain features specified in Section 4.3.

Yard, front: A yard extending across the full width of the lot and lying between the front line of the lot and the building or building group.

Section 4. General Regulations - Ctd.

4.6.2.2 shelter in a park, playground, or recreation ground;

4.6.3 In any flood plain delineated on any map adopted by the Board of County Supervisors as prescribed in Section 4.6.2 (or above) there shall be no filling or change of contours which will so constrict the flood plain as to interfere with its use as a natural drainage way.

4.7 Miscellaneous

4.7.1 A house displayed for advertising purposes, whether in connection with a residential development or otherwise, unless the same conforms to all the requirements of this ordinance and of any other ordinance or law applicable to a dwelling in the district in which such house is located, shall not (1) be located in any R district or (2) be connected with utilities or otherwise be made usable for occupancy as a dwelling.

4.7.2 No mobile dwelling shall be occupied for dwelling purposes unless the same is located in a mobile dwelling park, in accordance with all the regulations applying thereto under State law or county ordinance.

4.7.3 The sale or offering for sale of goods or services from any vehicle shall be deemed to be a business use and shall be subject to all the regulations prescribed for the 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.

4.7.4 Nothing in this ordinance shall be deemed to require any change in the plans, construction, or designated use of any building on which construction was authorized by a permit issued prior to the effective date of this ordinance, such construction authorized and actual construction shall have been commenced within six months after the date of issuance of said permit.

Section 5. Site Plans

5.1 A site plan shall be submitted to the Planning Commission for approval for

5.1.1 Any use or development for which the submission of a site plan is required by any provision of this ordinance.

Section 5. Site Plans - Ctd.

5.1.2 Any development in which any automobile parking space is to be used by more than one establishment.

5.1.3 Any use in a C or an I district on any site of one acre or more in area.

5.1.4 Any use or development in a C or an I district lying contiguous to or across a street from any R district.

5.2 Every site plan submitted to the Planning Commission, in accordance with the requirements of this ordinance, shall contain such information and be in such form as the Commission may prescribe in its rules. No site plan shall be approved by the Commission until the same has been reviewed by the Director of Public Works, and by the Health Officer or the Sanitary Engineer, for compliance with duly adopted local and state laws and with standards of the respective County departments for drainage of storm water and sewerage facilities; and a report thereon submitted to the Planning Commission. No site plan for a mobile dwelling park shall be approved by the Planning Commission except in conformity with the provisions of Section 5.5.

5.3 In passing on any site plan, the Commission shall consider

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

5.3.2 the traffic circulation features within the site and the location of automobile parking areas; and may make such requirements with respect to any of such matters as will assure

5.3.2.1 safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets;

5.3.2.2 satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods;

all in furtherance of the purposes of this ordinance. The Planning Commission may require landscaping, fences, and

walls in pursuance of these objectives and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

5.4 No permit shall be issued for any building in any area covered by a site plan that is required under the provisions of this ordinance, or submitted in support of a petition for an amendment to this ordinance or of an application for a special permit under the provisions of this ordinance and in either case approved by the Planning Commission, except in conformity to such site plan or a subsequent amendment thereof approved as in the first instance. No certificate of occupancy shall be issued for any such building unless the same conforms in all respects to such site plan and unless all automobile parking space and all other features included in such site plan have been installed in accordance therewith. Approval by the Planning Commission of a site plan submitted under the provisions of Section 5.1 (but not of any other site plan) shall expire one year after the date of such approval if building permits have not been obtained for construction in accordance therewith.

5.5 Mobile Dwelling Parks or Trailer Parks

5.5.1 Any trailer park in operation at the time of the passage of this Section may continue in operation provided that driveways are constructed therein to a minimum surfaced width of twenty (20) feet in accordance with the requirements for surfacing material of Section 5.5.8 hereof, not later than January 24, 1960.

5.5.2 Each application shall be accompanied by three copies of a plot plan drawn at a scale of one inch equals twenty (20) feet, prepared by a licensed surveyor or engineer showing the following information: (a) limits and square footage of proposed trailer park, and (b) location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, independent trailer lots and dependent trailer lots together with required setbacks from rights of way and property lines. All trailer lots shall be numbered in sequence on said plot plan.

5.5.3 The minimum unit area for each trailer lot used or occupied by and under each trailer shall be as follows:

Section 5. Site Plans - Ctd.

structures thereto permitted by this ordinance, shall not exceed thirty (30) per cent of the total trailer lot area.

1. No trailer shall be occupied in any trailer park until after a Certificate of Use and Occupancy shall have been issued by the Zoning Administrator to the effect that the said trailer park or the portion thereof for which Certificate is requested is in compliance with all applicable provisions of this ordinance. The Zoning Administrator shall not issue such Certificate until after the same has been approved by the Department of Public Works, the Health Department, the Sanitary Engineer, the Electrical Inspector, the Building Inspector, the Fire Marshal and other agencies concerned.

2. It shall be unlawful for any electric company to furnish electricity to any trailer that is to be used as a dwelling or living quarters in Fairfax County unless it is parked in a trailer park licensed by the County.

3. It shall be unlawful for any property owner, tenant, lessee or administrator of any real estate in Fairfax County to rent, lease or to allow any trailer that is to be used as a dwelling or living quarters to be parked on the land under their supervision, unless it is a legal trailer park licensed by the County and maintained in accordance with the provisions of this ordinance.

5.5.20 Notwithstanding the penalty provided elsewhere in this Chapter, any person, firm or corporation, owner, lessee or operator of a trailer park who violates any provision of this Section, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $300.00 or imprisonment in the County Jail not exceeding 30 days or both such fine and imprisonment. Each day of violation shall constitute a separate offense.

Section 6. Parking Requirements

6.1 Off-street parking space shall comply with the following regulations in addition to those specified in the schedule contained in Section 3.

6.1.1 All off-street parking space appurtenant to any use permitted in an R district shall be provided on the same lot with the use to which it is appurtenant.

Section 6. Parking Requirements - Ctd.

6.1.2 All off-street parking space appurtenant to any use other than a use permitted in an R district shall be provided on the same lot with the use to which it is appurtenant; provided, however, that where there are practical difficulties in the way of such location of parking space, or if the public safety or the public convenience or both would be better served by the location thereof other than on the same lot with the use to which it is appurtenant, the Planning Commission, acting either on a specific application or by the adoption of standards and rules sufficient to serve as a conclusive guide in the issuance of building permits and certificates of occupancy, may authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions: (a) such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of cooperative provision of parking space, as provided in Section 6.1.3, in the ownership of at least one of the participants in the combination; (b) the entrance to such space shall be located within 500 feet walking distance of an entrance to the use that such space serves.

6.1.3 Parking space required under the provisions of this ordinance may be provided cooperatively for two or more uses in a development, or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such arrangements are approved by the Planning Commission as a part of its action on a site plan, subject to the provisions of Section 5. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided that the Planning Commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of this ordinance by the amount of space available to it in such a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

6.1.4 All off-street loading space shall be provided on the same lot with the use to which it is appurtenant.

Section 6. Parking Requirements - Ctd.

6.1.5 All off-street parking space and 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 not exceeding 30 feet in width and located and constructed in accordance with specifications prescribed by the Director of Public Works. All off-street parking space and off-street loading space that is not located within a building shall be constructed and maintained with a dustless surface and of such type of construction that the same will be available for safe and convenient use at all times.

6.1.6 All required off-street parking space, all required off-street loading space, and all passageways and driveways appurtenant thereto and giving access thereto 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 Planning Commission in either of the two following circumstances only, as set forth in the findings of the commission; (1) such space may be reduced by the amount to which other and equivalent space, conforming to the provisions of this ordinance, is provided for the use that is involved. (2) 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 space is appurtenant; or, with respect to off-street parking space, by reason of the provision of conveniently available parking space in a parking lot established by public authority.

6.1.7 If there is any uncertainty with respect to the amount of parking space required by the provisions of this ordinance as a result of any 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.

6.2 Upon approval by the Board of Supervisors following a duly advertised public hearing in accordance with the same procedure as set forth in Section 10.2, and subject to the provisions of Section 6.1, any parcel of land in any R district may be used for off-street parking of motor vehicles subject to the following limitations and requirements:

6.2.1 There shall be no parking of vehicles nearer to any boundary of such parcel than a distance equal to the

Section 6. Parking Requirements - Ctd.

minimum depth or width required for a front or side yard on the adjoining property.

6.2.2 That part of the parcel abutting any R district shall be subject to the requirements of Section 4.5.3 regarding fencing and screen planting.

6.2.3 No sign shall be displayed on such parcel except one identification sign not exceeding 4 square feet in area, nor shall such sign be located outside the parcel. No such sign shall be illuminated by other than indirect lighting nor at any time other than during the same time that the use to which the parking is appurtenant is open for business or otherwise engaged in the activities thereof.

6.2.4 No charge shall be made for the use of such parcel for parking purposes.

6.2.5 No service of any kind shall be extended to persons occupying vehicles in such parcel; nor shall such parcel be used for automobile repair, service or storage.

6.2.6 Wherever lighting of such parcel abutting any R district is provided installation shall be arranged so as not to reflect or cause glare onto the abutting or facing residential land.

Section 7. Signs

7.1 It is hereby declared to be the policy of the county that the protection of property values, the protection of the character of the various communities in the county, the encouragement of the sound development of land throughout the county for its most appropriate use, and the protection of the public welfare in general require strict limitation of all display of signs in the county.

Any sign placed on land or on a building for the purpose of identification or protection of the same or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to such land, building, or use. It is the purpose of this ordinance to place such limitations on the display of all such signs as will assure that they will (1) be appropriate to the land, building, or use to which they are appurtenant and

SCHEDULE OF REGULATIONS

BEING A PART OF SECTION 7 OF THE ZONING ORDINANCE OF FAIRFAX COUNTY, VA.

