THE ZONING ORDINANCE

CHAPTER 112

OF THE 1976 CODE

THE COUNTY OF FAIRFAX, VIRGINIA

ADOPTED JUNE 12, 1978

EFFECTIVE AUGUST 14, 1978

FAIRFAX COUNTY ZONING ORDINANCE

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ARTICLE 1

THE CONSTITUTION OF THE ORDINANCE

PART 1 1-100 TITLE

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

PART 2 1-200 PURPOSE AND INTENT

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

To accomplish these ends, the Zoning Ordinance is designed -

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

2. to facilitate the creation of a convenient, attractive and harmonious community;

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

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

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

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

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

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

9. to promote the conservation of natural resources;

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

11. to protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to available community facilities; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health, or property from fire, flood, panic or other dangers;

12. to promote housing of such type, size and cost as will allow County residents of whatever economic condition to reside in safe, sanitary dwelling units;

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

14. to accomplish all other objectives and exercise all other powers set forth in Article 8, Chapter 11, Title 15.1 of the Code of Virginia.

PART 3 1-300 SEVERABILITY

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

PART 4 1-400 CONFLICTING ORDINANCES

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County ordinance or regulation shall govern.

The text of this Zoning Ordinance shall apply to any parcel covered by a previous grant of zoning with proffered conditions pursuant to Section 15.1-491(a) of Va. Code Ann. except where the imposition of the requirements of this Ordinance would be in conflict with a specific proffered condition which would supersede the requirements of this Ordinance pursuant to the 1977 amendment to Section 15.1-491(a) of Va. Code Ann.

PART 5 1-500 MINIMUM REQUIREMENTS

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

PART 6 1-600 EFFECTIVE DATE

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

PART 7 1-700 COPY ON FILE

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

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ARTICLE 2

GENERAL REGULATIONS

PART 1 2-100 SCOPE OF REGULATIONS

2-101 Territorial Application of Regulations

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

2-102 General Effect

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged to be used for any purpose other than is included among the uses listed in the following Articles as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this Ordinance.

2-103 Plans, Buildings Previously Approved

Nothing in this Ordinance shall be deemed to require any change to the plans or buildings approved prior to the effective date of this Ordinance as set forth in Section 1-1 of the Fairfax County Public Facilities Manual.

2-104 Exemptions

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

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

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

2. The following structures shall be exempt from the minimum yard requirements set forth in this Ordinance: Telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, public bicycle shelters, or any similar structures or devices which in the opinion of the Zoning Administrator are obviously intended to be otherwise located in the public interest, and are not incongruous with the aesthetic standards of the surrounding area.

PART 2 2-200 ZONING DISTRICTS AND BOUNDARIES

2-201 Zoning Districts

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

2-202 Zoning Map

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

2-203 Zoning of Entire Jurisdictional Area

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

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

2-204 Zoning District Boundaries

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

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

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

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

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

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

PART 3 2-300 INTERPRETATION OF DISTRICT REGULATIONS

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

2-301 Statements of Purpose and Intent

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

2-302 Permitted Uses

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

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

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

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

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

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

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

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

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

10. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied unless the minimum off-street parking and loading spaces required by Article 11 are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged or expanded unless the minimum off-street parking and loading spaces required by Article 11 are provided for the entire structure or use, as expanded or enlarged.

2-303 Special Permit Uses

1. No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to

another use that is designated as a special permit use in such district, unless a special permit has been secured from the BZA in accordance with the provisions of Article 8.

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

3. No special permit shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use group available by special permit.

2-304 Special Exception Uses

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

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

3. No special exception shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use category available by special exception.

2-305 Use Limitations

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

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

2-306 Lot Size Requirements

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

   A. Minimum district size.

   B. Minimum lot area.

   C. Minimum lot width.

2. In the R-E through R-4 Districts, minimum lot area and minimum lot width requirements are presented for conventional subdivision lots, and cluster subdivision lots which may be allowed in accordance with the provisions of Sect. 2-408.

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

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

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

comprehensive plan; and if such lands satisfy the minimum lot area and lot width requirements specified for the district; and provided that with the addition of such lands, the total area zoned for the same intensity use will equal or exceed the minimum district size.

B. If the district is an R district and if the same classification exists in a given location, additional lands may be rezoned to such classification if such lands are contiguous to the zoned district, and if such lands are in the same ownership, and if the rezoning of such lands would be in conformance with the adopted comprehensive plan; and if such lands satisfy the minimum lot area and lot width requirements specified for the district; and provided that with the addition of such lands, the total area zoned for the same intensity use will equal or exceed the minimum district size.

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

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

2-307 Bulk Regulations

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

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

   A. Maximum building height.

   B. Minimum yard requirements.

   C. Minimum angle of bulk plane.

   D. Maximum floor area ratio.

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

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

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

5. Minimum angle of bulk plane, expressed in degrees, shall be established by a vertical plane at the lot line and a plane drawn at the specified angle from the vertical, the

bottom edge of which is tangential to the lot line. The angle shall be measured from that point on the lot line that is established by a line drawn perpendicular to the lot line from the closest point of the proposed principal structure; however, where a wall of the proposed principal structure is parallel to a lot line, the angle shall be measured in like manner from the midpoint of the proposed structure.

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

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

6. Maximum floor area ratio shall be established in accordance with the definition, Floor Area Ratio, presented in Article 20. Reference Par. 5 of Sect. 308 below for further provisions that may be applicable to floor ratio area.

2-308 Maximum Density

1. In no instance shall the maximum density specified for a given zoning district be exceeded except as qualified in Part 8. Maximum density shall be expressed in number of units or number of persons per acre.

2. Maximum density shall be calculated on the gross area of the lot; except only fifty (50) per cent density credit shall be calculated for that area of a lot comprised of any or all of the following feature(s), when the sum of such feature(s) comprise thirty (30) per cent or more of the total area of the lot. One hundred (100) per cent density credit shall be calculated for that area comprised of any or all of the following feature(s) when such area is less than thirty (30) per cent of the total area of the lot.

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

   B. Quarries.

   C. Marine clays.

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

3. In cases where a given area within a lot is needed by the County for a park, school site or other public facility site, mass transit facility or street improvement related thereto, or major thoroughfare, total density credit shall be calculated on such area, if the area:

   A. Is located in strict accordance with the adopted comprehensive plan; and

   B. Is suitable in location, size, shape, condition and topography for such needed public facility as determined by the Director; and

   C. Is deeded to the County for such purpose, and such dedication or conveyance is not made in exchange for monetary compensation from the grantee-instrumentality.

4. In cases where a given area within a lot is in a major utility easement or right-of-way acquired after the effective date of this Ordinance, no density credit shall be calculated on such area. For the purpose of this Paragraph, a major utility easement or right-of-way shall be one having a width of twenty-five (25) feet or more which is located entirely outside a street right-of-way.

