ARTICLE 7

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

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ARTICLE 7

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

PART 1 7-100 OVERLAY AND COMMERCIAL REVITALIZATION DISTRICTS IN GENERAL

7-101 Purpose and Intent

The districts presented in this Article 7 are created for the purpose of providing for special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each district. These districts shall be in addition to, and shall overlap and overlay, all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay or commercial revitalization district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

7-102 Establishment

In general, districts as provided for in this Article and amendments thereto shall be established in the same manner and by the same procedures set forth in Article 18 for other zoning districts provided for by this Ordinance, unless such procedures are qualified by the provisions of a particular district as set forth in this Article.

PART 2 7-200 HISTORIC OVERLAY DISTRICTS

7-201 Purpose and Intent

Historic Overlay Districts are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas that have special historical, cultural, architectural, or archaeological significance as provided by Sect. 15.2-2306 of the Code of Virginia, as amended and which have been officially designated by the Board of Supervisors.

Regulations within such districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation and improvement in accordance with the following purposes:

1. To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.

2. To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.

3. To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.

4. To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.

5. To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.

6. To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.

7. To ensure that new development within the district is appropriate and that new structures are well designed.

7-202 District Boundaries

1. The boundaries of a Historic Overlay District approved after December 6, 1994 shall be based on an analysis that determines and describes the characteristics of the area that is to be preserved and enhanced and shall in general be drawn to include, as appropriate:

   A. One or more properties that form the district core and can be characterized as follows:

      (1) A property or properties within or about which historic events have occurred, or

(2) A property or properties that are themselves heritage resources or contain noted heritage resources, or

(3) A property or properties that have special cultural or associational value to the public, or

(4) A property or properties that have been identified as having particular archaeological significance.

B. One or more properties that are peripheral to the district core which may or may not possess significant historic merit individually and which are characterized as follows:

(1) A property or properties that are visually or historically related to the district core identified in Par. 1A above, or

(2) A property or properties that reflect the historic pattern of development of the district, or

(3) A property or properties that relate to the social or economic character or architectural or archaeological interest of the district.

C. Lands closely related to and bearing upon the visual character of the district core and that contribute to the historic context of the district.

7-203 Establishment of Districts

1. To establish a Historic Overlay District, the Board of Supervisors shall determine that such district possesses historic, architectural, archaeological, or cultural significance. Such significance may be present in districts, sites, structures, or objects that possess integrity of location, design, setting, materials, workmanship, and association. To be determined as having such significance the property or properties comprising a Historic Overlay District must meet one or more of the following criteria:

A. Have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation.

B. Be the site of a significant historical event.

C. Be identified with a person or group of persons who influenced society.

D. Exemplify the cultural, economic, social, political, or historic heritage of the County or its communities.

E. Embody the distinctive characteristics of a type, period, or method of design or construction.

F. Represent the work of a master craftsman, architect, designer, or builder.

G. Possess high artistic values.

H. Represent a significant and distinguishable entity whose components may lack individual distinction.

I. Represent an established and familiar visual feature of the neighborhood, community or County due to its singular man-made or natural characteristics or features.

J. Have yielded, or may be likely to yield, archaeological information important in history or prehistory.

2. A request to establish or revise a Historic Overlay District may be proposed in accordance with Sect. 18-201 or by the Architectural Review Board (ARB), as established by the provisions of Article 19, and/or the Fairfax County History Commission and shall be generally subject to the provisions of Part 2 of Article 18. A request by the ARB or the History Commission shall be forwarded to the Planning Commission or the Board of Supervisors and, upon receipt, the Planning Commission or Board of Supervisors may initiate an amendment to the Ordinance.

3. The Department of Planning and Zoning, in cooperation with the ARB and the Fairfax County History Commission, shall prepare and submit a report to the Planning Commission and Board of Supervisors evaluating the proposal to establish or amend a Historic Overlay District. Such report shall identify the Historic Overlay District boundaries as well as the historic, architectural, archaeological, or cultural significance of buildings, structures, or sites to be protected, and describe present trends, conditions and desirable public objectives for preservation. In addition, such report shall include the following specific information:

A. An analysis of current conditions including ownership, existing and planned land use, existing zoning, access and existing structures by period of construction, architectural style, condition and matters relating to site conditions, such as building location, location of yards and other open spaces, access to interior of lots, and off-street parking provided.

B. A description of individual structures and premises of substantial public interest, with maps, photographs and other data indicating the public importance of their preservation and the particular features to be preserved. These shall be identified as historic or contributing properties and noted as such in the report.

C. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs and other data indicating the reasons for such an effect.

D. An analysis of the extent and historic significance of identified archaeological sites including general location maps, photographs and other data indicating the public importance of a particular site.

E. The boundaries of the proposed Historic Overlay District and the location of the district core and all historic and contributing properties shall be shown on current Fairfax County Zoning Map Section Sheets at a scale of one inch equals five hundred feet (1" = 500') and a listing of the related tax map reference numbers shall be provided.

F. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth in this Ordinance, which detailed regulations may include those pertaining to permitted and prohibited principal and accessory uses and structures, use limitations, bulk regulations, lot size requirements, performance standards, off-street parking and loading requirements, control of signs and exterior illumination, landscaping and screening, control of exterior character of buildings and sites when visible from a public way only, and control of, additions to, or removal of existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures or sites to be preserved.

The report for a request to revise an existing Historic Overlay District may contain all or part of the information set forth above as deemed appropriate by the Department of Planning and Zoning in conjunction with the ARB and the Fairfax County History Commission.