	COL. 1 USES PERMITTED BY RIGHT	COL. 2 SPECIAL PERMIT USES	COL. 3 LOT SIZE	COL. 4 LOT COVERAGE	COL. 5 HEIGHT	COL. 6 YARDS FRONT	COL. 6 YARDS SIDE	COL. 6 YARDS REAR	COL. 7 FLOOR AREA	COL. 8 OFF-STREET PARKING SPACE	COL. 9 OTHER OPEN SPACE	
C-O	1. All uses permitted in R-17 districts. 2. Offices for business or professional use. 3. Establishments limited to the filling of prescriptions and the sale of pharmaceutical and similar supplies (but not excluding any other use specifically permitted in C-O districts, as set forth in this schedule.) 4. Clinics without facilities for the overnight care of patients. 5. Nursery schools. 6. Schools of special instruction. 7. Telephone exchanges and dial centers. 8. Signs as specified in Section 7.	The uses comprised within Groups II (except telephone exchanges and dial centers), VI (except nursery schools, which are permitted by right, as per Column 1), and IX.	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: NR	NR	Same as specified for R-17 districts.	50 feet	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: NR, except as specified in Section 4.4.3.	25 feet	NR	1. For all uses permitted in R-10 districts: same as specified for RE-1 districts. 2. For all office uses: one parking space for each 200 sq. ft. of floor area. 3. For all establishments listed as permitted in C-O districts in Item 3 of Column 1 of this schedule: one parking space for each 150 feet of floor area. 4. For all other uses: a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment, plus those of all persons who may be expected to visit the same at any one time, as determined by the Board of Zoning Appeals with respect to any use for which a permit from said board is required and by the Zoning Administrator either respect to all other uses, subject, under either procedure, to any requirements adopted by resolution of the Planning Commission in accordance with the policy as to automobile parking space set forth in Section 4.	1. One off-street loading space for a floor area of from 1000 sq. ft. to 10,000 sq. ft.; one additional off-street loading space for each additional 10,000 sq. ft. of floor area or major fraction thereof. 2. Adequate space for drainage, as determined in accordance with the provisions of Section 4.4.	C-O
C-N	1. All uses permitted in C-O districts. 2. Any of the following uses when conducted entirely within an enclosed building, with no outside display of food or any other goods or merchandise except plants and flowers (including seasonal sale of Christmas trees): (a) (1) Stores for the retail sale of automobile supplies; artworks and supplies; clothing and apparel of any kind; dry goods; garden supplies; electrical goods and supplies; food and food products of any kind (including production of bakery goods for retail sale in the same establishment, but not including the killing of poultry or any other livestock); furniture, household furnishings and decorator's supplies; hardware; luggage and leather goods; optical goods; pets and pet supplies (but not including any veterinary service); photographic equipment and supplies; variety goods; but not including any contracting establishment for any of the foregoing; (2) book, cigar, confectionery, drug, jewelry, liquor, music, stationery, and toy stores; (3) news stands; shoe shining stands. (b) Stores for the retail sale or repair (or both) of household appliances; musical instruments; sports goods. (c) Banks and other financial institutions; barber shops; beauty parlors, and similar establishments; shoe repair shops; tailor shops; hand laundries; Laundromats; establishments for receiving and distributing articles for laundering or cleaning; blueprint, photostat, and similar reproduction establishments. 3. Restaurants not offering any entertainment other than by phonograph, radio, or television. 4. Studios, but not public dance halls. 5. Automatic vending machines. 6. Commercial nurseries and greenhouses. 7. Signs as specified in Section 7.	1. The uses comprised within Groups I and II (as specified for C-O districts) and the uses listed in Group X for C-N districts. 2. Retail stores and service establishments having physical and functional characteristics similar to those of the uses listed in Item 2(a), 2(b), and 2(c) of Column 1 for C-N districts.	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: NR	NR	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: Height in stories: 3 Height in feet: 40	30 feet	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: NR, except as specified in Section 4.4.3.	20 feet	1. For retail stores: maximum floor area of any one establishment: 7500 sq. ft. 2. For other uses: NR	1. For uses permitted in C-O districts: same as specified for C-O districts. 2. For other uses: Restaurants: 3 seats Studios: 300 sq. ft. of floor area Automatic Vending Machines: 1/2 machine, which space may be provided in other available space on a multiple use basis. All other uses: One space for each 150 sq. ft. of floor area used for retail sales, trade or merchandising, and one space for each 300 sq. ft. of floor area used for offices, storage, or other purposes.	1. Off-street loading space as follows: (a) For building space designed exclusively for offices and personal service establishments and not adaptable for use for retail business purposes without structural alterations: same as specified for "other uses" in this Column 9 for C-O districts. (b) For building space designed, usable or adaptable without structural alterations for use for retail business purposes: one space for a floor area of from 2000 sq. ft. to 8000 sq. ft.; one additional space for each additional 4000 sq. ft. of floor area or major fraction thereof. (c) For other uses: space determined in the manner specified for "other uses" in this Column 9 for RE-2 districts. 2. Adequate space for drainage, as determined in accordance with the provisions of Section 4.4.	C-N 20:15 11/9/60
C-D	Subject to approval of a site plan for each development: 1. All uses permitted in C-N districts, but not including any dwelling of any kind, mobile house, motel, rooming house, tourist house or any other place of human habitation either permanent or temporary, except the quarters of caretakers or watchmen serving user within the district. 2. Stores for the retail sale of goods and personal service establishments other than those permitted in C-N districts. 3. Automobile sales rooms entirely enclosed on all sides, with no outdoor display of vehicles in connection therewith. 4. Restaurants without limitation as to entertainment. 5. Bowling alleys and skating rinks. 6. Signs as specified in Section 7.	The uses listed in Item 1 of this column 2 for C-N districts.	NR	NR	Same as specified for C-N districts.	30 feet	NR, except as specified in Section 4.4.3.	30 feet, except as specified in Section 4.4.3.	NR	1. For uses permitted in C-N districts: same as specified for C-N districts. 2. For other uses: one parking space for each 100 sq. ft. of floor area used for retail sales, trade or merchandising, and one space for each 200 sq. ft. of floor area used for offices, storage, or other purposes.	Same as specified for C-N districts.	C-D
C-DM	Subject to approval of a site plan for each development: 1. All uses permitted in C-D district.	1. The uses listed in Item 1 of this Column 2 for C-N districts. 2. Motels.	NR	NR	Same as specified for C-N districts.	50 feet	Same as specified for C-D district.		NR	For uses permitted in the C-D district, same as specified for C-D district. For Motels: 1 space per rental unit plus additional space as may be required by the Zoning Administrator.	Same as specified for C-D districts.	C-DM
C-G	1. All uses permitted in C-N districts but not necessarily conducted in enclosed buildings. 2. All uses permitted in C-O districts, but not subject to approval of site plans, except as required by Section 4. 3. Multi-family dwellings, if served by sanitary sewers and central water supply approved by the Director of Public Works. 4. Tourist houses; rooming houses. 5. Ambulance service. 6. Automobile laundries. 7. Automobile sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, (c) occupying an area not exceeding the floor area of the establishment of which the sales room in which such outdoor display is appurtenant is a part, and (d) not including the display of any vehicle that is not in operating condition. 8. Bakeries employing not more than 10 persons other than clerks and vehicle drivers. 9. Establishments for the installation and servicing of the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, tiling and ventilating, with all materials stored entirely in buildings enclosed on all sides, or within such walls or fences, supplemented by planting, as may be prescribed by resolution of the Planning Commission; but not including building construction. 10. Cabinet making shops. 11. Catering establishments. 12. Dance halls. 13. Frozen food lockers. 14. Gasoline stations; parking garages; repair garages. 15. Grain and feed supply establishments. 16. Ice storage of not more than 5 tons capacity. 17. Laundry, diaper service, and dyeing and cleaning establishments. 18. Monument works. 19. Mortuaries. 20. Printing establishments. 21. Taxidermists shops. 22. Theaters, but not including open air theaters. 23. Trade schools involving the use of machinery or equipment of not more than one horsepower capacity. 24. Upholstering establishments. 25. Warehouses. 26. Wholesale establishments supplying goods for the type of uses permitted in C-G districts. 27. The following uses in any C-G district entirely surrounded by RE-1 or RE-1 districts or any combination thereof or by such districts or combination thereof and the county boundary: (a) Fuel sales establishments with all fuel tanks underground. (b) Lumber yards. (c) Farm equipment and machinery sales, including storage of used equipment and machinery, provided that any of the same that is damaged or not immediately usable shall be completely enclosed within such wall or fence as may be prescribed by resolution of the Planning Commission. 28. The uses comprised within the following groups as set forth in Section 12, but without the necessity of obtaining a special permit for any of the same: (a) Group II, except sewerage facilities. (b) Group V, except Item 4 thereof, subject to approval of a site plan for each use. 29. Signs as specified in Section 7.	1. The following uses as comprised within the following groups: Group II: Sewerage facilities Group V: Item 4 thereof Group VII: all uses Group VIII: all uses Group X: all uses listed therein for C-G districts. 2. Any other use involving the sale of goods, the providing of personal, professional, or business services, or the conducting of transactions, which has physical and functional characteristics similar to those of any of the uses listed in Column 1 for C-G districts. 3. Mobile dwelling park or extension of an existing mobile dwelling park, subject to approval of a special permit therefor issued by the Board of County Supervisors acting as the Board of Zoning Appeals under the provisions of Section 11.6 of this ordinance. No such permit shall be issued by said Board until after a site plan of such park or such extension has first been approved by the Planning Commission in accordance with the provisions of Section 8, in considering applications for this use, the Board shall be governed by the provisions of Sections 11 and 12 of this ordinance applicable to the Board of Zoning Appeals. All such parks or extensions shall comply with all the regulations applicable thereto in RM-2 district.	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For multi-family dwellings: same as specified for multi-family dwellings in RM-2 districts, except that the minimum lot area in relation to number of dwelling units shall be computed on the following basis: No. of rooms per dwelling unit — Sq. ft. of lot area per dwelling unit 1 — 800 2 — 1200 3 — 1600 4 or more — 1800 3. For other uses: NR	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For multi-family dwellings: 30%. 3. For other uses: NR.	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: Height in stories: 3 Height in feet: 40	50 feet	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For multi-family dwellings: not less than equal to the height of the building, or 50 feet, whichever is the greater distance; minimum distance between buildings: same as specified for multi-family dwellings in RM-2 districts. 3. For other uses: 30 feet except as specified in Section 4.4.3.	30 feet	NR	1. For uses permitted in RM-2 districts: same as specified for RM-2 districts. 2. For other uses involving the provision of living or sleeping accommodations: one space for each room in which such accommodations are provided. 3. For establishments involving retail sales: one space for each 100 sq. ft. of floor area used for retail sales, trade or merchandising, and one space for each 200 sq. ft. of floor area used for offices, storage, or other purposes. 4. For offices and establishments providing personal, professional, or business services: one space for each 200 sq. ft. of floor area. 5. For uses involving the seating of patrons: one space for each 3 seats. 6. For other uses: a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment, plus those of all persons who may be expected to visit the same at any one time, as determined by the Board of Zoning Appeals with respect to any use for which a permit from said board is required and by the Zoning Administrator with respect to all other uses, subject, under either procedure, to any requirements adopted by resolution of the Planning Commission in accordance with the policy as to automobile parking space set forth in Section 4.	Same as specified for C-N districts, and in addition to said requirements: 1. For uses permitted in RM-2 districts: same as specified for RM-2 districts. 2. For uses permitted in C-G districts but not in C-N districts: one off-street loading space for a floor area of from 4000 sq. ft. to 8000 sq. ft.; one additional off-street loading space for each additional 4000 sq. ft. of floor area or major fraction thereof.	20#15 11/9/60 C-G

Attachment 4

Relevant 1959 Zoning Ordinance Provisions Amended Through 1963

1963

is registered with the state department of professional and occupational registration as an "architect".

Automobile sales lots. Any place outside a building where two or more vehicles in operating condition are offered for sale or are displayed for sale or advertising purposes.

Basement. A story partly underground and having at least one-half of its height above grade.

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 streets) and lying between the two nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right of way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty feet or more in width.

Building. A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building, accessory. A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building. Any building that is customarily incidental to any agricultural use shall be deemed to be an accessory building, whether situated on the same lot with a principal building or not.

Building, actual height. The term "actual height of the building" as used in this chapter with respect to the location of signs, shall not be deemed to include any part of the building that consists of a sign structure or that is erected for the primary purpose of displaying a sign.

Building, main. A building in which is conducted the principal use of the lot on which it is situated.

Building area. The maximum horizontal projected area of a building and its accessory buildings.

Building frontage. The width of the faces or walls of a building, which faces or walls contain one or more entrances for use by the general public.

Building group. A group of two or more main buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line.

Marina, 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 and repairs.

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.

Mobile dwelling park. Any space, however designated, that is occupied or designated for occupancy by one or more mobile dwellings.

Motel. Any building or portion thereof containing sleeping accommodations in six or more rooms for persons who are not members of a family as defined in this section, whether such establishment is designated as a hotel, inn, motel, motor hotel, motor lodge or otherwise.

Nonconforming building or use. A building or use lawfully existing at the time of adoption of this chapter or prior ordinances and which does not conform with the use regulations of the district in which it is located.

Nursery school. Any place, however designated, operated for the purpose of providing training, guidance, education, or care for four or more children under six years of age, separated from their parents or guardians during any part of the day other than from 6:00 P. M. to 6:00 A. M., including kindergartens, day nurseries and day care centers.

Nursing home, care home, rest home or convalescent home. Any place containing beds for two or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes, or facilities for the care of feeble-minded, mental, epileptic, alcoholic patients or drug addicts.

Off site. Any area which does not fall within the boundary of the land to be developed.

Off-street parking. Any space specifically allotted to the parking of motor vehicles; such space shall not be in a dedicated right of way.

One ownership. Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than thirty years.

On site. That area which is within the boundary of any land to be developed.

Owner. Any person who has legal title to the land involved or who has a lease having a term of not less than thirty years.

Parking lot. An area not within a building where passenger vehicles may be stored for the purpose of temporary, daily or overnight off-street parking, other than as an accessory use.