5. In those zoning districts where density or intensity of land use is controlled by number of dwelling units or persons per acre, floor area ratio, or other similar such measure, such computations with respect to a lot from which land has been severed for a public park, school site, other public facility site, mass transit facility or street improvement related thereto, or major thoroughfare shall be based upon the lot area including that area severed for such purposes when:

   A. An effective irrevocable dedication to public use or conveyance to a public instrumentality having the power to construct and maintain the proposed public use has occurred and evidence of such dedication or conveyance is of record among the land records of the County; and

   B. Such dedication or conveyance was not made in exchange for monetary compensation from the grantee-instrumentality; and

   C. The area dedicated or conveyed is necessary for the installation or improvement of the public use which is in accordance with the adopted comprehensive plan. Where such proposed public use requires approval under Sect. 15.1-456 of the Code of Virginia, such approval shall be obtained prior to the granting of credit under this Section; and

   D. The Board has specifically approved density credit for the lot, lots, or parcel or parcels in question, prior to completion of dedication or conveyance; provided, however, that no such approval shall be required where dedication or conveyance is proposed in conjunction with a subdivision plat approved in accordance with Chapter 101 of The Code, The Subdivision Ordinance, or a site plan approved in accordance with Article 17 of this Ordinance.

6. The provisions of Par. 2 and 4 above shall not be applicable in those areas of the County zoned PRC or in those areas where a planned residential community is delineated on the adopted comprehensive plan on the effective date of this Ordinance. In such areas, maximum density shall be calculated on the gross residential and associated commercial areas.

2-309 Open Space

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

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

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

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

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

3. In cases where the balance of land not contained in lots and streets is not needed by the County for such purposes as set forth in Par. 1 and 2 above, then the Director may approve such lands to be conveyed to a non-profit organization as provided for in Part 7. Such land shall be referred to as common open space, and shall be given full credit in satisfying the open space requirement for a given district.

4. In subdivisions approved for cluster development, there shall be provided at least one area of open space comprised of lands outside of the floodplain, being one (1) acre in size and having no dimension less than fifty (50) feet. Minor deviations from this provision may be permitted with Board of Supervisors' approval of appropriate proffered conditions, if it finds that such minor deviations will further the intent of the Ordinance, the adopted comprehensive plan and other adopted policies.

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

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

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

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

8. The Board may waive the open space requirement presented for a given zoning district in accordance with the provisions of Sect. 9-613.

2-310 Statements of Additional Regulations

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

PART 4 2-400 QUALIFYING LOT AND YARD REGULATIONS

2-401 Limitation on Subdivision of a Lot

Only a lot that exceeds the minimum provisions of this Ordinance may be subdivided to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions; however, this limitation shall not bar the resubdivision of lots to alter arrangement, dimensions or boundary locations in accordance with the provisions of the Public Facilities Manual or the provisions of Part 2 of Article 15 of this Ordinance.

2-402 Restrictions on Areas Not Included in Lots

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

2-403 Permitted Reduction in Lot Area for Two or Three Lots

1. If any parcel of land is under one ownership, it may be divided into two (2) lots neither of which has an area of less than eighty-five (85) per cent of the minimum area specified for a conventional subdivision lot in the zoning district in which located, and each of the two (2) resulting lots may be used as a lot for a use permitted in the district; provided the parcel meets the following conditions, and development of the resulting lots can comply with all other regulations for the district:

   A. Has an area less than the average area required for two (2) conventional subdivision lots, but contains at least 180 per cent of the minimum area prescribed by this Ordinance for a conventional subdivision lot in the district in which such parcel is situated, and

   B. The specific parcel existed and has not been the subject of subdivision since the effective date of this Ordinance, and

   C. Is not adjoined by any other land in the same ownership.

2. In passing on a subdivision plat, the Director may permit a similar division of a parcel into three (3) lots none of which has an area of less than eighty-five (85) per cent of the minimum area specified for a conventional subdivision lot in the district in which located, and all of the three (3) resulting lots may be used as a lot for a use permitted in the district; provided, the parcel meets the following conditions, and development of the resulting lots can comply with all other regulations for the district:

   A. Has an area less than the average area required for three (3) conventional subdivision lots, but contains at least 270 per cent of the minimum area prescribed by this Ordinance for a conventional subdivision lot in the district in which such parcel is situated, and

   B. The specific parcel existed and has not been the subject of subdivision since the effective date of this Ordinance, and

   C. Is not adjoined by any other land in the same ownership.

3. Neither the Director nor the BZA shall have any authority to permit any variance from the foregoing figures of 180 per cent and 270 per cent, respectively, but may permit minor deviation from the resultant minimum figure of 85 per cent if in their opinion, such minor deviation would result in a better utilization of the land for building purposes.

2-404 Permitted Reduction in Lot Areas Within a Subdivision

1. Notwithstanding specific minimum lot area requirements specified in the R-E, R-1, R-2, R-3, and R-4 Districts, upon approval by the Director, the minimum lot area of individual lots within a single subdivision approved in accordance with Chapter 101 of The Code,

The Subdivision Ordinance, may be reduced by up to fifteen (15) per cent of the minimum lot area specified in the applicable district regulations; provided, however, that the average lot area of all lots classified in the same zoning district within the subdivision shall equal the average lot area if specified or the average of the minimum area if an average lot area is not specified; and provided all other requirements and regulations set forth for the district can be met.

2. Notwithstanding the specific minimum lot area requirements specified for any district, upon approval by the Director, the minimum lot area of any lot may be reduced by up to fifteen (15) per cent of the minimum lot area specified in the applicable district regulations when the area of the lot has been reduced by condemnation or by acquisition of a portion thereof for public purpose by any governmental agency.

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

If a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then notwithstanding the minimum lot area and lot width requirements of the district in which located, said lot may be used for a use permitted in the district provided all other regulations of the district can be met.

2-406 Pipestem Lots

When deemed necessary to achieve more creative planning and preservation of natural property features, the Director may approve pipestem lots either as a single lot or in a group of lots not to exceed five (5) in number, but only in residential subdivisions approved for cluster development under the provisions of Sect. 408 below and only in accordance with the provisions of the Public Facilities Manual.

2-407 Access to Residential Lots

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

2-408 Cluster Subdivisions

1. Within a single subdivision, a cluster subdivision may be permitted in the R-E through R-4 Districts upon the determination by the Director that such would be accordance with the adopted comprehensive plan and the established character of the area, and the topography or other physical characteristics of the subject property are such that cluster development will produce a more efficient and practicable development or will promote the preservation of steep slopes, stream valleys, or desirable vegetation, or will provide land necessary for public or community facilities.

2. A cluster subdivision development plan or a preliminary subdivision plat prepared in accordance with the provisions of Chapter 101 of The Code, The Subdivision Ordinance, shall be submitted to the Director for review and determination as to whether the proposed subdivision is suitable for cluster development. Said plan/plat shall show topography, proposed layout of lots and streets and open space, and the location, where applicable, of recreation areas, parks, schools, highways, floodplains and other public or community uses.