4. If the Board of Supervisors establishes a Historic Overlay District by adoption of an amendment to this Ordinance, its action shall include a declaration that the buildings, structures, or sites to be preserved are in fact of historical, architectural, archaeological, or cultural significance requiring protection against destruction and encroachment. Such action shall amend the Zoning Map by placing said historic district thereon, overlaying the existing zoning district(s). In taking such action, the Board shall identify, where applicable, historic and contributing properties. Such action shall also include adoption, in the manner provided by general law, of such regulations and development policies as may be deemed necessary by the Board of Supervisors. Upon adoption, such regulations for a given historic district, which shall supplement or modify the regulations for the underlying district(s), shall be presented as an appendix to the Zoning Ordinance. Such appendix shall be incorporated as part of this Ordinance by reference as if it were completely presented herein.

7-204 Administration of Historic Overlay District Regulations

Once established, Historic Overlay Districts shall be subject to administrative procedures for the enforcement of such regulations as provided in this Section.

1. All applications for rezoning, special exception, special permit, variance, sign permits, building permits, as qualified below, and all site plans, subdivision plats and grading plans shall be referred to the ARB for its review and recommendation in accordance with the provisions of this Part.

2. The ARB review and recommendation on applications for a rezoning, special exception, special permit, variance and for site plans, subdivision plats and grading plans shall include consideration of the potential impact of the proposal on the historical, architectural, or archaeological significance of the district and, but not limited to, the following:

   A. The impact of the proposed use, regarding the intensity, density, or scale of development on existing conditions in the district;

   B. Any change to the visual character of the district including views to and from historic and contributing properties;

   C. The location of buildings or structures, streets or parking areas, and planting or landscape features;

   D. Any change to existing grades, drainage patterns, landscaping or similar features as a result of permanent or temporary site construction activities;

   E. Any change to non-structural site elements, such as vehicular access, yard requirements or utility easements, that may affect the historic character of the district.

3. ARB approval shall be required prior to the issuance of Building Permits by the Director and approval of sign permits by the Zoning Administrator for the following:

   A. Building Permits for the erection, construction, reconstruction, or exterior rehabilitation, remodeling, alteration or restoration of any building or structure in a Historic Overlay District, except as qualified in Par. 4 below;

   B. Building Permits for the demolition, razing, relocation, or moving of any building or structure in a Historic Overlay District; and

   C. Sign Permits for the erection, alteration, refacing or relocation of any sign in a Historic Overlay District.

4. ARB approval shall not be required prior to issuance of Building Permits by the Director for the following:

   A. Building Permits for the interior alteration of any building or structure; or

   B. Building Permits for additions to buildings and structures or for accessory structures when such proposed development is neither adjacent to nor visible from a major thoroughfare, historic byway, road listed or determined to be eligible for listing in the National Register, or a contributing or historic property; or

   C. Building Permits for re-roofing and re-siding of non-contributing buildings or structures, when the replacement roofing or siding is similar in color, material and texture to that which is being replaced; or

D. Building Permits for signs which have been previously approved by the ARB during review of the sign permit application.

5. ARB procedures for the review of Building Permits and sign permits, as required by Par. 3 above, shall be in accordance with the following:

A. The applicant shall forward to the ARB copies of the Building Permit or sign permit application, including any accompanying materials filed with such application;

B. The ARB may request any or all of the information set forth in Par. 6 below to assist in its review of an application;

C. In reviewing applications, the ARB shall not make any requirements except for the purpose of preventing developments architecturally incompatible with the historic aspects of the Historic Overlay District. The ARB shall consider the following in determining the appropriateness of architectural features:

(1) The exterior architectural features, including all signs, which are visible from a public right-of-way or contributing or historic property;

(2) The general design, size, arrangement, texture, material, color and fenestration of the proposed building or structure and the relation of such factors to similar features of historic or contributing buildings or structures within the Historic Overlay District;

(3) The extent to which the building, structure or sign would be harmonious with or architecturally incompatible with historic or contributing buildings or structures within the district;

(4) The extent to which the building or structure will preserve or protect historic places and areas of historic significance in the County;

(5) The extent to which the building or structure will promote the general welfare of the County and all citizens by the preservation and protection of historic places and areas of historic interest in the County.

D. In reviewing an application for a Building Permit to raze or demolish a building or structure, the ARB shall review the circumstances and the condition of the structure or part proposed for demolition and make its determination based on consideration of any or all of the following criteria:

(1) Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?

(2) Is the building of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?

(3) Would retention of the building help preserve and protect a historic place or area of historic interest in the County?

(4) Does the building or structure contribute to the significance of the district?

E. In reviewing an application for a Building Permit to move or relocate a building or structure, the ARB shall consider the following criteria:

(1) Would the proposed relocation have a detrimental effect on the structural soundness of the building or structure?

(2) Would the proposed relocation have a detrimental effect on the historical aspects of other historic or contributing properties in the Historic Overlay District?

(3) Would relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the structure or building?

(4) Would relocation of the building help preserve and protect a historic place or area of historic interest in the County?

(5) Does the building or structure contribute to the significance of the district?

F. The ARB, on the basis of the information received from the applicant and from its general background and knowledge, and upon application of the appropriate criteria set forth in this Par. 5 and Par. 7 below shall approve, approve with modifications, or disapprove the application. If the ARB approves or approves with modification the application, it shall authorize the Director to issue the Building Permit or the Zoning Administrator to approve the sign permit. If the ARB disapproves the application, it shall so notify the applicant and the Director or the Zoning Administrator.

6. For all applications and plans subject to ARB review, the ARB may require the submission of any or all of the following information and any other materials as may be deemed necessary for its review.