Parking space. An off-street space (a) available and usable for the parking of one motor vehicle, (b) having usable access to a street or alley and (c) having a width, measured at right angle between the centers of the lines defining the space of not less than eight feet six inches. In any parking lot, seventy-five per cent of the parking spaces shall have an area of not less than one hundred eighty square feet each, and twenty-five per cent of the parking spaces shall have an area of not less than one hundred sixty square feet each; provided, however, that the number of square feet in any parking space shall be reduced by ten per cent if such parking space heads into a wheel bumper, planting area or other construction, except sidewalks, which permits a car to overhang an area not part of the parking surface. The areas required for parking spaces are exclusive of passage ways and driveways appurtenant thereto and giving access thereto.

Planned shopping center. Two or more buildings or establishments, located on the same lot or parcel of ground which are built at the same time or over an extended period of time. One building shall be deemed a planned shopping center if, at the time of its construction, another building is ultimately planned by the person responsible therefor, which building is to be connected to the first or original building.

Play space. An off-street space available and usable for play by children.

Porch. The term "porch" shall include any porch, veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined in this chapter. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen inches in height, exclusive of screens.

State. In all places where the word "state" is used, it is intended to mean the Commonwealth of Virginia.

Story. That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if its ceiling is more than six 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.

Story, half. That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

Street. A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.

Street line. The dividing line between a street and a lot.

Structure. Any combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground and including, among other things: Display stands; fences and walls (other than retaining walls not exceeding three and one-half feet above ground level on one side and six feet above ground level on the other); gasoline pumps; gates and gate posts; mobile dwellings (whether mobile or stationary at the time); outdoor bins; pergolas; platforms; pools; porches; reviewing stands; sales stands; signs; stadiums; stagings; standpipes; tanks of any kind; tents; towers of any kind, including radio and television towers and antennae; trellises; vending machines. The word "structure" shall be construed as though followed by the words "or part thereof."

Structural alteration. Any change in or addition to the supporting members of a structure.

Surveyor, land. An individual who is recognized by the state and who is registered with the state department of professional and occupational registration as a "registered land surveyor".

Temporary site plan. A site plan for the development of land for temporary use not to exceed six months.

Tourist house. A dwelling, occupied as such, in which sleeping

accommodations in less than
persons per room are provide
compensation, under the mana
ing for dwelling purposes.

Travel lane. That space sp
the site for the movement of

Use. The specific purpose f
ing is designed, arranged, in
term "permitted use" or its
clude any nonconforming use.

Use, accessory. A use wh
ordinate to the principal use
cated on the same lot therewi

Use, public. (a) Uses of
county for administrative, c
purposes; for water supply
park, playground or automc
ing any materials or equipm
than a C-G district, nor a
under Group VI, Article X
conducted by the United S
of Virginia; provided, tha
to the agency proposing to
tions with regard to the lo
on which the commission m
mendation.

Use, community. Count
ational use conducted by
by members thereof and
centers, civic or cultural
conducted for gain, includ
ery ranges.

Yard. An open space o
ing group lying between
nearest lot line and uno
upward except for certai

Yard, front. A yard
and lying between the fr
ing group.

Yard, rear. A yard ex

ised, it is intended

d between the level of
igher finished floor, or,
art of the building com-
floor and the top of the
a story if its ceiling is
the height of the build-
irposes other than stor-
a janitor or watchman,
ory.

ated above a full story
valls meeting a sloping
an a distance equal to
y below.

vever designated, which
ing property.

et and a lot.

forming any construc-
ground or attachment
and including, among
lls (other than retain-
et above ground level
n the other); gasoline
gs (whether mobile or
las; platforms; pools;
diums; stagings;
any kind, includ-
ae; trellises; vending
strued as though fol-

ition to the supporting

nized by the state and
f professional and oc-
rveyor".

velopment of land for

ch, in which sleeping

accommodations in less than six rooms with not more than four persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes.

Travel lane. That space specifically designated and reserved on the site for the movement of vehicular traffic.

Use. The specific purpose for which a parcel of land or a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use, accessory. A use which is customarily incidental and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

Use, public. (a) Uses of land and buildings maintained by the county for administrative, cultural, educational, health or welfare purposes; for water supply, sewerage, police protection or for park, playground or automobile parking purposes; but not including any materials or equipment yard in any district more restricted than a C-G district, nor a fire station which may be established under Group VI, Article XII, (b) Buildings owned by and uses conducted by the United States of America or the Commonwealth of Virginia; provided, that the planning commission shall submit to the agency proposing to establish any such use its recommendations with regard to the location of buildings or any other matter on which the commission may deem it advisable to offer any recommendation.

Use, community. Country clubs, golf courses and similar recreational use conducted by membership organizations for use only by members thereof and not for gain. Also, community clubs or centers, civic or cultural centers not in public ownership and not conducted for gain, including community swimming pools and archery ranges.

Yard. An open space on the same lot with a building or a building group lying between the building or building group and the nearest lot line and unoccupied and unobstructed from the ground upward except for certain features specified in section 30-6.

Yard, front. A yard extending across the full width of the lot and lying between the front line of the lot and the building or building group.

Yard, rear. A yard extending across the full width of the lot and

Sec. 30-12. Sales from vehicles.

The sale or offering for sale of goods or services from any vehicle shall be deemed to be a business use and shall be subject to all the regulations prescribed for the 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. (7-22-59, § 4.7.)

Sec. 30-13. Off-street parking—Generally.

Off-street parking space shall comply with the following regulations, in addition to those specified in sections 30-46 to 30-68.

(a) All off-street parking space appurtenant to any use permitted in any R district except RT districts shall be provided on the same lot with the use to which it is appurtenant.

(b) All off-street parking space appurtenant to any use other than a use permitted in any R district shall be provided on the same lot with the use to which it is appurtenant; provided, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience or both would be better served by the location thereof other than on the same lot with the use to which it is appurtenant, the planning commission, acting either on a specific application or by the adoption of standards and rules sufficient to serve as a conclusive guide in the issuance of building permits and certificates of occupancy, may authorize such alternative location of required parking space as well adequately serve the public interest, subject to the following conditions:

(1) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of cooperative provision of parking space, as provided in subsection (c) of this section, in the ownership of at least one of the participants in the combination.

(2) The entrance to such space shall be located within five hundred feet walking distance of an entrance to the use that such space serves.

(c) Parking space required under the provisions of this chapter may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such

arrangements are approved by the planning commission as a part of its action on a site plan, subject to the provisions of sections 30-76 to 30-80. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided, that the planning commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of this chapter by the amount of space available to it in such a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

(d) All off-street loading space shall be provided on the same lot with the use to which it is appurtenant.

(e) All off-street parking space and 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 not exceeding thirty feet in width and located and constructed in accordance with specifications prescribed by the director of public works. All off-street parking space and off-street loading space that is not located within a building shall be constructed and maintained with a dustless surface and of such type of construction that the same will be available for safe and convenient use at all times.

(f) All required off-street parking space, all required off-street loading space, and all passageways and driveways appurtenant thereto and giving access thereto 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 planning commission in either of the two following circumstances only, as set forth in the findings of the commission:

(1) Such space may be reduced by the amount to which other and equivalent space, conforming to the provisions of this chapter, is provided for the use that is involved.

(2) 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 space is appurtenant; or, with respect to off-street parking space, by reason of the provision of conveniently available parking space in a parking lot established by public authority.

(g) If there is any uncertainty with respect to the amount of parking space required by the provisions of this chapter as a result

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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. (7-22-59, § 6.1; 9-5-62.)

(e) *Minimum off-street parking space.*

(1) For uses permitted in C-N districts, the regulations applicable to C-N districts shall apply in C-D districts.

(2) For other uses, the provisions of subsections (g) (2) and (g) (3) of section 30-60 shall apply in C-D districts.

(f) *Other open space.* The provisions of subsection (h) of section 30-60 shall apply in C-D districts. (7-22-59, § 3; 11-9-60; 12-14-60; 2-1-61.)

Sec. 30-62. C-DM districts.

(a) *Uses permitted by right.* Subject to approval of a site plan for each development, all uses permitted by right in C-D districts shall be permitted by right in C-DM districts.

(b) *Special permit uses.* The following uses shall be allowed under special permit in C-DM districts:

(1) Those uses listed in paragraph (1) of subsection (b) of section 30-60.

(2) Motels.

(c) *Maximum height of buildings.* The height limitations applicable in C-N districts shall apply in C-DM districts.

(d) *Minimum yard dimensions.*

(1) FRONT YARDS. The front yard requirements for C-O districts shall apply in C-DM districts.

(2) SIDE YARDS. The side yard requirements for C-D districts shall apply in C-DM districts.

(3) REAR YARDS. The rear yard requirements for C-D districts shall apply in C-DM districts.

(e) *Minimum off-street parking space.* Minimum off-street parking space shall be provided as follows:

(1) For uses permitted in C-D districts, the requirements applicable in C-D districts shall apply in C-DM districts.

(2) For motels, one parking space per rental unit, plus additional space as may be required by the zoning administrator, shall be provided.

(f) *Other open space.* The requirements of subsection (h) of section 30-60 shall apply in C-DM districts. (7-22-59, § 3; 12-14-60; 2-1-61.)

Sec. 30-63. C-G districts.

(a) *Uses permitted by right.* The following uses shall be permitted by right in C-G districts:

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(1) All uses permitted in C-N districts, but not necessarily conducted in enclosed buildings.

(2) All uses permitted in C-O districts, but not subject to approval of site plans, except as required by sections 30-76 to 30-80.

(3) Multi-family dwellings, if served by sanitary sewers and central water supply approved by the director of public works.

(4) Tourist houses; rooming houses.

(5) Ambulance service.

(6) Automobile laundries.

(7) Automobile sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, (c) occupying an area not exceeding the floor area of the establishment of which the sales room to which such outdoor display is appurtenant is a part, and (d) not including the display of any vehicle that is not in operating condition.

(8) Bakeries employing not more than ten persons other than clerks and vehicle drivers.

(9) Establishments for the installation and servicing of the following: Air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, tiling and ventilating, with all materials stored entirely in buildings enclosed on all sides or within such walls or fences, supplemented by planting, as may be prescribed by resolution of the planning commission; but not including building construction.

(10) Cabinet making shops.

(11) Catering establishments.

(12) Dance halls.

(13) Frozen food lockers.

(14) Gasoline stations; parking garages; repair garages.

(15) Grain and feed supply establishments.

(16) Ice storage of not more than five tons capacity.

(17) Laundry, diaper service and dyeing and cleaning establishments.

(18) Monument works.

(19) Mortuaries.

(20) Printing establishments.

(21) Taxidermists shops.

(22) Theaters, but not including open air theaters.

(23) Trade schools involving the use of machinery or equipment of not more than one horsepower capacity.

(24) Upholstering establishments.

(25) Warehouses.

(26) Wholesale establishments supplying goods for the typ of uses permitted in C-G districts.

(27) The following uses in any C-G district entirely sur rounded by RE-2 or RE-1 districts or any combination thereof o by such districts or combination thereof and the county boundary

a. Fuel sales establishments with all fuel tanks underground

b. Lumber yards.

c. Farm equipment and machinery sales, including storag of used equipment and machinery, provided that any of the sam that is damaged or not immediately usable shall be completely en closed within such wall or fence as may be prescribed by resolutio of the planning commission.

(28) The uses comprised within the following groups as se forth in sections 30-125 to 30-141, but without the necessity of obtaining a special permit for any of the same:

a. Group II, except sewerage facilities.

b. Group V, except Item 4 thereof, subject to approval of a site plan for each use.

(29) Signs, as specified in sections 30-105 to 30-110.

(b) *Special permit uses.* The following uses shall be allowed under special permit in C-G districts:

(1) The following uses as comprised within the following groups:

a. Group II: Sewerage facilities.

b. Group V: Item 5 thereof.

c. Group VI: All uses.

d. Group VII: All uses.

e. Group VIII: All uses.

f. Group X: All uses listed therein for C-G districts.

(2) Any other use involving the sale of goods, the providing of personal, professional or business services or the conducting of transactions which has physical and functional characteristics similar to those of any of the uses listed in subsection (a) of this section.

(3) Mobile dwelling park or extension of an existing mobile dwelling park, subject to approval of a special permit therefor issued by the board of county supervisors acting as the board of zoning appeals under the provisions of section 30-37. No such permit shall be issued by the board until after a site plan of such park or

such extension has first been approved by the planning commission in accordance with the provisions of sections 30-76 to 30-80. In considering applications for this use, the board shall be governed by the provisions of sections 30-31 to 30-45 and 30-125 to 30-141, applicable to the board of zoning appeals. All such parks or extensions shall comply with all the regulations applicable thereto in RM-3 districts.