3. Upon a favorable determination by the Director of such plan, a cluster subdivision plat may be approved that conforms with the development plan and the cluster subdivision provisions presented in the zoning district regulations. Thereafter development shall be permitted only in accordance with the approved plan.

4. In the approval of a cluster subdivision, in no case shall the maximum density specified for the applicable district be increased, nor shall the other applicable regulations or use limitations for the district be modified or changed, nor shall any lot extend into a floodplain area unless approved by the Director based on the determination that:

   A. The particular floodplain, by reason of its size or shape, has no practical open space value, and

B. The amount of floodplain on the lot is minimal, and

C. The lot otherwise meets the required minimum lot area specified for the district in which located.

5. Any person aggrieved by a decision of the Director may, within ten (10) days of such decision, file an appeal in accordance with the provisions of Sect. 17-110.

2-409 Lot and Yard Requirements for Condominiums

Notwithstanding the specific minimum lot size requirements and minimum yard requirements specified for a given zoning district, a single family detached or attached dwelling condominium development may be permitted under the Condominium Laws of Virginia subject to the following provisions:

1. In single family attached dwelling developments, the minimum lot size and minimum yard requirements of the zoning district in which located shall be met as if lot lines existed. A generalized development plan, prepared in accordance with the provisions of Part 2 of Article 18, shall be required for such developments and shall be the subject of review and approval by the Board.

2. Single family detached dwelling developments shall be subject to the following requirements:

   A. All dwelling units shall have access to a dedicated public street except as provided for by the provisions of Part 3 of Article 11 and Chapter 101 of The Code, The Subdivision Ordinance.

   B. All dwelling units shall have an area in the front and rear of the unit equivalent to the minimum front and rear yards required by the zoning district in which located, such area to be established as if front and rear lot lines existed. In such areas no other dwelling unit or public or private street shall be located.

   C. All dwelling units shall be separated from each other by a side yard distance equal to 180% of the minimum side yard requirement of the zoning district in which located.

   D. The location of any community structure, such as a clubhouse or swimming pool, shall be governed by the provisions of Par. B and C above.

   E. Accessory structures shall be permitted in general accordance with the provisions of Part 1 of Article 10, as determined by the Zoning Administrator.

3. Such developments shall comply with the maximum density and other provisions of the zoning district in which located, except as qualified above.

2-410 Yard, Open Space Reduction Not Permitted

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

2-411 Yard Requirements for Open Land

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

2-412 Extensions Into Yard Areas

The following features, and no others, may extend into required minimum yard areas, but only as qualified below. In those developments where yard requirements are determined by a specified distance between buildings, this regulation shall likewise apply, with the lot line being determined by a line located between the buildings drawn perpendicular to the shortest line between them.

1. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above grade, may extend three (3) feet into any required yard but not nearer to any lot line than a distance of two (2) feet. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required front yards providing they do not overhang travel lanes, or if no travel lanes exist, they shall not be located closer than twenty-two (22) feet from the right-of-way line.

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

3. Open fire balconies, fire escapes and fire towers may extend five (5) feet into any required yard.

4. Bay windows, oriels, balconies, decks and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side yard; ten (10) feet into any required rear yard; but not nearer to any side lot line than a distance of seven (7) feet nor to any rear lot line than a distance of fifteen (15) feet.

5. Any unroofed and completely unenclosed patio, terrace or deck with its floor no higher than that of the first floor level of the building may extend six (6) feet into any required yard, but not nearer to any side lot line than a distance of four (4) feet. An 'open work' railing or wall, which means at least fifty (50) per cent of the area thereof open, in a generally distributed pattern, not over four (4) feet high, may be erected around such patio, terrace or deck.

6. An outside stairway, unenclosed above and below the steps thereof, may extend four (4) feet into any required side or rear yard, but not nearer to any side lot line than a distance of six (6) feet.

7. An unenclosed porch or carport may be attached to a dwelling and may extend into any required side yard a distance of not more than five (5) feet, but not nearer to any side lot line than five (5) feet.

2-413 Yard Regulations for Residential Lots Having Reverse Frontage

1. Notwithstanding any other provision of this Ordinance, on any residential lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements as set forth for a given zoning district shall be deemed to apply to that yard in front of the principal entrance or containing the approach to the primary building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards unless such requirements are qualified below.

2. A privacy fence or wall may be approved by the Director in the rear and side yards of residential lots designed with reverse frontage, but in no instance shall such a privacy fence or wall be permitted that could obstruct the view of traffic from an intersecting street. To such end, no privacy fence or wall shall be located closer to the right-of-way than a point which would provide at least a sight distance for a vehicle seeking such intersecting street equal to the minimum sight distance acceptable to the Virginia Department of Highways and Transportation for the permitting of entrances onto a thoroughfare of the class involved.

3. Accessory uses shall also be permitted in the rear and side yards of residential lots designed with reverse frontage, but only in accordance with the provisions of Part 1 of Article 10, and subject to the qualification on location as presented in Par. 2 above.

2-414 Yard Regulations for Lots Abutting Certain Principal Arterial Highways and Railroad Tracks

1. Notwithstanding any other provision of this Ordinance, the following minimum distances shall be maintained between all principal buildings and right(s)-of-way of interstate highways and the Dulles Airport Access Road:

   A. All residential buildings - 200 feet.

   B. All commercial and industrial buildings - 75 feet.

2. Notwithstanding any other provision of this Ordinance, there shall be a minimum distance of 200 feet between all residential dwellings and railroad tracks.

3. Deviations from the provisions of Par. 1 and 2 above may be permitted with Board of Supervisors' approval of appropriate proffered conditions, if it finds that such deviations will further the intent of the Ordinance, adopted comprehensive plan and other adopted policies.

4. The provisions of Par. 1 and 2 above shall not apply in those instances where a lot has been recorded prior to the effective date of this Ordinance where the enforcement of this regulation would negate the use of the lot in accordance with the provisions of the zoning district in which located.

2-415 Yard Regulations for Lots Having Area in Floodplain

Notwithstanding any other provision of this Ordinance, no dwelling shall be located closer than fifteen (15) feet in horizontal distance to the edge of a floodplain, except the Director may approve the location of dwellings closer than fifteen (15) feet to a permanent water surface of an appropriately designed impoundment.

2-416 Reduction in Front or Side Yard Requirements

1. In any R district, within a block where parcels have been subdivided and where a front or side yard more than that required by this Ordinance has been maintained for existing structures on lots having a frontage of fifty (50) per cent or more of the total frontage of the block, each structure built after the effective date of this Ordinance shall maintain a front or side yard of not less than the average front or side yard of said existing structures.