A. Statement of proposed use, name of proposed user;

B. Statement of estimated time of construction;

C. Maps relating proposed use to surrounding property, zoning, and the historic district;

D. A plan showing building configuration, topography, grading and paving;

E. Architectural schematic drawings showing floor plans, all exterior elevations (principal one in color);

F. Color photographs of the property to be changed, adjacent properties, and similar properties within or near the district that clearly show the visual character of the surrounding area;

G. A plan and section drawings of the site showing the relationship between new construction and existing structures indicating building heights, ground elevations, and the general location of existing and proposed plant materials;

H. A landscaping plan showing the location and identification of existing and proposed plantings, landscape features such as fences, gates, retaining walls, and paving, a listing indicating the name and size of proposed plantings, and the limits of clearing;

I. A plan showing exterior signs, graphics, and lighting to establish location, size, color, and type of materials; and

J. Samples, descriptive literature, or photographs showing the type and color of fixtures to be installed and primary building materials including foundation, cladding, trim, and roofing.

7. To facilitate the review of applications, the ARB shall formulate and adopt guidelines for new construction and the exterior alteration of existing buildings, structures, and sites located within Historic Overlay Districts based on the following standards:

A. A property should be used for its historic purpose or be adapted for a new use that requires minimal change to the defining characteristics of the building, its site, and its environs.

B. The historic character of a property should be retained and preserved; the removal of historic materials or alteration of features and spaces that characterize a property should be avoided.

C. Changes that create a false sense of historical development should not be undertaken.

D. Most properties change over time and those changes that have acquired historic significance in their own right should be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.

F. Deteriorated historic features should be repaired rather than replaced unless the severity of deterioration requires replacement of a distinctive feature; the new feature should match the old in design, color, texture, and other visual qualities, and, where possible, materials; replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

G. Harsh chemical or abrasive treatments that cause damage to historic materials should not be used; the surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.

H. Significant archaeological resources affected by a project should be protected and preserved; if such resources must be disturbed, mitigation measures should be undertaken.

I. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property; new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environs.

J. New additions or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environs would be unimpaired.

K. Site design, including the placement of structures, shaping of landforms, and use of plant materials should be undertaken in such a manner that the visual characteristics and physical integrity of a historic property and its environs is preserved and enhanced.

L. New construction associated with new development should be undertaken in a manner that is compatible and complimentary to the existing character of the historic district.

8. Approval authorizing issuance of a Building Permit or a sign permit by the ARB, or Board of Supervisors on appeal as provided for below, shall be valid for two (2) years or for such longer period as may be deemed appropriate by the approving body from the date of approval or from December 6, 1994 whichever occurs later, and shall continue for the life of the Building Permit or sign permit.

However, if no Building Permit or sign permit has been issued within the initial approval period, the ARB may grant an extension of the approval for a period not to exceed one (1) year provided the applicant requests an extension prior to the original expiration date and the ARB finds that the proposed project and conditions within the Historic Overlay District are essentially the same as when the approval was first granted.

9. Any person aggrieved by any decision of the ARB may appeal such decision to the Board of Supervisors, provided such appeal, which specifies the grounds for appeal, is filed in writing with the Clerk to the Board of Supervisors within thirty (30) days of the ARB's decision.

10. The Board shall review the action of the ARB and shall decide the appeal. The Board may affirm, reverse, or modify the decision of the ARB, and its determination shall be forwarded to the Director.

11. Any person or persons jointly or severally aggrieved by any decision of the Board of Supervisors, or any officer, department, board or agency of the County, may appeal such

decision to the Circuit Court of Fairfax County for review by filing a petition at law setting forth the alleged illegality of the action of the Board of Supervisors, provided such petition is filed within thirty (30) days after the final decision is rendered by the Board. The filing of said petition shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish any building, or structure. The Court may reverse or modify the decision of the Board, in whole or in part, if it finds upon review that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Board.

12. In addition to the right of appeal set forth in Par. 9, 10, and 11 above, the owner of a building or structure, the razing or demolition of which is subject to the provisions of Par. 2 of Sect. 206 below, shall, as a matter of right, be entitled to raze or demolish such building or structure, provided that:

    A. The owner has applied to the ARB and Board of Supervisors for such right;

    B. The owner has for the period of time set forth in the time schedule below and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to the County or to any department, officer, agency, board or government entity thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore such building or structure and the land pertaining thereto; and

    C. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule below. Any appeal which may be taken to the Court from the decision of the Board of Supervisors, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one (1) year after a final decision by the Board of Supervisors, but thereafter the owner may renew the request to the Board to approve the razing or demolition of the building or structure. The time schedule for offers to sell shall be as follows:

        (1) Three (3) months when the offering price is less than twenty-five thousand dollars ($25,000).

        (2) Four (4) months when the offering price is twenty-five thousand dollars ($25,000) or more, but less than forty thousand dollars ($40,000).

        (3) Five (5) months when the offering price is forty thousand dollars ($40,000) or more, but less than fifty-five thousand dollars ($55,000).

        (4) Six (6) months when the offering price is fifty-five thousand dollars ($55,000) or more, but less than seventy-five thousand dollars ($75,000).

(5) Seven (7) months when the offering price is seventy-five thousand dollars ($75,000) or more, but less than ninety thousand dollars ($90,000).

(6) Twelve (12) months when the offering price is ninety thousand dollars ($90,000) or more.

7-205 Permitted Uses

Within an adopted Historic Overlay District, all uses shall be permitted pursuant to the district regulations of the zoning district(s) in which such Historic Overlay District is located; except as may be expressly modified by the regulations adopted for a particular Historic Overlay District. The ARB shall review and recommend on any application for a special permit or special exception use located in any Historic Overlay District. No use permitted by right, special permit or special exception shall be permitted where the operational characteristics of the use would tend to destroy, degrade or encroach upon the character of the Historic Overlay District as established.