(c) *Minimum lot size.* Minimum lot sizes in C-G districts shall be as follows:

(1) For uses permitted in R-10 districts, the regulations applicable in R-10 districts shall apply in C-G districts.

(2) For multi-family dwellings, the same regulations specified for multi-family dwellings in RM-2 districts shall apply in C-G districts, except that the minimum lot area in relation to number of dwelling units shall be computed on the following basis:

No. of rooms per dwelling unit	*Sq. ft. of lot area per dwelling unit*
1	800
2	1200
3	1600
4 or more	1800

(3) All other uses are not restricted.

(d) *Maximum percentage of lot coverage.*

(1) For uses permitted in R-10 districts, the regulations applicable in R-10 districts shall apply in C-G districts.

(2) For multi-family dwellings, lot coverage shall not exceed thirty per cent.

(3) All other uses are not restricted.

(e) *Maximum height of buildings.* Height limitations in C-G districts shall be as follows:

(1) For uses permitted in R-10 districts, the regulations applicable to R-10 districts shall apply in C-G districts.

(2) For multi-family dwellings, the regulations applicable in RM-2 districts shall apply in C-G districts.

(3) For all other uses, the regulations applicable in C-N districts shall apply in C-G districts.

(f) *Minimum yard dimensions.*

(1) FRONT YARDS. The front yard requirements for C-O districts shall apply in C-G districts.

(2) SIDE AND REAR YARDS.

a. For uses permitted in R-10 districts, the regulations applicable in R-10 districts shall apply in C-G districts.

b. For multi-family dwellings, side and rear yards shall not be less than equal to the height of the building or fifty feet, whichever is the greater distance. The minimum distance between dwellings shall be the same as specified for multi-family dwellings in RM-2 districts.

c. For other uses, side and rear yards shall be at least twenty feet, except as provided in subsection (c) of section 30-7.

(g) *Minimum off-street parking space.* Minimum off-street parking space shall be provided in C-G districts as follows:

(1) For uses permitted in RM-2 districts, the regulations applicable to RM-2 districts shall apply in C-G districts.

(2) For other uses involving the provision of living or sleeping accommodations, one space shall be provided for each room in which such accommodations are provided.

(3) For other uses, the provisions of subsection (g) (1) of section 30-60 shall apply in C-G districts.

(4) For uses involving the seating of patrons, one space shall be provided for each four seats.

(5) For other uses not otherwise specified, a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment shall be provided, plus spaces sufficient to accommodate those vehicles of all other persons who may be expected to visit the same at any one time, as determined by the board of zoning appeals with respect to any use for which a permit from the board is required and by the zoning administrator with respect to all other uses; subject, under either procedure, to any requirements adopted by resolution of the planning commission in accordance with the policy as to automobile parking space set forth in sections 30-13 and 30-14.

(6) For automatic vending machines other than laundry facilities, two parking spaces shall be provided for each machine having a floor coverage area of fifty square feet or more.

(7) For all other uses, five spaces shall be provided for the first one thousand feet of floor area (commercial), and not less than

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six spaces for each additional one thousand square feet of such floor area or major fraction thereof.

(h) *Other open space.* The requirements of subsection (h) of section 30-60 shall apply in C-G districts, and, in addition to such requirements:

(1) For uses permitted in RM-2 districts, the provisions of subsection (h) of section 30-55 shall apply in C-G districts.

(2) For uses permitted in C-G districts but not in C-N districts, one off-street loading space shall be provided for a floor area of from four thousand square feet to six thousand square feet. One additional off-street loading space shall be provided for each additional eight thousand square feet of floor area or major fraction thereof. (7-22-59, § 3; 5-18-60; 9-14-60; 11-9-60; 12-14-60; 2-1-61.)

Sec. 30-63.1. C-RMH districts.

(a) *Uses permitted by right.*

(1) All uses permitted by right in R-17 districts shall be permitted in C-RMH districts.

(2) Multi-family dwellings not less than six stories in height shall be permitted in C-RMH districts.

(3) Limited commercial facilities within a multi-family dwelling such as a drug, perfumery, florist, barber or valet shop, a beauty parlor, newsstand, coffee shop, delicatessen, stenographic service or a use similar to the above; provided such facilities are designed primarily for the use of residents of the multi-family dwelling, and further that there shall be no entrances direct from the street to such businesses and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.

(b) *Special permit uses.* All uses allowed under special permit in RM-2H districts shall be allowed under special permit in C-RMH districts.

(c) *Minimum lot size.* The same regulations specified for multi-family dwellings in RM-2H districts shall apply in C-RMH districts, except that the minimum lot area in relation to number of dwelling units shall be computed on the following basis:

Sec. 30-75. Rear yards.

No part of a building shall be erected within twenty-five feet of the rear lot lines. (10-14-59.)

Article VI. Site Plans.

Sec. 30-76. Purpose of article.

The purpose of this article shall be:

(a) To assure compliance with the applicable requirements of this chapter.

(b) To state the specific additional requirements applicable to the development of land in certain zoning districts.

(c) To prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of required improvements.

(d) To specify the types of development or land use for which submission of a site plan shall be required.

(e) To define and establish the responsibilities of the departments, divisions and other agencies of the county government for site plan processing, review and approval.

(f) To designate the approving and reviewing authorities for the county on site plans and permits relative thereto.

(g) To establish the schedule of fees for site plans.

(h) To provide a system to insure compliance with approved site plans.

(i) To define violations and penalties.

(j) To provide a system of notifying adjoining owners of site plan submission. (10-3-62.)

Sec. 30-77. Development or land use requiring site plan.

A site plan is required and shall be submitted for:

(a) Any development in which any automobile parking space is to be used by more than one establishment.

(b) Any use or development in a "RM-3", "C", or "I" district and multi-family dwellings in any "RM" district or any exterior addition or change in any existing residential use or development to commercial or industrial use in the abovementioned districts for the area involved.

(c) Churches, church schools, convents and monasteries.

(d) All of the uses with group II through group VIII for which a special use permit is required in section 30-125. (10-3-62.)

Sec. 30-78. Required information.

(a) Every site plan, except a temporary site plan, as hereinafter provided, submitted in accordance with this article shall contain the following information:

(1) Location of tract by an insert map at a scale of not less than one inch equals two thousand feet, indicating scaled coordinates referred to in U. S. C. & G. S., state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

(2) A boundary survey of the tract with an error of closure within the limit of one in ten thousand related to the true meridian and showing the location and type of boundary evidence. The survey may be related to U. S. C. & G. S. state grid north if the coordinates of two adjacent corners are shown; provided that such information may be provided from recorded plats in case of lots in subdivisions recorded subsequent to the first of September, 1947.

(3) Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

(4) All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; water courses and their names; owners, zoning and present use of adjoining tracts.

(5) Location type and size of vehicular entrance to the site.

(6) Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this chapter.

(7) All off-street parking, 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 in accordance with section 30-13.

(8) Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, the number, size and type of dwelling units.

(9) All existing and proposed water and sanitary sewer fa-

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(10) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the county, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.

(11) Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two per cent, either one-foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.

(12) Proposed finished grading by contours supplemented where necessary by spot elevations.

(13) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest ten seconds.

(b) A temporary site plan may be submitted for any new development or land use listed in section 30-77 provided:

(1) The proposed development or land use is for a period of not more than six months and all buildings and structures are of a temporary nature. The drainage, parking, screening, fencing, services and utility requirements of this chapter and this article may be modified for the purposes of a temporary site plan, provided the county planning engineer and the director of public works concur; and

(2) Prior to the approval of such temporary site plan the applicant shall furnish a bond with surety approved by the bonding committee of the county, guaranteeing the removal of all structures erected pursuant to such temporary site plan at the termination of the period for which the permit is issued.

(c) Every temporary site plan submitted in accordance with the provisions of this article shall contain the following information:

(1) Boundary survey of the entire tract by courses and distances.

(2) Area, zone and present record owner of tract.

(3) Owner, zone and present use of all contiguous property.

(4) Insert map showing the general loction of the tract.

(5) Location, size, height and use of each building.

(6) Existing and proposed topography.

(7) Location, type and size of proposed vehicular entrances to the site.

(8) All water, storm sewers and sanitary sewerage facilities.
(9) Location and size of parking area.
(10) Location, type and height of screening. (10-3-62.)

Sec. 30-79. Procedure for preparation, processing and decision.

(a) Any person who submits a site plan for approval under the provisions set forth in this article shall submit written proof of notification of five property owners in the immediate vicinity of the property involved, two of which property owners shall be adjoining such property. No site plan shall be approved within five days of any such notice.

Notice as hereinafter provided shall be posted on such site by the planning engineer within five days from receipt of such application, and no such application shall be approved within five days of such posting. The notification shall reads as follows:

"This is to notify you that a site plan has been submitted to the Office of the County Planning Engineer, Fairfax Courthouse, Room 214, Phone: CRescent 3-2000, Extension 333, for approval by Fairfax County.

This site plan may be reviewed at the above office and is subject to approval after the expiration of five days from receipt of this notice."

(b) Site plans or any portion thereof, involving engineering, architecture, landscape architecture or land surveying, shall be prepared and certified respectively by an engineer, architect, landscape architect, or land surveyor duly authorized by the state to practice as such. A site plan may be prepared in one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.

(c) Site plans shall be prepared to a scale of one inch equals fifty feet or larger; the sheet or sheets shall be twenty-three inches by thirty-six inches or any multiple thereof.

(d) Nine clearly, legible, blue or black line copies of a site plan shall be submitted to the county planning engineer, accompanied by

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a receipt from the director of finance evidencing the payment of all the site plan fees for processing and approval as set forth herein. The county planning engineer is responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof to reviewing departments, agencies and officials. He shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan within forty-five days, except under abnormal circumstances, from the receipt thereof in his office.

(e) Prior to approval of any site plan there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights of way or easements or as are connected to any public facility in form and substance as approved by the county, together with a bond with surety or condition acceptable to the county in the amount of the estimated cost of the required physical improvements as determined by the director of public works. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the director of public works, which time may be extended by the board of county supervisors upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptabilities of any bond hereunder shall be determined by the board of county supervisors or any official or officials of the county as may be designated by resolution of the board. In any case where any such official or officials have rejected any such agreement or bond, the owner or developer shall have the right to have such determination made by the board, provided the owner or developer has paid to the county a fee for the examination and approval of site plans and inspection of all required improvements shown on such plans. Such fees shall be determined by the board of county supervisors as provided in section 30-80 (d) hereof.

(f) All site plans which are appropriately submitted and conform to standards and requirements set forth in this article shall be approved for the planning commission by the planning engineer after having been reviewed and recommended for approval by:

a. County planning engineer or his agents relative to:

1. The location and design of vehicular entrances and exits

in relation to streets giving access to the site and in relation to pedestrian traffic.

2. The concurrence of the state department of highways for the location and design of the vehicular entrances and exits to and from state maintained streets and highways.

3. Location and adequacy of automobile parking areas.

4. Adequate provision for traffic circulation and control within the site and providing access to adjoining property.

5. Compliance with the requirements of this chapter for setbacks and screening.

b. Director of public works or his agents, relative to:

1. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.

2. Compliance with applicable established design criteria, construction standards and specifications for all improvements required by a duly adopted resolution by the board of county supervisors.

c. County health officer or his agents if septic tanks and other sewage disposal facilities other than sanitary sewers are involved.

d. Any person aggrieved of any decision of the planning engineer may within ten days of such decision appeal to and have a determination made by the county planning commission. Any applicant or adjoining property owner who is aggrieved of the decision of the planning commission may, within ten days of such decision, appeal to and have a determination made by the board of county supervisors.

(g) Approval of a site plan submitted under the provisions of this article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the county planning engineer and director of public works made within ninety days before the expiration of the approved site plan. The planning engineer and director of public works shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

(h) No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this article except in conformity to such site plan which has been duly approved.