2. In any R district, within a block where parcels have been subdivided and where a front or side yard less than that required by this Ordinance has been maintained for existing structures on lots having a frontage of fifty (50) per cent or more of the total frontage of the block, each structure built after the effective date of this Ordinance may maintain a front or side yard not greater than the average front or side yard of said existing structures; provided, however, that any such front or side yard so established shall not in any event be less than eighty (80) per cent of the minimum front or side yard specified in the applicable district regulations.

3. With respect to one (1) or more lots not covered by the conditions set forth in either Par. 1 or 2 above and such lot(s) lie between other lots (a) in the same block and (b) within a distance of 600 feet on each side and (c) there are existing dwellings on the other lots with front or side yards less than the front or side yard required for the district, the BZA may grant a variance under the provisions of Part 4 of Article 18 authorizing the erection of dwellings on such intervening lots with such front or side yard(s) as will in the opinion of the BZA produce the most satisfactory overall design of the development and the most appropriate manner of use of the land that is involved; provided, that no front or side yard shall be authorized hereunder that is less than the front or side yard of the nearest of such existing dwellings.

2-417 Reduction in Side Yard Requirements

1. A reduction in side yard requirements may be permitted for any lot recorded prior to the effective date of this Ordinance which lot has a width less than that required by this Ordinance when:

A. Such lot is not adjoined or has not been adjoined, since the effective date of this Ordinance, by any other land in the same ownership, and

B. Such lot has not been reduced in width since the effective date of this Ordinance to a width or area less than that required by this Ordinance.

2. The width of any side yard required for such lots may be reduced to not less than fifteen (15) per cent of the width of the lot as scaled to the nearest foot, with one-half (1/2) foot being computed as one (1) foot; provided that in no event shall one side yard be less than ten (10) feet in width nor the other side yard less than seven (7) feet in width.

3. The BZA, acting under the provisions of Part 4 of Article 18, may permit similar reductions on a group of such contiguous lots in the same ownership.

2-418 Reduction in Any Yard Requirement

A twenty (20) per cent reduction of a minimum yard requirement shall be permitted by the Director on any yard reduced in dimension below minimum requirements at any time by condemnation or by acquisition of a portion thereof for public purposes by any governmental agency.

2-419 Waiver of Yard Requirements in CBD's

Notwithstanding any other provision of this Ordinance, the Director may, at the time of site plan approval, waive all, or any portion of, the yard requirements, where such waiver would further the implementation of the adopted comprehensive plan for the area within which the site in question lies. It is expressly intended that the Director shall exercise this waiver power in order to expedite implementation of adopted Central Business District (CBD) comprehensive plans and other selective areas where design standards have been adopted by the Board of Supervisors.

PART 5 2-500 QUALIFYING USE, STRUCTURE REGULATIONS

2-501 Limitation on the Number of Dwellings on a Lot

With the exception of multiple family dwelling units as permitted by the provisions of this Ordinance, not more than one (1) dwelling unit shall hereafter be erected on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building, except as an accessory use or an accessory service use as may be permitted by the provisions of Article 10. Nothing herein shall prohibit the erection of single family dwellings in a condominium development as provided for in Sect. 409 above.

2-502 Limitation on the Occupancy of a Dwelling Unit

A dwelling unit may be occupied by not more than one (1) family, and such family may consist of not more than one (1) of the following:

1. One (1) person or two (2) or more persons related by blood or marriage with not to exceed two (2) roomers or boarders, and with any number of natural children, foster children, step children or adopted children.

2. A group of not more than four (4) persons not necessarily related by blood or marriage.

3. Any other housekeeping unit which may be approved by the BZA as being compatible with the character of the neighborhood in which it is to be located, provided such housekeeping unit does not exceed ten (10) persons.

2-503 Sewer and Water Facility Requirements

All structures built hereafter shall meet the requirements for sanitary sewer and water facilities as set forth in Chapters 67, 68 and 101 of The Code, and the Public Facilities Manual.

2-504 Use Limitations in Yard Areas

1. In any required yard area in any C or I district, no goods shall be displayed, offered for sale or stored; no services or activities of any kind that are associated with the primary use of the property shall be performed except as qualified in Par. 2 below; and no processing or other industrial operation of any kind shall be carried on; provided that these limitations shall not be construed to prohibit the provision of required off-street parking spaces in any yard area, except as may be qualified by other provisions of this Ordinance.

2. Service station gasoline pump islands may be located in a required yard area, but in no instance shall a pump island be located closer than twenty-five (25) feet to any right-of-way line.

2-505 Use Limitations on Corner Lots

1. On every corner lot within the triangle formed by the street lines of such lot and a line drawn between points on such lines which are thirty (30) feet from the intersection thereof, there shall be no structure or planting of such nature and dimension as to obstruct lateral vision other than a post, column or trunk of a tree (but not branches or foliage), which is no greater than one (1) foot in cross section or diameter. Such lateral vision shall be maintained between two (2) horizontal planes, one of which is three and one-half (3 1/2) feet, and the other ten (10) feet above the established grade of either street or, if no grade has been officially established, then above the average elevation of the existing surface of either street at the center line thereof:

   A. For a lot having an interior angle of ninety (90) degrees or more at the street corner thereof: 30 feet

   B. For a lot having an interior angle of less than ninety (90) degrees at the street corner thereof: 30 feet, plus one (1) foot for every ten (10) degrees or major fraction thereof by which such interior angle is less than ninety (90) degrees.

2. Since the purpose of this provision is to promote public safety by preserving reasonable sight distances for vehicular traffic at street intersections, the BZA may vary the specific requirements in accordance with the provisions of Part 4 of Article 18 in those instances where structures or plantings between the two (2) horizontal planes do not in fact interfere with sight distances.

2-506 Structures Excluded From Maximum Height Regulations

1. The height limitations of this Ordinance shall not apply to barns, silos, residential chimneys, spires, cupolas, gables, penthouses, scenery lofts, domes, flagpoles, purple martin birdhouses, flues, monuments, radio towers, television antennae or aerials, water towers, water tanks, transmission towers and cables, smokestacks, or other similar roof structures and mechanical appurtenances; provided, however:

   A. No such structure when located on a building roof shall occupy an area greater than twenty-five (25) per cent of the total roof area.

   B. No such structure shall be used for any purpose other than a use incidental to the main use of the building.

   C. Air-conditioning units on building roofs shall not be excluded from the maximum height regulations.

   D. No such freestanding structure shall be located except in strict accordance with the provisions of Part 1 of Article 10.

2. A parapet wall, cornice or similar projection may exceed the height limit established for a given zoning district by not more than three (3) feet, but such projection shall not extend more than three (3) feet above the roof level of any building.

2-507 Limitations on Mobile Homes

1. No mobile home shall be occupied for dwelling purposes unless the same is located in a mobile home park in accordance with all the regulations applying thereto under State law, Part M of Article 3 of this Ordinance or any other County ordinance, except as follows:

   A. On railroad rights-of-way for the purpose of supplying temporary housing for personnel engaged in emergency repair work, subject to the approval of the Zoning Administrator and the Health Department, for a period not to exceed thirty (30) days.