7-206 Use Limitations

In addition to the use limitations presented for the zoning districts in which a Historic Overlay District is located, the following use limitations shall apply:

1. No building or structure, as provided for in Sect. 204 above and no signs shall be erected, constructed, reconstructed, moved, externally remodeled or altered within any Historic Overlay District unless the same is approved by the ARB as being architecturally compatible with the historical, architectural, or cultural aspects of the district.

2. No building or structure within any Historic Overlay District shall be razed, demolished, moved or relocated until such action is approved by the ARB and/or by the Board of Supervisors as provided in Sect. 204 above.

3. Signs shall be permitted in accordance with the provisions of Article 12, and in accordance with any additional provisions that may be adopted for a particular Historic Overlay District; provided, however, that no such sign otherwise conforming as to structural type, size, design and location under the applicable provisions of Article 12 shall be permitted if the ARB finds such sign to be architecturally incompatible with the historical, architectural, or cultural character of the Historic Overlay District.

4. Off-street parking and loading requirements shall be in accordance with the provisions of Article 11 and any additional regulations that may be adopted for a particular Historic Overlay District, except that no off-street parking space shall be located in any minimum required front yard without the specific approval of the ARB, or BZA, Planning Commission or Board of Supervisors for applications requiring final action by these bodies. Said approval shall be based on a finding that such location would be compatible with the purpose and intent of the district. To that end, additional landscaping for such parking spaces may be required.

   In addition, and notwithstanding the provisions of Article 11, off-street parking and loading areas shall be permitted and encouraged to locate on adjacent properties where it is determined that such facilities would otherwise have an adverse effect on the

appearance of the property or the district in general. Off-street parking and loading areas shall be encouraged to group facilities in interior parking lots, courts, or at other appropriate locations which will be convenient for users, reduce interference with pedestrian and vehicular traffic and generally promote public safety.

5. Development of lands within a Historic Overlay District shall be in general conformance with the policies and recommendations set forth in the adopted comprehensive plan.

7-207 Lot Size Requirements

Lot size requirements shall be as specified by the district regulations of the zoning district in which such Historic Overlay District is located.

7-208 Bulk Regulations

Bulk regulations shall be as specified by the district regulations of the zoning district in which such Historic Overlay District is located, except as may be expressly modified by the regulations adopted for a particular Historic Overlay District.

7-209 Open Space

Open space shall be provided in accordance with the district regulations of the zoning district in which such Historic Overlay District is located, except as may be expressly modified by the regulations adopted for a particular Historic Overlay District.

7-210 Archaeological Survey Requirements

To further the purpose and intent of the Historic Overlay Districts and to aid in the identification and protection of historic and/or archaeological resources located within or in the vicinity of any Historic Overlay District, the following shall be required:

1. The Fairfax County Park Authority shall be consulted concerning the probability of a rezoning, development plan, special exception, special permit or variance application property to yield significant archaeological resources when such property involves 2500 square feet or more of land disturbing activity and is located wholly or partially within or contiguous to a Historic Overlay District.

2. At the time of consultation with the Fairfax County Park Authority, the following information shall be submitted on the Archaeological Survey Data Form provided by the County:

   A. Tax map, parcel number, street address and Magisterial District of the site.

   B. One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red

thereon.

C. Description of the proposal to include type of application and proposed use, and a graphic drawn to scale showing the dimensions of all existing buildings and the distances of buildings from property lines.

3. The Fairfax County Park Authority shall respond to the applicant in writing within fifteen (15) business days from the date of receipt of the required information set forth in Par. 2 above as to the probability for the property to yield no, low, or medium to high archaeological resources and whether a Phase I Archaeological Survey shall be performed and a report of the survey results submitted to the County for review as part of the submission requirements for a rezoning, development plan, special exception, special permit or variance application. If required, the Phase I Archaeological Survey results shall include the information contained in Par. 6 below.

4. If the Fairfax County Park Authority determines that the application property has no potential to yield significant archaeological resources, then the applicant shall submit the Archaeological Survey Data Form with comments from the Fairfax County Park Authority in conjunction with the submission of the rezoning, development plan, special exception, special permit or variance application.

5. If the Fairfax County Park Authority determines that the application property has a low probability or a medium to high probability to yield significant archaeological resources, then the following shall be required:

A. A Phase I Archaeological Survey shall be conducted by a qualified archaeological consultant meeting the Professional Qualification Standards established by the Secretary of the Interior and shall include the following:

(1) For suspected military sites, a walkover survey with shovel testing and/or remote sensing and ground truthing.

(2) For suspected cemetery sites, remote sensing and ground truthing

(3) For all other sites, a walkover survey with shovel testing.

(4) When shovel testing is conducted on property with low probability to yield significant archaeological resources, the shovel testing shall be performed every fifty (50) feet. When shovel testing is conducted on property with medium to high probability to yield archaeological resources, the shovel testing shall be performed every twenty (20) feet.

The applicant shall notify the Fairfax County Park Authority at least five (5) working days prior to the time the field work is to be done.

B. A report of the survey results from Par. A above shall be provided to the Fairfax County Park Authority prior to any rezoning, development plan, special exception, special permit or variance application acceptance. The report of the survey results shall include the information contained in Par. 6 below along with the

Archaeological Survey Data Form with comments from the Fairfax County Park Authority.

6. Two (2) copies of the survey results for the Phase I Archaeological Survey shall be provided to the Fairfax County Park Authority in a report which shall include:

   A. Name and location of the project to include tax map number, street address and Magisterial District.

   B. Name, address, phone number, organizational affiliation and professional qualifications of the person preparing the report.