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ately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided:

1. The other on-site construction and improvements included in the approved site plan for the section have been completed and have been inspected and accepted by the county planning engineer, the director of public works, the county health officer or their agents and a certified as-built site plan has been submitted to the planning engineer one week prior to the proposed date of occupancy.

2. The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the county planning engineer, the director of public works, or their agents; and the developer has submitted a certified as-built drawing for the section; or the developer has provided surety acceptable to the bonding committee of the county.

3. Upon satisfactory completion of the installation of required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the office of the county planning engineer seven copies of "as built" site plan, certified by the engineer or surveyor, one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan by the appropriate county departments, as designated in this section.

4. The zoning administrator shall not process the occupancy permit until the appropriate "as built" site plan has been reviewed and approved by the county planning engineer and the director of public works. (10-3-62.)

Sec. 30-80. Required improvements, inspections, revisions and fees.

(a) In furtherance of the purposes of this chapter and to assure public safety and general welfare, the county departments, divisions and agencies charged with the responsibility for the review and approval of site plans shall require such of the following improvements as fall within their respective assignments:

1. Designation of pedestrian walkways so that patrons may walk on same from store to store or building to building within the site and to adjacent sites.

2. Construction of vehicular travel lanes or driveways not less than twenty-two feet in width which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent

property; provided that on any site bordering a state primary highway or adjacent to an existing service road in the state highway system, the developer of any site in lieu of providing travel lanes or driveways in order to provide vehicular travel to and from adjacent parking areas and adjacent property, may dedicate, where necessary, and construct a service road under county and state specifications for such. In such event the setback requirements shall be no greater if the service road is dedicated than the setback required without the dedication, except that in no event shall the building be erected closer than ten feet from the closest right of way line. Upon satisfactory completion and upon application of the developer the county shall take the necessary steps to have such road accepted by the state highway department for maintenance.

3. Connection wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.

4. Screening, fences, walls, curb and gutter as are required by the provisions of this chapter, other ordinances of the county or by the regulations of the state department of highways.

5. Easements or rights of way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended.

6. Curb and gutter for travel lanes or driveways that provide vehicular travel to and from adjacent parking areas or adjacent property for the purpose of separating same from parking areas and walkways.

7. Adequate no parking signs along such travel lanes or driveways to prohibit parking on such.

8. Adequate drainage system for the disposition of storm and natural waters.

(b) Inspection and supervision during installation:

1. Unless specifically provided in this chapter the construction standards for all off-site improvements and on-site improvements required by this article shall conform to the county design and construction standards. The director of public works or his agents 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 off-site improvements and required on-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved site plan and applicable county standards.

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Sec. 30-80.

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3. The owner shall notify the director of public works in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

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. Upon satisfactory completion of the installation of the required improvements the owner shall receive a certificate of approval from the planning engineer and the director of public works on the improvements upon the application for such certificate. Such certificates of approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

6. The installation of improvements as required in this article 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.

(c) Any site plan may be revised in the same manner as originally approved, and any requirement of this article may be waived by the board of county supervisors in specific cases where such requirement is found to be unreasonable in such cases and such waiver will not be adverse to the purpose of this article.

(d) The board of county supervisors, by resolution, shall establish or change from time to time a schedule of fees for the examination and approval of site plans and the inspection of all required improvements included in such plans. Such fee shall be payable to the director of finance and deposited to the credit of the general levy fund. (10-3-62.)

Sec. 30-80.1. Violations and penalties.

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this article 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 any land prior to the approval of an "as built" site plan by the county planning engineer and the director of public works shall be guilty of a misdemeanor and upon conviction hereof, shall be subject to punishment as provided by section 1-6. Each day such vio-

lation continues shall constitute a separate offense.

Any building erected or improvements constructed contrary to any of the provisions of this article or any use of any building or land which is conducted, operated or maintained contrary to any provision of this article shall be and the same is hereby declared to be unlawful. The planning engineer may initiate an injunction, mandamus or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this article. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this article.

Upon his becoming aware of any violation of this article, the planning engineer shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the planning engineer has specified, he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law. (10-3-62.)

Article VII. Mobile Dwelling Parks or Trailer Parks.[8]

Sec. 30-81. Continuation of existing parks.

Any trailer park in operation at the time of the adoption of this chapter may continue in operation; provided, that driveways are constructed therein to a minimum surfaced width of twenty feet in accordance with the requirements for surfacing material of section 30-88 not later than January 24, 1960. (7-22-59, § 5.5.)

Sec. 30-82. Plot plan.

Each application shall be accompanied by three copies of a plot plan drawn at a scale of one inch equals twenty feet, prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed trailer park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, independent trailer lots and dependent trailer lots, together with required setbacks from rights of way and property lines. All trailer lots shall be numbered in sequence on the plot plan. (7-22-59, § 5.5.)

8. As to trailer parks generally, see ch. 27 of this Code.

Attachment 5

Relevant 1959 Zoning Ordinance Provisions Amended Through 1965

ZONING MANUAL

BEING A REORGANIZED VERSION OF THE

ZONING ORDINANCE

COUNTY OF FAIRFAX

VIRGINIA

This Zoning Manual was adopted, in conformity with the provisions of The Code of Virginia, as a replacement for the previous Chapter 30 of The Code of Fairfax, Virginia on May 19, 1965; and includes Amendment #96 adopted on August 4, 1965.

CHAPTER 30 — ZONING

ARTICLE I — DEFINITIONS

30-1 DEFINITIONS

30-1.1 General Usage. For the purpose of this chapter, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified. The word "building" includes the word "structure"; 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", or "moved". The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building". The word "adjacent" means "nearby" and not necessarily "contiguous". 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. The terms "board of county supervisors", "planning commission", "planning engineer", "zoning administrator", "board of zoning appeals", "director of public works", "building inspector", "health officer" and "sanitary engineer" mean the respective boards, commission, and officers of the county. The term "R district" means any residential district, the first letter of the symbol for which is the letter "R". The term "C district" means any commercial district, the first letter of the symbol for which is the letter "C". The term "I district" means any industrial district, the first letter of the symbol for which is the letter "I". The term "construction standards" means the department of public works design and construction standards as approved by the board of county supervisors.

30-1.2 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 streets) and lying between the two nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right of way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty feet or more in width.

30-1.3 Buildings and Other Structures and Related Terms

30-1.3.1 Basement. A story partly underground and having at least one-half of its height above grade.

30-1.3.2 Building. A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

30-1.3.2.1 Building, accessory. A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building. Any building that is customarily incidental to any agricultural use shall be deemed to be an accessory building, whether situated on the same lot with a principal building or not.

30-1.3.2.2 Building area. The maximum horizontal projected area of a building and its accessory buildings.

30-1.3.2.3 Building frontage. The width of the faces or walls of a building, which faces or walls contain one or more entrances for use by the general public.

30-1.3.2.4 Building group. A group of two or more main buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

30-1.3.2.5 Building, height of. The vertical distance in the case of flat roofs to the level of the highest point of the roof and in the case of pitched roofs to the mean level between the eaves and the highest point of the roof, measured from the curb level if the building is not more than ten feet distant from the front lot line, but from the average ground level at all sides of the building in all other cases. The term "actual height of the building" as used in this chapter with respect to the location of signs, shall not be deemed to include any part of the building that consists of a sign structure or that is erected for the primary purpose of displaying a sign.

30-1.3.2.6 Building, main. A building in which is conducted the principal use of the lot on which it is situated.

30-1.3.3 Carport. Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure (other than the side of the building to which the carport is contiguous) that is more than eighteen inches in height, exclusive of screens.

30-1.3.4 Cellar. A story entirely underground or partly underground, with at least one-half of its height below grade.

30-1.3.5 Floor Area

30-1.3.5.1 Floor area (commercial). The aggregate area of all floors included within the outer walls of a building excluding areas designed for permanent use as toilets, utility closets, malls enclosed or not, truck tunnels, meter, mechanical and equipment rooms, public and fire corridors, stairwells, garage space, elevators and escalators and areas under sloping ceilings, as defined in "Floor area, net livable".

30-1.3.5.2 Floor area, net livable. The aggregate area of all floors included within the outer wall of a building, measured at the exterior of such walls, excluding basements not used for living purposes (except for recreational use), cellars, rooms for heating equipment, garages and unenclosed porches, breezeways and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet, six inches and then only if at least fifty per cent of such floor area has a ceiling height of not less than seven feet, four inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway.

30-1.3.5.3 Floor area ratio. The ratio of the aggregate gross area of all floors of a building, measured at the exterior of the walls thereof, to the area of the lot on which the building is situated.

30-1.3.6 Grade. The level from which the height of a building is measured, as defined herein.

30-1.3.7 Porch. The term "porch" shall include any porch, veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this chapter. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen inches in height, exclusive of screens.

30-1.3.8 Story. That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if its ceiling is more than six feet above the level from which the height of the building is measured or 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.

30-1.3.8.1 Story, half. That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

30-1.3.9 Structure. Any combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground and including, among other things: Display stands; fences and walls (other than retaining walls not exceeding three and one-half feet above ground level on one side and six feet above ground level on the other); gasoline pumps; gates and gate posts; mobile dwellings (whether mobile or stationary at the time); outdoor bins; pergolas; platforms; pools; porches; reviewing stands; sales stands; signs; stadiums; stagings; standpipes; tanks of any kind; tents; towers of any kind, including radio and television towers and antennae; trellises; vending machines. The word "structure" shall be construed as though followed by the words "or part thereof."

30-1.3.10 Structural alteration. Any change in or addition to the supporting members of a structure.

30-1.4 Lots, Yards and Related Terms

30-1.4.1 Lot. Land occupied or to be occupied by a building and any building accessory thereto or by a building group and any buildings accessory thereto, together with the open spaces appurtenant to such building or group, and either having its principal frontage on a street or having access by a right of way or easement. 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.

30-1.4.2 Lot Measurement and Related Terms

30-1.4.2.1 Lot area. The total horizontal area included within lot lines.

30-1.4.2.2 Lot depth. The mean horizontal distance between the front and rear lot lines.

30-1.4.2.3 Lot frontage. That dimension of a lot measured along the front street line thereof, or if the front street line is curved, along the chord of the arc. The shorter street line of a lot abutting on more than one street shall be deemed to be the front street line thereof, regardless of the location of the principal entrance of a building on the lot; provided, that the frontage of a lot on which a building group is located shall be that lot line along the principal entrance of or approach to such group, as the same is designated on the site plan thereof, approved in accordance with the provisions of Sections 30-11.1 thru 30-11.16.

30-1.4.2.4 Lot line. Any boundary of a lot, as defined herein.

30-1.4.2.4.1 Lot line, rear. The lot line that is generally opposite the lot line along the frontage of the lot. If the rear lot line is less than ten feet in length, or if the lot

30-1.4.8.2 Yard, rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the building or building group.

30-1.4.8.3 Yard, side. A yard between the side line of the lot and the building or building group 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.

30-1.5 Persons, Families, Officials and Related Terms (See also General Usage)

30-1.5.1 Approving authority. Those persons delegated the responsibility of approving any portion or part of the requirements of this chapter.

30-1.5.2 Architect. An individual who is recognized by the state and who is registered with the state department of professional and occupational registration as an "architect".

30-1.5.3 Engineer. An individual who is recognized by the state and who is registered with the state department of professional and occupational registration as a "professional engineer".

30-1.5.4 Family. One person or two or more persons related by blood or marriage, with not to exceed two roomers or boarders, or a group of not more than four persons not necessarily related by blood or marriage; in any case living together as a single housekeeping unit.

30-1.5.5 Landscape architect. An individual who is recognized by the state and who is registered with the state department of professional and occupational registration as a "landscape architect".

30-1.5.6 Owner. Any person who has legal title to the land involved or who has a lease having a term of not less than thirty years.

30-1.5 6.1 One ownership. Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than thirty years.

30-1.5.7 Surveyor, land. An individual who is recognized by the state and who is registered with the state department of professional and occupational registration as a "registered land surveyor".

30-1.6 Site plan. Detailed drawings indicating all building construction and improvements required by article XI of this chapter.

30-1.6.1 Revised site plan. A site plan showing any proposed changes or revisions to an existing, previously approved site plan.

30-1.6.2 Temporary site plan. A site plan for the development of land for temporary use not to exceed six months.