   B. As a temporary dwelling as provided for in Part 8 of Article 8.

   C. On a parcel of 100 acres or more which is used primarily for agriculture, the Zoning Administrator may permit not more than one (1) mobile home as the quarters of a caretaker, watchman or tenant farmer, and his family; provided that such use meets the following conditions:

      (1) Shall be located only in an R-A, R-P, R-C, R-E or R-1 District.

      (2) Shall be located not less than 200 feet from any public street, and not less than 100 feet from any abutting property line.

      (3) Shall be connected to public sewer or an approved septic field, public water or an approved well, and to electricity.

      (4) Shall be located on the property of the employer, and the mobile home shall be titled by the property owner.

2. Except as qualified in Par. 1 above, it shall be unlawful for any property owner, tenant, lessee or administrator of any real estate in the County to rent, lease or allow any mobile home that is to be used as a dwelling or living quarters to be parked on the land under their supervision unless such land is a legal mobile home park licensed in accordance

with the provisions of Chapter 32 of The Code and maintained in accordance with the provisions of this Ordinance.

2-508 Limitation on Junk Vehicles

It shall be unlawful for the owner of property in any R district to place or store, or permit to be placed or stored on his property, a junk vehicle except in a fully enclosed structure.

2-509 Houses Displayed for Advertising Purposes

A house displayed for advertising purposes, whether in connection with a residential development or otherwise, shall not be located in any R district, or be connected with utilities, or otherwise made usable for occupancy as a dwelling, unless such house conforms to all of the requirements of this Ordinance, to include the regulations of the zoning district in which it may be located.

2-510 Sales From Vehicles

The sale or offering for sale of goods or services from any vehicle shall be deemed to be a commercial use and shall be subject to all the regulations prescribed for the zoning district in which the same is conducted, but this regulation shall not be deemed to prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.

2-511 Limitation on Driveways for C and I Districts

A driveway to and from a commercial or industrial use shall be deemed to be integral with such use and shall not be deemed to be a permitted use in any R district; provided, that if no other means of access is available or reasonably possible, the BZA may permit the use of a means of access lying wholly or partly within an R district to a use in any C or I district that was so zoned on the effective date of this Ordinance.

2-512 Limitation on Keeping of Animals

1. Keeping of livestock, fowl, and animals of a wild nature shall not be allowed on any lot less than two (2) acres in area; provided, however, that such minimum area shall not be deemed to limit the keeping of rabbits, hamsters, mice, guinea pigs, and other similar such animals, or birds or fowl, for personal use or enjoyment, when such animals are not kept for sale or other commercial purpose; and further provided that such animals, birds or fowl are confined to the interior of the dwelling or other permitted accessory building.

2. Except as qualified below, the number of livestock kept on a given parcel shall not exceed the ratio of one (1) animal unit per one (1) acre, with an animal unit identified as follows:

1	milk cow	= 1 animal unit
2	milk heifers	= 1 animal unit
2	beef steers	= 1 animal unit
10	sheep	= 1 animal unit
3	horses	= 1 animal unit
10	hogs	= 1 animal unit

The BZA may vary this specific requirement in accordance with the provisions of Part 4 of Article 18 in those instances where a larger ratio will not unduly impact adjacent properties.

3. Additional provisions governing the keeping of swine are set forth in Chapter 41 of The Code.

4. The keeping of dogs, except a kennel as permitted by the provisions of Part 6 of Article 8, shall be in accordance with the following:

   A. Two (2) dogs may be kept upon any lot without restriction.

B. Four (4) dogs may be kept upon any lot of 12,500 square feet or more subject to the provisions of Par. D and E below.

C. Six (6) dogs may be kept upon a lot of 20,000 square feet or more subject to the provisions of Par. D and E below.

D. When four (4) or more dogs are kept upon a lot of 12,500 square feet or more, such dogs shall be kept not less than twenty-five (25) feet from all lot lines.

E. Additional dogs above the six (6) allowed in Par. C above may be kept, provided that, in addition to the requirements of Par. D above, the yard is increased ten (10) feet not to exceed a maximum of 100 feet, and the lot area is increased 10,000 square feet for each additional two (2) dogs.

F. In counting the number of dogs upon a lot, only those dogs which have attained the age of six (6) months shall be counted.

G. The word 'kept', as used in this Section, shall mean any enclosure or structure used to house, shelter, restrain or exercise dogs, but shall not mean a dwelling or a fence constructed to demarcate a property line.

Nothing in this Ordinance shall be construed to determine the type of license required for dogs under the provisions of Chapter 41 of The Code.

PART 6 2-600 LAND REGULATIONS

2-601 Limitation on the Removal of Soil

No soil shall be removed in any zoning district except in accordance with one of the following provisions:

1. Sod and soil may be removed on any lot in any R district to a depth of not more than eighteen (18) inches but only in an area not exceeding 5000 square feet, or

2. Removal and excavation necessary for construction shall be permitted when such is in accordance with an approved site plan or approved plans and profiles for a subdivision, or

3. Grading of land shall be permitted in accordance with a grading plan approved by the Director, which grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code, or

4. Any other grading, excavating, mining and/or burrowing of land not listed above shall be permitted only in accordance with the provisions of Part 1 of Article 8.

2-602 Drainage and Floodplain Regulations

1. No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith.

2. There shall be no filling or change of contours in any floodplain except in accordance with a grading plan submitted to and approved by the Board, or except as may be permitted by the provisions of Sect. 7-705.

3. No building shall be erected within any floodplain, except in accordance with the provisions of Part 7 of Article 7 of this Ordinance and the Public Facilities Manual.

2-603 Erosion and Sedimentation Control Regulations

For the purpose of alleviating harmful and/or damaging effects of on-site erosion and siltation on neighboring downhill and/or downstream properties during and after development, adequate controls of erosion and sedimentation of both a temporary and permanent nature shall be provided by the property owner during all phases of clearing, filling, grading and construction. Plans and specifications for such controls shall be submitted to and approved by the Director in accordance with the provisions of Volume I of the Public Facilities Manual.

2-604 Pro-Rata Share of Costs for Drainage Facilities

1. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

2. When directed to do so by the County Executive, the Director of Public Works shall study and compute the total estimated cost of ultimate drainage facilities required to serve a drainage shed when and if such drainage shed is fully developed in accordance with the adopted comprehensive plan for the shed. The computation of estimated costs shall include any engineering study for the shed, and the total cost of such construction, and easement and floodplain easement acquisition cost where necessary. When this total cost is computed it shall be updated every six (6) months by applying the Engineering News-Record cost index factor to the construction costs. The above study with its attendant

cost figures shall constitute the general drainage improvement program for the affected drainage shed.