   C. One (1) copy of a topographic map at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use. The boundaries of the subject site shall be outlined in red thereon.

   D. Project description to include the proposed use, the existing and proposed structures and parking, identification of the existing structures that are to remain, the limits of clearing and grading and vehicular access into the site.

   E. A concise history of the area surrounding the property to provide a historic context and a more specific history of the property. This history shall include historic photographs, if available, and historic maps with the project area outlined.

   F. Description of any previous archaeological studies that have been conducted in the vicinity of the project to include any such studies contained in the Fairfax County Park Authority files.

   G. A listing of all books, maps, manuscripts, websites, personal communication and other resources cited in the study, including the title, author, date, place of publication and publisher.

   H. A site map illustrating the project boundaries and the boundaries of where all archaeological survey work was performed, location of all shovel tests where artifacts were found (positive shovel tests), location of all shovel tests where artifacts were not found (negative shovel tests) and the area where the archaeological survey work was conducted in either square feet or in acres.

   I. Profile drawings of selected representative shovel test pits. One (1) profile shall be required for each change of stratigraphy.

   J. A written description of the survey findings shall include:

      (1) The date of site work;

      (2) Staff involved in the site work, including professional certifications and college degrees;

      (3) Methodology used in the archaeological survey work;

(4) The number of archaeological sites that were recorded according to the resource type (Native American, Civil War, etc.) with trinomial site numbers obtained from the Virginia Department of Historic Resources;

(5) List of artifacts recovered;

(6) If there were any areas of the application property that were not tested, an explanation as to why those areas were not tested; and

(7) Identification of areas with the potential to contain intact archaeological resources.

K. Recommendations for additional archaeological work or recommendations that no further work is required shall be made and such recommendations shall be supported by archaeological evidence.

L. An Executive Summary statement which includes information from Paragraphs 6J(1), 6J(2), 6J(4) and 6J(6) above, and the recommendations from Par. 6K above.

7. When determined by the Fairfax County Park Authority that the report meets the submission requirements, the Fairfax County Park Authority shall indicate such on the Archaeological Survey Data Form and such Form shall by submitted by the applicant in conjunction with the rezoning, development plan, special exception, special permit or variance application.

PART 3 7-300 NATURAL RESOURCE OVERLAY DISTRICT

7-301 Purpose and Intent

Natural Resource Overlay Districts are created in recognition of the natural resources which do exist in Fairfax County; and in recognition that the sand and gravel industries and the related processing of these materials into concrete, asphalt and other products have been a basic construction support industry for many years, providing a broad range of employment opportunities and contributing to the County's tax base; but recognizing that natural resource extraction operations constitute a significant potential impact on the pattern of development in areas nearby.

These districts shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in a Natural Resource Overlay District shall also lie in one or more of the other zoning districts provided for by this Ordinance.

It is further the intent of these regulations to require a special permit for the extraction of natural resources in a Natural Resource Overlay District.

7-302 District Boundaries

The Natural Resource Overlay District boundaries shall be as established on the Official Zoning Map.

7-303 Establishment of Districts

Natural Resource Overlay Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-304 Administration

The administration of the provisions of this Natural Resource Overlay District shall be as provided for in Part 1 of Article 8.

7-305 Permitted Uses

Within an adopted Natural Resource Overlay District, all uses shall be permitted pursuant to the district regulations of the zoning district in which such Natural Resource Overlay District is located; and in addition, those uses shall be permitted as specified in Part 1 of Article 8.

7-306 Use Limitations

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

7-307 Lot Size Requirements

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

7-308 Bulk Regulations

1. For all Group 1 special permit uses, as specified in Part 1 of Article 8.

2. For all other uses, as presented for the underlying zoning district in which the use is located.

PART 4 7-400 AIRPORT NOISE IMPACT OVERLAY DISTRICT

7-401 Purpose and Intent

The Airport Noise Impact Overlay District is established for the general purpose of controlling conflicts between land uses and noise generated by aircraft and to protect the public health, safety and welfare from the adverse impacts associated with excessive noise.

This district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the Airport Noise Impact Overlay District shall also lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

It is the intent of this overlay district to regulate land uses within designated existing or projected airport noise impact areas by requiring acoustical performance standards. Nothing herein shall be construed as altering building materials or construction methods from those which are specified in the Virginia Uniform Statewide Building Code.

7-402 District Boundaries

The Airport Noise Impact Overlay District boundaries shall be based on the potential post-year 2000 noise impact contours which shall be adopted by the Board and which are subject to periodic updating and amendment.

7-403 Establishment of Districts

1. The Airport Noise Impact Overlay District shall be established in like manner as any other zoning district permitted by this Ordinance. The boundaries of this district may be subject to periodic updating and may be amended in accordance with the provisions of Part 2 of Article 18.

2. For purposes of administering these regulations there shall be three (3) Airport Noise Impact Areas:

   A. Greater than DNL 75 dBA (A-weighted day-night average sound level)

   B. DNL 70-75 dBA

   C. DNL 65-70 dBA

3. The boundaries of such noise impact areas shall be established in accordance with the provisions of Par. 1 above. The purpose of the establishment of three (3) Airport Noise Impact Areas is to distinguish between the severity of the levels of noise impact so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise to protect the public health, safety and welfare.

7-404 Administration

1. The Director shall be responsible for reviewing site plans, subdivision plats and Building Permits to determine if the property to be developed is located in the Airport Noise Impact Overlay District.

2. If any site plan, subdivision plat or Building Permit is so located, then such plan, plat or permit shall be so noted. Thereafter, before any Building Permit shall be approved in the district, it shall be subject to the provisions of Sections 408 and 409 below.