30-1.7 Streets, Alleys, Parking Areas, Driveways and Related Terms

30-1.7.1 Alley. A passage or way open to public travel which affords generally a subordinate means of vehicular access to abutting lots and is not intended for general traffic circulation.

30-1.7.2 Center line. A line lying midway between the side lines of a street or alley right of way, except that if future street lines have been designated for any street by the provisions of sections 30-12.1 through 30-12.4 or by the adoption of a map of future street lines by the board of supervisors, as provided in section 30-12.2 and such future street lines do not lie equidistant from the center line of such street as existing, the center line of such street for the purpose of making any measurement specified by this chapter as being taken in relation to a center line shall be a line lying midway between such future street lines.

30-1.7.3 Driveway. That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

30-1.7.4 Dustless surface. A surface adequately covered, in accordance with good practice, with screenings, stone, bank run or other gravel, concrete or bituminous products or adequately treated, in accordance with good practice, with oil, calcium chloride or similar dust-inhibiting substance, and in any event maintained in good condition at all times.

30-1.7.5 Easement. A grant by a property owner of the use of his land by another party for a specific purpose.

30-1.7.6 Loading space. Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen feet high, and having direct usable access to a street or alley, except that where one 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 feet.

30-1.7.7 Parking

30-1.7.7.1 Parking lot. An area not within a building where passenger vehicles may be stored for the purpose of temporary, daily or overnight off-street parking, other than as an accessory use.

30-1.7.7.2 Parking, off-street. Any space specifically allotted to the parking of motor vehicles; such space shall not be in a dedicated right of way.

30-1.7.7.3 Parking space. An off-street space (a) available and usable for the parking of one motor vehicle, (b) having usable access to a street or alley and (c) having a width, measured at right angle between the centers of the lines defining the space of not less than eight feet six inches. In any parking lot, seventy-five per cent of the parking spaces shall have an area of not less than one hundred eighty square feet each, and twenty-five per cent of the parking spaces shall have an area of not less than one hundred sixty square feet each; provided, however, that the number of square feet

30-1.7.7.3 (Cont) in any parking space shall be reduced by ten per cent if such parking space heads into a wheel bumper, planting area or other construction, except sidewalks, which permits a car to overhang an area not part of the parking surface. The areas required for parking spaces are exclusive of passage ways and driveways appurtenant thereto and giving access thereto.

30-1.7.8 Street. A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.

30-1.7.8.1 Street line. The dividing line between a street and a lot.

30-1.7.9 Travel lane. That space specifically designated and reserved on the site for the movement of vehicular traffic.

30-1.8 Use of Buildings, Structures, or Land, and Related Terms

30-1.8.1 Agriculture. The tilling of the soil, the growing of crops or plant growth of any kind, including forestry; and including the maintenance of nurseries and greenhouses. Growing shall be deemed to include propagating, transplanting or otherwise placing in the soil; also raising of livestock and poultry. Any agricultural use other than such as is incidental to a residential use shall be deemed to be agriculture on a commercial scale.

30-1.8.1.1 Fowl. Chickens, hens, roosters, guineas, ducks, geese, turkeys and poultry of all kind whether herein specifically enumerated or not.

30-1.8.1.2 Livestock. Embracing but not limited to horses, ponies, cattle, sheep and goats.

30-1.8.2 Automobile sales lots. Any place outside a building where two or more vehicles in operating condition are offered for sale or are displayed for sale or advertising purposes.

30-1.8.3 Carnival. A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

30-1.8.4 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.

30-1.8.5 Construction or building materials yard. Any area used for the storage or processing of building materials and supplies when such materials or supplies are intended for use in actual construction of buildings in the immediate area of such yard.

30-1.8.6 Contractor's yard. The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery or vehicles or parts thereof which are in active use by a construction contractor.

30-1.8.7 Development. The utilization of a lot or a tract of land for two or more uses.

30-1.8.33.4.4 Sign, projecting. A sign erected on the walls of a building, any part of which sign extends beyond the walls of the building toward the property line of the parcel or lot upon which the building is located.

30-1.8.33.4.5 Sign, roof. A sign erected wholly or partly on or over the roof of a building.

30-1.8.34 Tourist house. A dwelling, occupied as such, in which sleeping accommodations in less than six rooms with not more than four persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes.

30-1.8.35 Travel trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which: (a) Is identified on the unit by the manufacturer as a travel trailer; and (b) is not more than eight feet in body width; and (c) is of any weight provided its body length does not exceed 29 feet; or (d) is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

30-1.8.36 Use. The specific purpose for which a parcel of land or a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

30-1.8.36.1 Use, accessory. A use which is customarily incidental and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

30-1.8.36.2 Use, community. Country clubs, golf courses and similar recreational use conducted by membership organizations for use only by members thereof and not for gain. Also, community clubs or centers, civic or cultural centers not in public ownership and not conducted for gain, including community swimming pools and archery ranges.

30-1.8.36.3 Use, public. (a) Uses of land and buildings maintained by the county for administrative, cultural, educational, health or welfare purposes; for water supply, sewerage, police protection or for park, playground or automobile parking purposes; but not including any materials or equipment yard in any district more restricted than a C-G district, nor a fire station which may be established under Group VI, Article VII. (b) Buildings owned by and uses conducted by the United States of America or the Commonwealth of Virginia; provided, that the planning commission shall submit to the agency proposing to establish any such use its recommendations with regard to the location of buildings or any other matter on which the commission may deem it advisable to offer any recommendation.