3. When a general drainage improvement program has been established pursuant to Par. 2 above, a pro-rata share of the total cost of the program shall be determined as follows:

   A. The estimated increased volume and velocity of storm water run-off for the drainage shed when fully developed in accordance with the adopted comprehensive plan shall be computed.

   B. The increased volume and velocity of storm water run-off caused by a subdivision or development shall be computed.

   C. The ratio of the volume and velocity of storm water run-off caused by a subdivision or development to the estimated total volume and velocity of storm water run-off for the drainage shed, expressed as a percentage, shall be applied to the total cost of the drainage improvement program for the drainage shed. The resultant figure shall be the pro-rata share for the subdivision or development.

4. The payment of the applicable pro-rata share calculated pursuant to Par. 3 above shall be a condition precedent to the approval by the County of a subdivision plat or, where a subdivision has been previously approved or where the subdivision of land does not occur, prior to issuance of any Building Permit for the development.

5. Payments received pursuant to this Section shall be expended only for the construction of those drainage facilities for which payment was required. Until so expended, payments shall be held in an interest-bearing account for the benefit of the subdivider or developer of land.

PART 7 2-700 COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS

2-701 Applicability

The regulations set forth in this Part shall apply to the following features in all residential developments where such features are proposed to be dedicated or conveyed for public use or are to be held in common ownership by the persons residing in the development:

1. All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons residing in the development, where such lands are not to be dedicated or conveyed for public use, whether or not such lands are required by the provisions of this Ordinance, and

2. All private streets, driveways, parking bays, uses, facilities, and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development, whether or not such improvements are required by the provisions of this Ordinance.

3. Where a condominium development is proposed, such shall be established and regulated in strict accordance with the provisions of the Condominium Laws of Virginia.

4. All lands to be deeded or conveyed for public use.

2-702 General Requirements

All lands and improvements set forth in Par. 1, 2, and 3 of Sect. 701 above shall be established and maintained in accordance with the following requirements:

1. The applicant or developer shall provide for and establish a non-profit organization or other legal entity under the laws of Virginia for the ownership, care and maintenance of all such lands and improvements.

2. Such organization shall be created by covenants and restrictions running with the land and shall be composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses and facilities.

3. All lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such covenant shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five (25) years, and shall be automatically extended for successive periods of twenty-five (25) years unless terminated in a manner set forth hereinafter. These covenants shall become part of the deed to each lot or parcel within the development.

4. Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved nor shall such organization dispose of any common open space, by sale or otherwise, except to an organization conceived and organized to own and maintain the common open space, without first offering to dedicate the same to the County or other appropriate governmental agency.

5. No lands in common open space shall be denuded, defaced nor otherwise disturbed in any manner at any time without the approval of the Director.

6. If the Director shall determine that the public interest requires assurance as to adequate maintenance of common open space areas and improvements, the Director may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain such common open space/improvements, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, the County may serve notice in writing upon such

organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space/improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty (20) days of the notice.

7. At such hearing the County may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured.

8. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvements from becoming a public nuisance, may enter upon said common open space and maintain the same for one (1) year.

9. Said entry and maintenance shall not vest in the public any rights to use the common open space/improvements except when the same is voluntarily dedicated to the public by the owners.

10. Before the expiration of said one (1) year period, the County shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space/improvements, call a public hearing upon notice in writing to such organization or to the residents of such development, to be held by the Board, at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one (1) year period.

11. If the Board shall determine that such organization is ready and able to maintain the common open space/improvements in reasonable condition, the County shall cease to maintain the common open space/improvements at the end of said one (1) year period.

12. If the Board shall determine that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County may, in its discretion, continue to maintain the common open space/improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

13. The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space/improvements, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefor.

2-703 Submission Requirements

1. Before an applicant or developer can establish a non-profit organization as required in Sect. 702 above, the following documents shall be submitted to and approved by the County:

   A. The articles of incorporation or other organizational documentation for the non-profit organization.

   B. The by-laws of the non-profit organization.

   C. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.

   D. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the non-profit organization.

   E. A document granting the right of entry upon such common property to the County law enforcement officers, rescue squad personnel, and the fire fighting personnel while in the pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency

vehicle access.

F. A complete listing of all land, buildings, equipment, facilities, and other holdings of the non-profit organization, as such is proposed, and a complete description of each.

G. A recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings.

H. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.

I. A copy of the Deed of Conveyance and a Title Certificate or, at the discretion of the Director, a committment for a policy of title insurance issued by an insurance company authorized to do business in the Commonwealth of Virginia, assuring unencumbered title for all lands proposed to be conveyed to the County, other appropriate governmental agency, or other organization, including the non-profit organization.

2. The documents set forth in Par. 1 shall be reviewed and approved by the Director and the County Attorney, and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

3. In no event shall a Certificate of Completion be issued in accordance with the provisions of Part 8 of Article 18 until it is substantiated that the non-profit organization has elected officers from its member homeowners.

2-704 Payment in Lieu of Providing Developed Recreational Facilities

In those instances where a developer in a P district may choose to provide cash in lieu of developed recreational facilities, as permitted by the district regulations, such payment shall be made before a Residential/Non-Residential Use Permit is issued. Payment shall be made into a trust account set up for the organization, so established to hold the funds until the majority of the association/organization membership is comprised of individual homeowners, at which time such funds shall be released unless the organization shall determine that the funds should be held to some subsequent specified time; provided, however, that where a given development is to be staged over a period in excess of three (3) years, such funds can be released upon the request of the organization, based on the number of units occupied, as a given stage is completed.

2-705 County Not Responsible for Maintenance

Except as provided for in Par. 8 of Sect. 702 above, the County shall not be responsible for the maintenance of any of the common open space and common improvements required by this Ordinance. Where the County becomes the owner of such open space and improvements, under the provisions of Par. 4 of Sect. 702 above, there shall accrue to the County or other appropriate governmental agency no responsibility except to the general public of the entire County.

PART 8 2-800 LOW AND MODERATE INCOME HOUSING PROVISION

1. To encourage the development of moderately-priced units to house low and moderate income families in Fairfax County, in the R-5 through R-30 Districts, and in all PDH and PRC Districts, the Board may grant certain housing incentive provisions, but only to the extent that the total number of dwellings in a given development, including the moderately-priced housing units, shall never exceed a factor of 125 per cent of the number of dwellings otherwise permitted by the provisions of the district in which located. The specific incentives that may be granted are set forth in the Fairfax County Board of Supervisors' Policy on Housing Low and Moderate Income Families, a copy of which policy is set forth as Appendix 4 of this Ordinance.

2. In granting such housing incentive provisions for the provision of moderately-priced housing units, the Board shall ensure that all regulations of the applicable zoning district can be met; provided, however, upon Board approval, the area required to meet the respective open space requirements in the R-30, PDH-30 and PDH-40 Districts may be reduced by a factor of ten (10) per cent.