7-405 Permitted Uses

All uses permitted by right in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-406 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-407 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s), except as qualified by Sections 408 and 409 below.

7-408 Use Limitations

In addition to the use limitations presented for the zoning district(s) in which an Airport Noise Impact Overlay District is located, the following use limitations shall apply:

1. Uses within this district shall be permitted only in accordance with the Noise Compatibility Table presented at the end of this Part.

2. In those instances where a proposed use is not listed in the table, the Director, using the table as a guide, shall determine which use is most similar and which provisions of the table are applicable.

3. Where a structure contains different occupants or tenants, the more stringent requirements of the table shall apply, except where it is architecturally possible to achieve the interior noise levels specified in Sect. 409 below for the area occupied by each occupant or tenant.

4. The table identifies the uses, the Airport Noise Impact Areas and, where applicable, the respective interior noise level standards and acoustical treatment measures for each use in a given Impact Area. If a use is permitted in a given Impact Area without any interior noise level standard, it is represented on the table with a P. If a given use is not permitted, it is represented with a NP.

   Many uses are permitted in a given Impact Area but only if acoustical treatment measures are provided to achieve a specified interior noise level standard for the entire structure. Such uses are represented on the table with a designation of P1, P2 or P3 which corresponds with the three (3) interior noise level standards presented in Sect. 409 below.

Many uses are represented on the table with a designation of P1, P2 or P3 and are qualified with an asterisk (*). Such uses are permitted but only if acoustical treatment measures are provided for those portions of the building which contain offices or other noise sensitive uses in accordance with one of three interior noise level standards presented in Sect. 409 below.

5. In the greater than DNL 75 dBA Impact Area, dwellings shall not be permitted, except that new dwelling units and additions to existing dwelling units may be permitted provided that: (a) the lot is located in an R district, (b) the lot had final plat approval prior to July 26, 1982 and (c) the new dwelling unit or addition complies with the Interior Noise Level Standard P1 set forth in Sect. 409 below.

7-409 Interior Noise Level Standards

1. The acoustical treatment requirements of this Section are to achieve the interior noise levels set forth below and shall apply to the construction of new structures and the alteration or repair of existing structures with enclosed interior space as established under the Virginia Uniform Statewide Building Code (VUSBC).

2. Nothing herein shall be construed as altering building materials, construction methods, plan submission requirements or inspection practices from those which are specified in VUSBC, and the acoustical treatments required shall comply with the provisions of VUSBC.

3. There shall be three (3) different interior noise level standards as identified on the table. These standards are described as follows:

   A. Interior Noise Level P1: In the greater than DNL 75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

      (1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 50, and doors and windows which have a laboratory STC of at least 42. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

      (2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard.

   B. Interior Noise Level Standard P2: In the greater than DNL 75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 50 dBA. In the DNL 70-75 dBA Impact Area, all structures shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

(1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 45, and doors and windows which have a laboratory STC of at least 37. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

(2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard, or

(3) A determination by the Director that the interior noise level standard is met based on the exterior and/or interior wall and roof assemblies and the location of the use in the structure.

C. Interior Noise Level Standard P3: In the DNL 70-75 dBA Impact Area, all structures or portions of structures as applicable shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 50 dBA. In the DNL 65-70 dBA Impact Area, all structures shall provide acoustical treatment measures which achieve an interior noise level not to exceed DNL 45 dBA. This standard shall be met by one of the following:

(1) The use of roof and exterior wall assemblies which have a laboratory sound transmission class (STC) of at least 39 and doors and windows which have a laboratory STC of at least 28. The STC of construction assemblies shall be determined by a certified sound testing laboratory, or

(2) A certification by an acoustical engineer that the construction practices and/or materials of the structure will achieve the specified interior noise level. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level standard, or

(3) A determination by the Director that the interior noise level standard is met based on the exterior and/or interior wall and roof assemblies and the location of the use in the structure.

7-410 Lot Size Requirements

As specified in the underlying zoning district(s)

7-411 Bulk Regulations

As specified in the underlying zoning district(s)

7-412 Open Space

As specified in the underlying zoning district(s)

7-413 Additional Regulations

As specified in the underlying zoning district(s)