SEC. 30-3.13.1 SCHEDULE OF REGULATIONS.
BEING A PART OF ARTICLE 3 OF THE ZONING ORDINANCE OF FAIRFAX COUNTY

DISTRICT	COLUMN 1 USES PERMITTED BY RIGHT	COLUMN 2 SPECIAL PERMIT USES	COLUMN 3 MINIMUM LOT SIZE	COLUMN 4 MAXIMUM HEIGHT OF LOT COVERAGE	COLUMN 5 MAXIMUM HEIGHT OF BUILDING	COLUMN 6 MINIMUM YARDS AND BUILDING LOCATION REQUIREMENTS FRONT	SIDE	REAR	COLUMN 7 FLOOR AREA	COLUMN 8 MINIMUM OFF-STREET PARKING SPACE	COLUMN 9 OTHER OPEN SPACE	DISTRICT
COM Commercial Offices High Rise	1. All uses permitted by right in C-O districts. 2. The following additional uses: a. Drugstores and pharmacies b. Office supplies and equipment c. Medical supplies d. Art supplies e. Beauty and barber shops f. Blueprinting and reproduction studios g. Photographic studios (not including equipment sales) h. Florist i. Gift shops j. Book stores k. Opticians (including optical sales) l. Tobacco product shops m. Custom tailoring shops (not including dry cleaning)	Same as specified for C-O districts.	1. For uses permitted in R-17 districts the regulations relative to minimum lot sizes in R-10 districts shall apply. 2. All other uses: NR	NR	1. For uses permitted in R-17 districts, the requirements applicable to R-10 districts shall apply 2. C-O uses above 45 feet, the front setback shall have a depth to height ratio of 1 to 1 and the side and rear setbacks shall have a depth to height ratio of 1 to 2 except as specified in Section 30-3.4.3.	1. For uses permitted in R-17 districts, the requirements applicable to R-10 districts shall apply 2. C-O uses above 45 feet, the front setback shall have a depth to height ratio of 1 to 1 and the side and rear setbacks shall have a depth to height ratio of 1 to 2 except as specified in Section 30-3.4.3.		NR	Same as specified for C-O districts.	Same as specified for C-O districts.	COM Commercial Offices High rise
C-N Commercial Neighborhood	1. All uses permitted in C-O, C-OL or C-OM districts. 2. Any of the following uses when conducted entirely within an enclosed building, with no outside display of food or any other goods or merchandise except plants and flowers (including seasonal sale of Christmas trees): a. Stores for the retail sale of automobile supplies; artworks and supplies; clothing and apparel of any kind; dry goods; garden supplies; electrical goods and supplies; food and food products of any kind (including production of bakery goods for retail sale in the same establishment, but not including the killing of poultry or any other livestock); furniture, household furnishings and decorator's supplies; hardware; luggage and leather goods; optical goods; pets and pet supplies (but not including any veterinary service); photographic equipment and supplies; variety goods; but not including any contracting establishment for any of the foregoing; book, cigar, confectionery, drug, jewelry, liquor, music, stationery, and toy stores; newsstands; shoe shining stands. b. Stores for the retail sale or repair (or both) of household appliances; musical instruments; sports goods. c. Banks and other financial institutions; barber shops; beauty parlors, and similar establishments; shoe repair shops; tailor shops; hand laundries; laundromats; establishments for receiving and distributing articles for laundering or cleaning; blueprint, photostat, and similar reproduction establishments, and printing establishments not exceeding 3000 sq. ft. in gross area; d. Pressing and cleaning shops having not more than four pressing machines and one dry cleaning unit not exceeding fifty pound capacity, using nonflammable synthetic cleaning fluid, and one shirt pressing unit. 3. Restaurants not offering any entertainment other than by phonograph, radio or television. 4. Studios, but not public dance halls. 5. Automatic vending machines. 6. Commercial nurseries and greenhouses. 7. Signs as specified in sections 30-3.13.1 thru 30-3.13.11	1. The uses comprised within Group I, and the uses comprised within Group II as specified for C-O, C-OL, and C-OM districts; and the uses listed in Group X for C-N districts. 2. Retail stores and service establishments having physical and functional characteristics similar to those of the uses listed in items 3(b), 3(d) and 3(c), of Column 1 (subsection c) for C-N districts. 3. All uses set out in Group VI	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: NR	NR	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: Height in stories: 3 Height in feet: 40	Same as specified for C-O districts.	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: NR, except as specified in Section 30-3.4.3	20 feet, except as specified in Section 30-3.4.3	1. For retail stores maximum floor area of any one establishment: 7500 sq.ft. except that one store on any parcel of land may have a floor area not exceeding 10,000 sq.ft. 2. For other uses: NR.	1. For uses permitted in C-O districts, the regulations applicable in C-O districts shall apply in C-N districts; except, when such C-O use is an integral part of a C-N use in a C-N district and the C-N use comprises not less than fifty percent of the floor area (commercial) of the combined uses, there shall be not less than two parking spaces for each 1000 sq. ft. of floor area (commercial) for the C-O use in addition to the parking for the C-N use. 2. For restaurants, the following requirements shall apply: One space for each four seats where food consumption is at regular tables and chairs; one space for each eight seats where food consumption is at stools and counter or fountain; one space for each 16 sq. ft. of floor area (commercial) for drive-in restaurants with no customer seating facilities. Each requirement is exclusive of the other and applies separately where there is a combination of operations and types of seating arrangements. 3. For uses involving the seating of patrons, one space shall be provided for each four seats. 4. For automatic vending machines other than laundry facilities, two parking spaces shall be provided for each machine having a floor coverage area of 50 sq. ft. or more. 5. For all other uses, five spaces shall be provided for the first 1000 feet of floor area (commercial), and not less than six spaces for each additional 1000 sq. ft. of such floor area or major fraction thereof. 6. For other uses not otherwise specified, a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment shall be provided, plus spaces sufficient to accomodate those vehicles of all other persons who may be expected to visit the same at any one time, as determined by the board of zoning appeals with respect to any use for which a permit from the board is required and by the zoning administrator with respect to all other uses; subject, under either proceeders, to any requirements adopted by resolution of the planning commission in accordance with the policy as to automobile parking space set forth in sections 30-3.16 and 30-3.11	1. Off-street loading space as follows: (a) For building space designed exclusively for offices and personal service establishments and not adaptable for use for retail business purposes without structural alterations; same as specified in C-O districts (b) For building space designed, usable or adaptable without structural alterations for use for retail business purposes; one off-street loading space for a floor area (commercial) of from 7500 sq. ft. to 10,000 sq. ft. in a single occupancy; one additional space for each additional 15,000 sq. ft. of such floor area or major fraction thereof; provided, that under no circumstances shall more than five off-street loading spaces be required for any single occupancy. (c) For other uses: space determined in the manner specified for "other uses" in this Column 9 for RM-2 districts. 2. Adequate space for drainage, as determined in accordance with the provisions of section 30-3.6	C-N Commercial Neighborhood
C-D Commercial Designed Shopping Center	Subject to approval of a site plan for each development: 1. All uses permitted in C-N districts, but not including any dwelling of any kind, mobile house, motel, rooming house, tourist house or any other place of human habitation, either permanent or temporary, except the quarters of caretakers or watchmen serving uses within the district. 2. Stores for the retail sale of goods and personal service establishments other than those permitted in C-N districts. 3. Automobile sales rooms entirely enclosed on all sides, with no outdoor display of vehicles in connection therewith. 4. Amusements without limitation as to entertainment. 5. Bowling alleys and skating rinks. 6. Signs as specified in sections 30-3.13.1 thru 30-3.13.11	1. The uses listed under Group X for C-D uses.	NR	NR	Same as specified for C-N districts.	Same as specified for C-N districts.	NR, except as specified in Section 30-3.4.3	20 feet, except as specified in Section 30-3.4.3	NR	1. For uses permitted in C-N districts; same as specified for C-N districts	Same as specified for C-N districts.	C-D Commercial designed shopping center
C-DM Commercial Designed shopping center and motels	Subject to approval of a site plan for each development: 1. All uses permitted in C-D districts.	1. The uses listed in Item 1 of this Column 2 for C-N districts. 2. Motels 3. Group VI: Carnival, Circus, etc.	NR	NR	Same as specified for C-N districts.	Same as specified for C-D districts.	Same as specified for C-D districts		NR	1. For uses permitted in the C-D district, same as specified for C-D district. 2. For Motels: 1 space per rental unit plus additional space as may be required by the zoning administrator. 3. For enclosed theatres, one space shall be provided for each four seats.	Same as specified for C-N districts.	C-DM Commercial Designed Shopping Center and Motels
C-G Commercial general	1. All uses permitted in C-N and C-D districts. 2. All uses permitted in C-O, C-OL and C-OM. 3. Tourist houses; rooming houses. 4. Ambulance service. 5. Automobile laundries. 6. Automobile and truck (not exceeding 1 1/2 ton capacity) sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, (c) occupying no area not exceeding the floor area of the establishment of which the sales room to which such outdoor display is appurtenant is a part, and (d) not including the display of any vehicle that is not in operating condition. 7. Bakeries employing not more than 10 persons other than clerks and vehicle drivers. 8. Establishments for the installation and servicing of the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, tiling and ventilating, with all materials stored entirely in buildings erected on all sides, or within such walls or fences, supplemented by planting, as may be prescribed by resolution of the Planning Commission; but not including building construction. 9. Cabinet making shops not to amount 3,000 sq. ft. in gross area. 10. Catering establishments. 11. Frozen food lockers. 12. Gasoline stations; parking garages; repair garages. Gasoline service station pump islands twenty-five feet from the right-of-way line of abutting street; provided, that the service station building is set back a distance of at least seventy-five feet from the right-of-way line of such major secondary road, or may be designated as such by resolution of the board of County Supervisors and a distance of at least seventy-five feet from the right-of-way line of any primary highway. On any major secondary road as designated, or on any primary highway when one-half the ultimate right-of-way width recommended by the County Planning Engineer has been previously provided on the same side of the center line thereof as is the lot involved, this service station building setback requirement shall not apply. 13. Grain and feed supply establishments. 14. Ice storage of not more than 5 tons capacity. 15. Laundry, diaper service, and dyeing and cleaning establishments. 16. Monument works. 17. Nurseries. 18. Printing establishments not to amount 3,000 sq.ft. in gross area. 19. Taxidermist shops. 20. Theaters, but not including open air theaters. 21. Trade schools involving the use of machinery or equipment of not more than one horsepower capacity. 22. Upholstering establishments. 23. Farm equipment and machinery sales entirely enclosed on all sides in connection with which there may be an outdoor display of vehicles on the same lot as an incidental use, but not to exceed the area of the enclosed sales room. 24. Retail sale of garden materials and supplies, hardware and building materials and supplies. Areas devoted to display, sales or storage of these materials and supplies shall be entirely within a screened enclosure. 25. The uses comprised within the following groups as set forth in sections 30-7 thru 30-7.3.10.8 but without the necessity of obtaining a special permit for any of the same: (a) Group II, except sewerage facilities (b) Group V, except item (e) thereof, subject to approval of a site plan for each use, 26. Signs as specified in sections 30-3.13.1 thru 30-3.13.11 27. *Multi-family dwellings, if served by sanitary sewer and central water supply approved by the Director of Public Works.	1. The following uses as comprised within the following groups: Group II: Sewerage facilities Group V: Item (e) thereof Group VI: All uses Group VII: All uses Group VIII: All Uses Group X: All uses listed therein for C-G districts. 2. Any other use involving the sale of goods, the providing of personal, professional or business services or the conducting of transactions which has physical and functional characteristics similar to those of any of the uses listed in Column 1 for C-G districts. 3. Mobile dwelling park or extension of an existing mobile dwelling park, subject to approval of a special permit therefor issued by the board of County Supervisors acting as the board of zoning appeals under the provisions of section 30-6.7 No such permit shall be issued by the board until after a site plan of such park or such extension has first been approved by the planning commission in accordance with the provisions of sections 30-11 thru 30-11.16. In considering applications for this use, the board shall be governed by the provisions of sections 30-6.1 thru 30-6.15 and 30-7 thru 30-7.3.10.8 applicable to the board of zoning appeals. All such parks or extensions shall comply with all the regulations applicable thereto in RM-3 districts. *Delete this sentence 12/1/65 as Multi-family dwellings will not be a permitted use in C-G district after 12/1/65	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: NR *3. For Multi-family dwellings: same as specified for multi-family dwellings in RM-2 districts, except that the minimum lot area in relation to number of dwelling units shall be computed on the following basis: No. of rooms per dwelling unit: Sq. ft. of lot area per dwelling unit: 1 — 800 2 — 1200 3 — 1600 4 — 1800	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: NR *3. For multi-family dwellings: 30%	1. For uses permitted in R-10 districts: same as specified for R-10 districts. 2. For other uses: same as specified for C-N districts. *3. For multi-family dwellings: same as specified for RM-2 districts.	Same as specified for C-O districts.	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: NR, except as specified in Section 30-3.4.3 3. For multi-family dwellings: not less than equal to the height of the building, or 30 ft., whichever is the greater distance; minimum distance between buildings: same as specified for multi-family dwellings in RM-2 districts.	1. For uses permitted in R-10 districts; same as specified for R-10 districts. 2. For other uses: NR, except as specified in Section 30-3.4.3	20 feet, except as specified in Section 30-3.4.3	NR	1. For other uses involving the provision of living or sleeping accomodations: one space for each room in which such accomodations are provided. 2. For other uses, the provisions specified for C-O districts shall apply in C-G districts. 3. For uses involving the seating of patrons, one space shall be provided for each four seats. 4. For other uses not otherwise specified, a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment shall be provided, plus spaces sufficient to accomodate those vehicles of all other persons who may be expected to visit the same at any one time, as determined by the board of zoning appeals with respect to any use for which a permit from the board is required and by the zoning administrator with respect to all other uses; subject, under either procedure, to any requirements adopted by resolution of the planning commission in accordance with the policy as to automobile parking space set forth in sections 30-3.16 & 30-3.11 5. For automatic vending machines other than laundry facilities, two parking spaces shall be provided for each machine having a floor coverage area of 50 sq. ft. or more. 6. For all other uses, five spaces shall be provided for the first 1000 feet of floor area (commercial), and not less than six spaces for each additional 1000 sq. ft. of such floor area or major fraction thereof. *7. For uses permitted in RM-2 districts; same as specified for RM-2 districts.	Same as specified for C-O districts and in addition to said requirements: For uses permitted in C-G districts but not in C-N districts: one off-street loading space for a floor area of from 4000 sq. ft. to 6000 sq. ft.; one additional off-street loading space for each additional 8000 sq.ft. or floor area or major fraction thereof. *For uses permitted in RM-2 districts; same as specified for RM-2 districts.	C-G Commercial General

30-3.7 (Cont) shall not (1) be located in an R district or (2) be connected with utilities or otherwise be made usable for occupancy as a dwelling.

30-3.8 Mobile homes to be occupied in mobile home parks only. No mobile home shall be occupied for dwelling purposes unless the same is located in a mobile home park, in acoordance with all the regulations applying thereto under state law, this Code or other county ordinance, except 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 days. 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 it is a legal mobile home park licensed by the County and maintained in accordance with the provisions of this chapter. As to requirement that certificate of use and occupancy be issued prior to issuance or mobile home park license, see section 27-7 of the 1961 Fairfax County Code re trailer parks.

30-3.9 Sales from vehicles. The sale or offering for sale of goods or services from any vehicle shall be deemed to be a business use and shall be subject to all the regulations prescribed for the 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.

30-3.10 Off-street parking—Generally. Off-street parking space shall comply with the following regulations, in addition to those specified in sections 30-2.2.2.

30-3.10.1 All off-street parking space appurtenant to any use permitted in any R district except RT districts shall be provided on the same lot with the use to which it is appurtenant.

30-3.10.2 All off-street parking space appurtenant to any use other than a use permitted in any R district shall be provided on the same lot with the use to which it is appurtenant; provided, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convernience or both would be better served by the location thereof other than on the same lot with the use to which it is appurtenant, the planning commission, acting either on a specific application or by the adoption of standards and rules sufficient to serve as a conclusive guide in the issuance of building permits and certificates of occupancy, may authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

(1) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of cooperative provision or parking space, as provided in section 30-3.10.3, in the ownership of at least one of the participants in the combination.

-3.10.2 (Cont)

(2) The entrance to such space shall be located within five hundred feet walking distance of an entrance to the use that such space serves.

30-3.10.3

Parking space required under the provisions of this chapter may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such arrangements are approved by the planning commission as a part of its action on a site plan, subject to the provisions of sections 30-11.1 through 30-11.16. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided, that the planning commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of this chapter by the amount of space available to it in such a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

30-3.10.4

All off-street loading space shall be provided on the same lot with the use to which it is appurtenant.

30-3.10.5

All off-street parking space and 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 not exceeding thirty feet in width and located and constructed in accordance with specifications prescribed by the director of public works. All off-street parking space and off-street loading space that is not located within a building shall be constructed and maintained with a dustless surface and of such type of construction that the same will be available for safe and convenient use at all times.

30-3.10.6

All required off-street parking space, all required off-street loading space, and all passageways and driveways appurtenant thereto and giving access thereto 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 planning commission in either of the two following circumstances only, as set forth in the findings of the commission:

(1) Such space may be reduced by the amount to which other and equivalent space, conforming to the provisions of this chapter, is provided for the use that is involved.

(2) 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 space is appurtenant; or, with respect to off-street parking space, by reason of the provision of conveniently available parking space in a parking lot established by public authority.

30-3.10.7 If there is any uncertainty with respect to the amount of parking space required by the provisions of this chapter 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.

30-3.11 Off-Street Parking—In R Districts.

30-3.11.1 Upon approval by the county board of supervisors following a duly advertised public hearing in accordance with the same procedure as set forth in section 30-12.2, and subject to the provisions of section 30-3.10, any parcel of land in any R district may be used for any off-street parking of motor vehicles, subject to the following limitations and requirements:

30-3.11.1.1 There shall be no parking of vehicles nearer to any boundary of such parcel than a distance equal to the minimum depth or width required for a front or side yard on the adjoining property.

30-3.11.1.2 That part of the parcel either abutting a lot in an R district or across the street from an R district shall be subject to the requirements of section 30-3.5.3 regarding fencing and screen planting.

30-3.11.1.3 No sign shall be displayed on such parcel except one identification sign not exceeding four square feet in area, nor shall such sign be located outside the parcel. No such sign shall be illuminated by other than indirect lighting nor at any time other than during the same time that the use to which the parking is appurtenant is open for business or otherwise engaged in the activities thereof.

30-3.11.1.4 No charge shall be made for the use of such parcel for parking purposes.

30-3.11.1.5 No service of any kind shall be extended to persons occupying vehicles in such parcel; nor shall such parcel be used for automobile repair, service or storage.