3. To encourage the redevelopment of mobile home parks to house low and moderate income families in Fairfax County, the Board may grant an increase in the number of mobile homes or dwelling units per acre permitted in the R-MHP District by a factor of fifty (50) per cent. Where deemed necessary, in granting such increase in density for the provision of moderately-priced housing units, the Board may waive other regulations of the R-MHP District.

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ARTICLE 3

RESIDENTIAL DISTRICT REGULATIONS

PART A 3-A00 R-A RURAL AGRICULTURAL DISTRICT

3-A01 Purpose and Intent

Since there are, within the County, certain lands used for farming and/or the raising of livestock; and since land so used is kept from urban development by these uses; and since the conservation of such land as open rural area is deemed desirable and needed, this district is established to identify these lands and to distinguish them from urbanized single family residential districts. This district is, therefore, established to separate distinctly different uses so as to promote the general health, safety, and welfare of both the occupants of this district and of other R districts within the County.

3-A02 Permitted Uses

1. Agriculture, as defined in Article 20.

2. Any of the following uses when on the same property with and accessory to agricultural uses as defined in Article 20, provided that the agricultural uses cover not less than seventy-five (75) per cent of the total land area.

   A. Accessory uses and home occupations as permitted by Article 10.

   B. Dwellings, single family detached.

3. Public schools, parks, playgrounds, athletic fields and related facilities.

3-A03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 6 - Outdoor Recreation Uses, limited to:

   A. Kennels, animal shelters

   B. Riding or boarding stables

2. Group 8 - Temporary Uses, limited to:

   Carnival, circus, festival, fair, bingo game, raffle, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

3. Group 9 - Uses Requiring Special Regulation, limited to:

   Sawmilling of timber

3-A04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

   A. Telecommunication facilities

   B. Utility transmission facilities

C. Water storage, control, and pumping facilities

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Fire stations

B. Libraries

C. Penal and correctional institutions

D. Police substations, branch governmental substations

E. Post offices

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

G. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

Plant nurseries

3-A05 Use Limitations

1. No sale of goods or products shall be permitted except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-A06 Lot Size Requirements

1. Minimum lot area: 5 acres

2. Minimum lot width: 200 feet

3. Cluster subdivision provisions shall not apply in this district.

3-A07 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Front yard: Controlled by a 60° angle of bulk plane

(2) Side yard: 50 feet

(3) Rear yard: 50 feet

B. All other structures: Controlled by a 60° angle of bulk plane

3. Maximum floor area ratio: 0.10

3-A08 **Maximum Density**

One dwelling unit per five (5) acres, or 0.2 dwelling units per acre

3-A09 **Open Space**

No Requirement

3-A10 **Additional Regulations**

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART P 3-P00 R-P RESIDENTIAL-PRESERVATION DISTRICT

3-P01 Purpose and Intent

The R-P District is established to protect water courses, stream valleys, marshes, forest cover in upland areas of watersheds, aquifer recharge areas, rare ecological or geographical areas, and areas of natural scenic vistas; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock, and/or low density residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

3-P02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-P03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   Churches, chapels, temples, synagogues and other such places of worship

2. Group 4 - Community Uses.
3. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Camp or recreation grounds
   - B. Golf courses, commercial
   - C. Kennels, animal shelters
   - D. Riding and boarding stables
   - E. Skeet and trapshooting ranges
   - F. Veterinary hospitals, but only ancillary to kennels, riding or boarding stables
4. Group 7 - Older Structures, limited to:
   - A. Restaurants
   - B. Summer theatres
5. Group 8 - Temporary Uses, limited to:
   - A. Carnival, circus, festival, fair, bingo game, raffle, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
   - B. Construction material yards accessory to a construction project
   - C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Promotional activities of retail merchants

E. Subdivision and apartment sales and rental offices

F. Temporary dwellings or mobile homes

6. Group 9 - Uses Requiring Special Regulation, limited to:

Home professional offices

3-P04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Fire stations

B. Libraries

C. Penal and correctional institutions

D. Police substations, branch governmental substations

E. Post offices

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

G. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Marinas, docks and boating facilities, commercial

B. Offices

3-P05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-P06 Lot Size Requirements

1. Minimum lot area: 10 acres

2. Minimum lot width: 200 feet

3. Cluster subdivision provisions shall not apply in this district.

3-P07 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 60° angle of bulk plane

      (2) Side yard: 50 feet

      (3) Rear yard: 50 feet

   B. All other structures: Controlled by a 60° angle of bulk plane

3. Maximum floor area ratio: 0.10

3-P08 Maximum Density

One (1) dwelling unit per ten (10) acres, or 0.1 dwelling unit per acre

3-P09 Open Space

No Requirement

3-P10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART C 3-C00 R-C RESIDENTIAL-CONSERVATION DISTRICT

3-C01 Purpose and Intent

The R-C District is established to protect water courses, stream valleys, marshes, forest cover in upland areas of watersheds, aquifer recharge areas, rare ecological or geographical areas, and areas of natural scenic vistas; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock, and/or low density residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

3-C02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-C03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   Churches, chapels, temples, synagogues and other such places of worship

2. Group 4 - Community Uses.
3. Group 6 - Outdoor Recreation Uses, limited to:

   A. Camp or recreation grounds

   B. Golf courses, commercial

   C. Kennels, animal shelters

   D. Riding and boarding stables

   E. Skeet and trapshooting ranges

   F. Veterinary hospitals, but only ancillary to kennels, riding or boarding stables

4. Group 7 - Older Structures, limited to:

   A. Restaurants

   B. Summer theatres

5. Group 8 - Temporary Uses, limited to:

   A. Carnival, circus, festival, fair, bingo game, raffle, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities

   B. Construction material yards accessory to a construction project

   C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project

D. Promotional activities of retail merchants

E. Subdivision and apartment sales and rental offices

F. Temporary dwellings or mobile homes

6. Group 9 - Uses Requiring Special Regulation, limited to:

Home professional offices

3-C04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Fire stations

B. Libraries

C. Penal and correctional institutions

D. Police substations, branch governmental substations

E. Post offices

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

G. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Marinas, docks and boating facilities, commercial

B. Offices

3-C05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-C06 Lot Size Requirements

1. Minimum lot area: 5 acres

2. Minimum lot width: 200 feet

3. Cluster subdivision provisions shall not apply in this district.

3-C07 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 60° angle of bulk plane

      (2) Side yard: 50 feet

      (3) Rear yard: 50 feet

   B. All other structures: Controlled by a 60° angle of bulk plane

3. Maximum floor area ratio: 0.10

3-C08 Maximum Density

One (1) dwelling unit per five (5) acres, or 0.2 dwelling units per acre

3-C09 Open Space

No Requirement

3-C10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART E 3-E00 R-E RESIDENTIAL ESTATE DISTRICT