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Agriculture			
Growing of crops	P	P	P
Livestock	NP	P3*	P
Residential use	NP	P2	P3
Amusement arcades	P	P	P
Auction establishments			
Indoor	P2	P3	P
Outdoor	NP	NP	NP
Auto-oriented uses	P	P	P
Automated teller machines	P	P	P
Barbershops, beauty parlors as home occupation	NP	P2	P3
Baseball hitting & archery ranges	P2*	P3*	P
Bed and breakfasts	P1	P2	P3
Billiard and pool halls	P2	P3	P
Bowling alleys	P2*	P3*	P
Business service & supply service establishments	P2	P3	P
Camp or recreation grounds	NP	NP	P
Car washes	P	P	P
Child care centers and nursery schools	NP	P2	P3
Conference centers & retreat houses	NP	P2	P3
Commercial nudity establishments	NP	P3	P
Commercial recreation parks for children	NP	NP	P
Commercial & community swim pools, tennis and archery	P	P	P
Community clubs and centers	NP	P2	P3
Congregate living facilities	NP	P2	P3
Contractor's offices and shops	P2*	P3*	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Cultural centers, museums	NP	P2	P3
Dance halls	NP	P3	P
Dwellings			
Additions to existing dwellings & new dwellings on certain existing lots	P1	P2	P3
All other new construction	NP	P2	P3
Dwellings, mobile home	NP	NP	P3
Eating establishments, commercial recreation restaurants and fast food restaurants	P2	P3	P
Establishments for production, processing, etc.	P2*	P3*	P
Establishments for scientific research & dev.	P2	P3	P
Extraction and excavation uses (Group 1)	P2*	P3*	P
Financial institutions & drive-in financial institutions	P2	P3	P
Funeral chapels and funeral homes	P2	P3	P
Garment cleaning establishments	P2	P3	P
Golf courses, country clubs, golf driving ranges & miniature golf	P2*	P3*	P
Health clubs	P2	P3	P
Heavy equip. & specialized vehicle sales and etc.	P2*	P3*	P
Heavy industrial uses (Category 5)	P2*	P3*	P
Heavy public utility uses (Category 2)	P2*	P3*	P
Home professional offices	NP	P2	P
Hotels, motels	P1	P2	P3
Independent living facilities	NP	P2	P3
Indoor firing ranges	P2*	P3*	P
Indoor archery, fencing and other similar uses	P2	P3	P
Interment uses (Group 2)	P2*	P3*	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Institutional uses (Group 3)	NP	P2	P3
Junk yards	P	P	P
Kennels, animal shelters	NP	P3*	P
Libraries	NP	P2	P3
Light public utility uses (Category 1)	P2*	P3*	P
Lumber & building material yards	P2*	P3*	P
Marinas, docks & boating facilities	P	P	P
Medical care facilities			
Educational & residential	NP	P2	P3
Offices and research	P2	P3	P
Mixed waste reclamation facilities	P	P	P
Motor freight terminals	P2*	P3*	P
Motor vehicle storage & impoundment yards	P	P	P
New vehicle storage	P2	P3	P
Offices	P2	P3	P
Open-air produce stands	NP	P	P
Parking, as a principal use	P	P	P
Parks, neighborhood	NP	NP	P
Parks, regional	P2*	P3*	P
Penal institutions	NP	P2	P3
Personal service establishments	P2	P3	P
Places of worship with or without child care centers, nursery schools and private schools	NP	P2	P3
Plant nursery	P2*	P3*	P
Private clubs, public benefit associations		See most similar use	
Public uses		See most similar use	
Recycling centers	P	P	P

Note: See Sect. 408 for explanation of the use of this table.

NOISE COMPATIBILITY TABLE

Uses	Noise Impact Areas (DNL dBA) 75+	70-75	65-70
Repair service establishments	P2	P3	P
Retail sales establishments[1] & retail sales estabs.-large	P2	P3	P
Riding, boarding stables	NP	P3*	P
Rooming houses	NP	P2	P3
Sawmilling of timber	P	P	P
Schools, college, university	NP	P2	P3
Service stations, service station/mini-marts	P2*	P3*	P
Skating facilities	P2*	P3*	P
Skeet, trapshooting ranges	P2*	P3*	P
Sports arena, stadiums	NP	NP	NP
Storage yards	P2*	P3*	P
Temporary farmers' markets	P	P	P
Theatres[2]	NP	NP	NP
Transportation facilities (Category 4)	P2*	P3*	P
Truck rental establishments	P2*	P3*	P
Vehicle light & major service estab. & vehicle sales	P2*	P3*	P
Vehicle transportation service establishments	P2*	P3*	P
Veterinary hospitals	NP	P3*	P
Warehousing & mini-warehouse estabs.	P2*	P3*	P
Wholesale trade establishments	P2*	P3*	P
Zoological parks	NP	P3*	P

[1]Retail sales establishments to include adult bookstores, convenience centers, drug paraphernalia establishments, drive-through pharmacies and quick-service food stores.
[2]Theatres to include adult mini-motion, drive-in motion picture and summer theatres.

Note: See Sect. 408 for explanation of the use of this table.

PART 5 7-500 SIGN CONTROL OVERLAY DISTRICT

7-501 Purpose and Intent

Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

7-502 District Boundaries

The Sign Control Overlay District boundaries shall be as established on the Official Zoning Map.

7-503 Establishment of Districts

Sign Control Overlay Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-504 Administration

The administration of the provisions of this Sign Control Overlay District shall be as provided for in Article 12.

7-505 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-506 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-507 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s)

7-508 Use Limitations

As specified in the underlying zoning district(s), and as qualified for signs by the provisions of Sect. 12-204.

7-509 Lot Size Requirements

As specified in the underlying zoning district(s)

7-510 Bulk Regulations

As specified in the underlying zoning district(s)

7-511 Open Space

As specified in the underlying zoning district(s)

7-512 Additional Regulations

As specified in the underlying zoning district(s)

PART 6 7-600 HIGHWAY CORRIDOR OVERLAY DISTRICT

7-601 Purpose and Intent

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.

2. Fast food restaurants.

3. Quick-service food stores.

4. Service stations.

5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

7-602 District Boundaries

1. Highway Corridor Overlay District boundaries shall be as established on the Official Zoning Map.

2. In lieu of a metes and bounds description, the District boundaries may be described by fixing the points of beginning and end in the centerline of a street and the distance on one or both sides from the centerline to which this district shall extend.

7-603 Establishment of Districts

1. The Board of Supervisors may apply the Highway Corridor Overlay District to the land along any street or highway upon concluding that:

   A. A major purpose of the street or highway is to carry through traffic; and

   B. The construction and/or utilization of regulated uses would have an adverse impact on level of service, increase danger and/or congestion in the streets, impair the public health, safety, convenience and welfare and/or impede the maintenance or creation of a convenient, attractive and harmonious community.

2. The Highway Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in a Highway Corridor Overlay District shall also lie within one or more of the other zoning districts provided for by this Ordinance. The effect shall be the creation of new zoning districts consisting of

the regulations and requirements of both the underlying district(s) and the Highway Corridor Overlay District.