30-3.11.1.6 Wherever lighting of such parcel either abutting a lot in an R district or across the street from any R district is provided, installation shall be arranged so as not to reflect or cause glare onto the abutting or facing residential land. Such parcel shall not be lighted at any time other than during the same time that the use to which the parking is appurtenant is open for business.

30-3.12 Effect of chapter on buildings, etc., authorized prior to effective date of chapter. Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building on which construction was authorized by a permit issued prior to the effective date of this chapter. Actual construction shall have been commenced within six months after the date of issuance of such permit.

30-11 ARTICLE XI — SITE PLANS

30-11.1 Purpose of article. The purpose of this article shall be:

(a) To assure compliance with the applicable requirements of this chapter.

(b) To state the specific additional requirements applicable to the development of land in certain zoning districts.

(c) To prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of required improvements.

(d) To specify the types of development or land use for which submission of a site plan shall be required.

(e) To define and establish the responsibilities of the departments, divisions and other agencies of the county government for site plan processing, review and approval.

(f) To designate the approving and reviewing authorities for the county on site plans and permits relative thereto.

(g) To establish the schedule of fees for site plans.

(h) To provide a system to insure compliance with approved site plans.

(i) To define violations and penalties.

(j) To provide a system of notifying adjoining owners of site plan submission.

30-11.2 Development or land use requiring site plan. A site plan is required and shall be submitted for:

(a) Any development in which any automobile parking space is to be used by more than one establishment.

(b) Any use or development in a "RM-3", "C", or "I" district and multi-family dwellings in any "RM" district or any exterior addition or change in any existing residential use or development to commercial or industrial use in the above-mentioned districts for the area involved.

(c) Churches, church schools, convents and monasteries.

(d) All of the uses within group II through group VIII for which a special use permit is required in section 30-7.1.

30-11.3 Temporary site plans. A temporary site plan may be submitted for any new development or land use listed in section 30-11.2 provided:

(a) The proposed development or land use is for a period of not more than six months and all buildings and structures are of a temporary nature. The drainage, parking, screening, fencing, services and utility requirements of this chapter and this article may be modified for the purposes of a temporary site plan, provided the county planning engineer and the director of public works concur; and

(b) Prior to the approval of such temporary site plan the applicant shall furnish a bond with surety approved by the bonding committee of the county, guaranteeing the removal of all structures erected pursuant to such temporary site plan at the termination of the period for which the permit is issued.

30-11.4 Required information.

30-11.4.1 Every site plan, except a temporary site plan, as hereinafter provided, submitted in accordance with this article shall contain the following information:

(1) Location of tract by an insert map at a scale of not less than one inch equals two thousand feet, indicating scaled coordinates referred to in U. S. C. & G. S., state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

(2) A boundary survey of the tract with an error of closure within the limit of one in ten thousand related to the true meridian and showing the location and type of boundary evidence. The survey may be related to U. S. C. & G. S. state grid north if the coordinates of two adjacent corners are shown; provided that such information may be provided from recorded plats in case of lots in subdivisions recorded subsequent to the first of September, 1947.

(3) Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

(4) All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; water courses and their names; owners, zoning and present use of adjoining tracts.

(5) Location type and size of vehicular entrance to the site.

(6) Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this chapter.

(7) All off-street parking, 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 in accordance with section 30-2.2.2.

(8) Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, the number, size and type of dwelling units.

(9) 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 other utility system.

(10) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the county, indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.

(11) Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less

30-11.4.1 (Cont)

than two per cent, either one-foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.

(12) Proposed finished grading by contours supplemented where necessary by spot elevations.

(13) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest ten seconds.

30-11.4.2

Every temporary site plan submitted in accordance with the provisions of this article shall contain the following information:

(1) Boundary survey of the entire tract by courses and distances.

(2) Area, zone and present record owner of tract.

(3) Owner, zone and present use of all contiguous property.

(4) Insert map showing the general location of the tract.

(5) Location, size, height and use of each building.

(6) Existing and proposed topography.

(7) Location, type and size of proposed vehicular entrances to the site.

(8) All water, storm sewers and sanitary sewerage facilities.

(9) Location and size of parking area.

(10) Location, type and height of screening.

30-11.5

Procedure for preparation.

30-11.5.1

Plans to be prepared by authorized persons. Site plans or any portion thereof, involving engineering, architecture, landscape architecture or land surveying, shall be prepared and certified respectively by an engineer, architect, landscape architect, or land surveyor duly authorized by the state to practice as such. A site plan may be prepared in one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.

30-11.5.2

Scale and sheet size. Site plans shall be prepared to a scale of one inch equals fifty feet or larger; the sheet or sheets shall be twenty-three inches by thirty-six inches or any multiple thereof.

30-11.5.3

Number of copies. Nine clearly, legible, blue or black line copies of a site plan shall be submitted to the county planning engineer, accompanied by a receipt from the director of finance evidencing the payment of all the site plan fees for processing and approval as set forth herein.

30-11.5.4 Notice required. Any person who submits a site plan for approval under the provisions set forth in this article shall submit written proof of notification of five property owners in the immediate vicinity of the property involved, two of which property owners shall be adjoining such property. No site plan shall be approved within five days of any such notice.

Notice as hereinafter provided shall be posted on such site by the planning engineer within five days from receipt of such application, and no such application shall be approved within five days of such posting. The notification shall read as follows:

"This is to notify you that a site plan has been submitted to the Office of the County Planning Engineer, Fairfax Courthouse, Room 214, Phone: CRescent 3-2000, Extension 333, for approval by Fairfax County.

This site plan may be reviewed at the above office and is subject to approval after the expiration of five days from receipt of this notice."

30-11.6 Procedure for processing.

30-11.6.1 Planning engineer. The county planning engineer is responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof to reviewing departments, agencies and officials. He shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan within forty-five days, except under abnormal circumstances, from the receipt thereof in his office.

All site plans which are appropriately submitted and conform to standards and requirements set forth in this article shall be approved for the planning commission by the planning engineer after having been reviewed and recommended for approval by county planning engineer or his agents relative to:

1. The location and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
2. The concurrence of the state department of highways for the location and design of the vehicular entrances and exits to and from state maintained streets and highways.
3. Location and adequacy of automobile parking areas.
4. Adequate provision for traffic circulation and control within the site and providing access to adjoining property.
5. Compliance with the requirements of this chapter for setbacks and screening.

30-11.6.2 Director of public works or his agents, relative to:

1. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
2. Compliance with applicable established design criteria, construction standards and specifications for all improvements required by a duly adopted resolution by the board of county supervisors.

30-11.6.3 County health officer or his agents if septic tanks and other sewage disposal facilities other than sanitary sewers are involved.

30-11.7 Required improvements. In furtherance of the purposes of this chapter and to assure public safety and general welfare, the county departments, divisions and agencies charged with the responsibility for the review and approval of site plans shall require such of the following improvements as fall within their respective assignments:

1. Designation of pedestrian walkways so that patrons may walk on same from store to store or building to building within the site and to adjacent sites.

2. Construction of vehicular travel lanes or driveways not less than twenty-two feet in width which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property; provided that on any site bordering a state primary highway or adjacent to an existing service road in the state highway system, the developer of any site in lieu of providing travel lanes or driveways in order to provide vehicular travel to and from adjacent parking areas and adjacent property, may dedicate, where necessary, and construct a service road under county and state specifications for such. In such event the setback requirements shall be no greater if the service road is dedicated than the setback required without the dedication, except that in no event shall the building be erected closer than ten feet from the closest right of way line. Upon satisfactory completion and upon application of the developer the county shall take the necessary steps to have such road accepted by the state highway department for maintenance.

3. Connection wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.

4. Screening, fences, walls, curb and gutter as are required by the provisions of this chapter, other ordinances of the county or by the regulations of the state department of highways.

5. Easements or rights of way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended.

6. Curb and gutter for travel lanes or driveways that provide vehicular travel to and from adjacent parking areas or adjacent property for the purpose of separating same from parking areas and walkways.

7. Adequate no parking signs along such travel lanes or driveways to prohibit parking on such.

8. Adequate drainage system for the disposition of storm and natural waters.

30-11.8 Agreement bond and fees. Prior to approval of any site plan there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights of way or easements or as are connected to any public facility in form and substance as approved by the county, together with a bond with surety or condition acceptable to the county in the amount of the estimated cost of the required

30-11.8 (Cont) physical improvements as determined by the director or public works. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the director of public works, which time may be extended by the board of county supervisors upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptabilities of any bond hereunder shall be determined by the board of county supervisors or any official or officials of the county as may be designated by resolution of the board. In any case where any such official or officials have rejected any such agreement or bond, the owner or developer shall have the right to have such determination made by the board, provided the owner or developer has paid to the county a fee for the examination and approval of site plans and inspection of all required improvements shown on such plans. Such fees shall be determined by the board of county supervisors which by resolution, shall establish or change from time to time a schedule of fees for the examination and approval of site plans and the inspection of all required improvements included in such plans. Such fee shall be payable to the director of finance and deposited to the credit of the general levy fund.

30-11.9 Approval and extension. Approval of a site plan submitted under the provisions of this article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the county planning engineer and director of public works made within ninety days before the expiration of the approved site plan. The planning engineer and director of public works shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

30-11.10 Revisions and waiver. Any site plan may be revised in the same manner as originally approved, and any requirement of this article may be waived by the board of county supervisors in specific cases where such requirements is found to be unreasonable in such cases and such waiver will not be adverse to the purpose of this article.

30-11.11 Appeal. Any person aggrieved of any decision of the planning engineer may within ten days of such decision appeal to and have a determination made by the county planning commission. Any applicant or adjoining property owner who is aggrieved of the decision of the planning commission may, within ten days of such decision, appeal to and have a determination made by the board of county supervisors.

30-11.12 Building permit. No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this article except in conformity to such site plan which has been duly approved.

30-11.13 Inspection and supervision during installation:

1. Unless specifically provided in this chapter the construction standards for all off-site improvements and on-site improvements required by this article shall conform to the county design and construction standards. The director of public works or his agents 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 off-site improvements and required on-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved site plan and applicable county standards.

3. The owner shall notify the director of public works in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

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. Upon satisfactory completion of the installation of the required improvements the owner shall receive a certificate of approval from the planning engineer and the director of public works on the improvements upon the application for such certificate. Such certificates of approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

6. The installation of improvements as required in this article 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.

30-11.14 As-built site plan. Upon satisfactory completion of the installation of required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the office of the county planning engineer seven copies of "as built" site plan, certified by the engineer or surveyor, one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan by the appropriate county departments, as designated in this section.

The zoning administrator shall not process the occupancy permit until the appropriate "as built" site plan has been reviewed and approved by the county planning engineer and the director of public works.

30-11.15 Occupancy certificate. A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided:

1. The other on-site construction and improvements included in the approved site plan for the section have been completed and

30-11.15 (Cont)

have been inspected and accepted by the county planning engineer, the director of public works, the county health officer or their agents and a certified as-built site plan has been submitted to the planning engineer one week prior to the proposed date of occupancy.

2. The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the county planning engineer, the director of public works, or their agents; and the developer has submitted a certified as-built drawing for the section; or the developer has provided surety acceptable to the bonding committee of the county.

30-11.16

Violations and penalties. Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this article 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 any land prior to the approval of an "as built" site plan by the county planning engineer and the director of public works shall be guilty of a misdemeanor and upon conviction hereof, shall be subject to punishment as provided by section 30-14. Each day such violation continues shall constitute a separate offense.

Any building erected or improvements constructed contrary to any of the provisions of this article or any use of any building or land which is conducted, operated or maintained contrary to any provision of this article shall be and the same is hereby declared to be unlawful. The planning engineer may initiate an injunction, mandamus or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this article. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this article.

Upon his becoming aware of any violation of this article, the planning engineer shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the planning engineer has specified, he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Attachment 6

Relevant Current Zoning Ordinance Provisions

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 the Department of Public Works and Environmental 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 the Department of Public Works and Environmental 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'.

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-MOUNTED SIGN: See SIGN, BUILDING-MOUNTED.

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

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.

- 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.

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 and antennas to a suitable height, whose primary function is the support of wires, conductors and associated apparatus used for the distribution of electrical energy and/or land line communication signals.

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.