3. Such districts may be amended in accordance with the provisions of Part 2 of Article 18.

7-604 Administration

The administration of the provisions of the Highway Corridor Overlay District shall be as provided for in Article 9 for drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts and as provided for in Article 18 for all other uses.

7-605 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-606 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-607 Special Exception Uses

1. All uses permitted by special exception in the underlying zoning district(s) except as qualified by Sect. 601 above.

2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802, 4-902 and 10-202, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts subject to the provisions of Part 6 of Article 9 and Sect. 608 below.

7-608 Use Limitations

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

1. In any Highway Corridor Overlay District:

   A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

   B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:

      (1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or

(2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or

(3) Access to the site is provided by a functional service drive, which provides controlled access to the site.

C. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:

A. Service stations shall not include any uses such as vehicle or tool rental.

B. Service stations shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

5. Where the underlying district is I-5 or I-6, in addition to Par. 1 above:

A. Service stations and service station/mini-marts shall not be used for the performance of major repairs.

7-609 Lot Size Requirements

As specified in the underlying zoning district(s)

7-610 Bulk Regulations

As specified in the underlying zoning district(s)

7-611 Open Space

As specified in the underlying zoning district(s)

7-612 Additional Regulations

As specified in the underlying zoning district(s)

PART 7 (DELETED BY AMENDMENT #85-115, ADOPTED JANUARY 28, 1985, EFFECTIVE JANUARY 29, 1985)

PART 8 7-800 WATER SUPPLY PROTECTION OVERLAY DISTRICT

7-801 Purpose and Intent

Water Supply Protection Overlay Districts are created for the purpose of promoting the public health, safety, and welfare through the protection of public water supplies from the danger of water pollution. Regulations within such districts are established to prevent water quality degradation due to pollutant loadings within the watersheds of public water supply reservoirs.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

Regulations within such an overlay district are intended to provide a means for specific review and approval of residential, commercial, industrial and other development proposals that may have adverse water quality impacts; to encourage land uses and activities which will be compatible with water quality protection; and to assure that structures and uses within such overlay districts will be developed in a manner that will serve the health, safety and welfare objectives of preserving the environmental integrity of public water supply reservoirs.

7-802 District Boundaries

Water Supply Protection Overlay District boundaries shall be established on the Official Zoning Map, and shall be drawn so as to include lands draining into a water supply reservoir.

7-803 Establishment of Districts

Water Supply Protection Overlay Districts shall be established in the same manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

7-804 Administration

1. The Director shall be responsible for reviewing all proposed uses to determine if the property to be developed and/or used is located in the overlay district.

2. If any proposed use is so located, then such use shall be subject, as applicable, to the provisions of Sect. 808 below.

7-805 Permitted Uses

All uses permitted by right in the underlying zoning district(s)

7-806 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s)

7-807 Special Exception Uses

All uses permitted by special exception in the underlying zoning district(s)

7-808 Use Limitations

In addition to the use limitations presented in the underlying zoning district(s), the following use limitations shall apply:

1. Any subdivision which is subject to the provisions of Chapter 101 of The Code or any use requiring the approval of a site plan in accordance with the provisions of Article 17 shall provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived and/or approved by the Director in accordance with the Public Facilities Manual. In no instance shall the requirement for BMPs be modified or waived except where existing site characteristics make the provision impractical or unreasonable on-site and an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the adopted comprehensive plan.

2. Any establishment for warehousing, production, processing, assembly, manufacture, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products which generates, utilizes, stores, treats, and/or disposes of a hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., shall submit the following information with any application for a proposed development or use unless deemed unnecessary by the Director:

   A. A listing of all toxic and hazardous materials and wastes that will be generated, utilized, stored, treated, and/or disposed of on site;

   B. A soils report describing the nature and characteristics of the soils covering the site;

   C. A description of surface and groundwater characteristics of the site and the surrounding area within 300 feet of site boundaries;

   D. A description of all spill prevention, containment, and leakage control measures proposed by the applicant, for all toxic and hazardous materials and wastes generated, utilized, stored, treated, and/or disposed of on the site.

3. Such information shall be referred to the Department of Public Works and Environmental Services for review in accordance with the provisions of Chapter 67.1 of The Code and other applicable laws and ordinances. When deemed appropriate, the Director of the Department of Public Works and Environmental Services may furnish a copy of the application and information to the Virginia Department of Environmental Quality and other appropriate agencies.

7-809 Lot Size Requirements

As specified in the underlying zoning district(s)

7-810 Bulk Regulations

As specified in the underlying zoning district(s)

7-811 Open Space

As specified in the underlying zoning district(s)

7-812 Additional Regulations

As specified in the underlying zoning district(s)

PART 9 (DELETED BY AMENDMENT #84-114, ADOPTED DECEMBER 3, 1984)

PART 10 7-1000 COMMERCIAL REVITALIZATION DISTRICTS

7-1001 Purpose and Intent

The Commercial Revitalization Districts are established to encourage economic development activities in the older commercial areas of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-200, 2283 and 2284 of the Code of Virginia, as amended. The districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the districts are intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

These districts shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in a Commercial Revitalization District shall also lie in one or more of the other zoning districts provided for by this Ordinance.

7-1002 District Boundaries

The Commercial Revitalization District boundaries shall be as established on the Official Zoning Map.

7-1003 Establishments of Districts

The Commercial Revitalization Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18. The regulations for individual commercial revitalization districts are presented in Appendix 7 of this Zoning Ordinance and such appendix shall be incorporated as part of this Ordinance by reference as if it were completely presented herein.