3-E01 Purpose and Intent

The R-E District is established to promote agricultural uses and low density residential uses at a density not to exceed one (1) dwelling unit per two (2) acres; to allow other selected uses which are compatible with the open and rural character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-E02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Privately-owned dwellings for seasonal occupancy, not designed or used for permanent occupancy, such as summer homes and cottages, hunting and fishing lodges and cabins.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-E03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses.
6. Group 7 - Older Structures.
7. Group 8 - Temporary Uses.
8. Group 9 - Uses Requiring Special Regulation, limited to:
   - A. Barbershops or beauty parlors as a home occupation
   - B. Home professional offices
   - C. Sawmilling of timber

3-E04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 2 - Heavy Public Utility Uses, limited to:

   Landfills
3. Category 3 - Public and Quasi-Public Uses, limited to:
   - A. Colleges, universities

B. Cultural centers, museums and similar facilities

C. Fire stations

D. Housing for the elderly

E. Institutions providing housing and general care for the indigent, orphans and the like

F. Libraries

G. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

H. Penal and correctional institutions

I. Police substations, branch governmental substations

J. Post offices

K. Private clubs and public benefit associations

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

M. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Establishments for scientific research and development

B. Funeral chapels

C. Marinas, docks and boating facilities, commercial

D. Offices

E. Plant nurseries

3-E05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-E06 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 5 acres

2. Average lot area: No Requirement

3. Minimum lot area

A. Conventional subdivision lot: 75,000 sq. ft.

B. Cluster subdivision lot: 52,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 200 feet

(2) Corner lot - 225 feet

B. Cluster subdivision lot:

(2) Interior lot - No Requirement

(2) Corner lot - 175 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-E07 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: Controlled by a 55° angle of bulk plane, but not less than 50 feet

(b) Side yard: 20 feet

(c) Rear yard: 25 feet

(2) Cluster subdivision lot

(a) Front yard: Controlled by a 40° angle of bulk plane, but not less than 25 feet

(b) Side yard: 15 feet, but a total minimum of 40 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 55° angle of bulk plane, but not less than 50 feet

(2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet

(3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.15

3-E08 Maximum Density

One (1) dwelling unit per two (2) acres

3-E09 Open Space

In subdivisions approved for cluster development, 20% of the gross area shall be open space

3-E10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 1 3-100 R-1 RESIDENTIAL DISTRICT, ONE DWELLING UNIT/ACRE

3-101 Purpose and Intent

The R-1 District is established to provide for single family detached dwellings at a density not to exceed one (1) dwelling unit per one (1) acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-102 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Agriculture, as defined in Article 20.
3. Dwellings, single family detached.
4. Public schools, parks, playgrounds, athletic fields and related facilities.

3-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses.
6. Group 7 - Older Structures.
7. Group 8 - Temporary Uses.
8. Group 9 - Uses Requiring Special Regulation, limited to:
   - A. Barbershops or beauty parlors as a home occupation
   - B. Home professional offices
   - C. Sawmilling of timber

3-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 2 - Heavy Public Utility Uses, limited to:

   Landfills
3. Category 3 - Public and Quasi-Public Uses, limited to:
   - A. Colleges, universities
   - B. Cultural centers, museums and similar facilities
   - C. Fire stations

D. Housing for the elderly

E. Institutions providing housing and general care for the indigent, orphans and the like

F. Libraries

G. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

H. Penal and correctional institutions

I. Police substations, branch governmental substations

J. Post offices

K. Private clubs and public benefit associations

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

M. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Establishments for scientific research and development

B. Funeral chapels

C. Marinas, docks and boating facilities, commercial

D. Offices

E. Plant nurseries

3-105 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-106 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 5 acres

2. Average lot area: No Requirement

3. Minimum lot area

A. Conventional subdivision lot: 36,000 sq. ft.

B. Cluster subdivision lot: 25,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 150 feet

(2) Corner lot - 175 feet

B. Cluster subdivision lot:

(1) Interior lot - No Requirement

(2) Corner lot - 125 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-107 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: Controlled by a 50° angle of bulk plane, but not less than 40 feet

(b) Side yard: 15 feet, but a total minimum of 40 feet

(c) Rear yard: 25 feet

(2) Cluster subdivision lot

(a) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet

(b) Side yard: 12 feet, but a total minimum of 40 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 50° angle of bulk plane, but not less than 40 feet

(2) Side yard: Controlled by a 45° angle of bulk plane, but not less than 20 feet

(3) Rear yard: Controlled by a 45° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.15 for uses other than residential

3-108 Maximum Density

One (1) dwelling unit per acre

3-109 Open Space

In subdivisions approved for cluster development, 20% of the gross area shall be open space

3-110 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 2 3-200 R-2 RESIDENTIAL DISTRICT, TWO DWELLING UNITS/ACRE

3-201 Purpose and Intent

The R-2 District is established to provide for single family detached dwellings at a density not to exceed two (2) dwelling units per acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-202 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Public schools, parks, playgrounds, athletic fields and related facilities.

3-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses
2. Group 3 - Institutional Uses.
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
6. Group 7 - Older Structures, limited to:
   - A. Antique shops
   - B. Art and craft galleries
   - C. Rooming houses
   - D. Summer theatres
7. Group 8 - Temporary Uses.
8. Group 9 - Uses Requiring Special Regulation, limited to:
   - A. Barbershops or beauty parlors as a home occupation
   - B. Home professional offices

3-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 2 - Heavy Public Utility Uses, limited to:

   Landfills
3. Category 3 - Public and Quasi-Public Uses, limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Housing for the elderly

F. Institutions providing housing and general care for the indigent, orphans and the like

G. Libraries

H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

I. Penal and correctional institutions

J. Police substations, branch governmental substations

K. Post offices

L. Private clubs and public benefit associations

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

N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

4. Category 4 - Transportation Facilities, limited to:

WMATA facilities

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Convenience centers

B. Funeral chapels

C. Marinas, docks and boating facilities, commercial

D. Offices

E. Plant nurseries

3-205 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-206 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 7 acres

2. Average lot area

A. Conventional subdivision lot: 18,000 sq. ft.

B. Cluster subdivision lot: No Requirement

3. Minimum lot area

A. Conventional subdivision lot: 15,000 sq. ft.

B. Cluster subdivision lot: 13,000 sq. ft.

4. Minimum lot width

A. Conventional subdivision lot:

(1) Interior lot - 100 feet

(2) Corner lot - 125 feet

B. Cluster subdivision lot:

(1) Interior lot - No Requirement

(2) Corner lot - 100 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-207 Bulk Regulations

1. Maximum building height

A. Single family dwellings: 35 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

(a) Front yard: Controlled by a 45° angle of bulk plane, but not less than 35 feet

(b) Side yard: 12 feet, but a total minimum of 30 feet

(c) Rear yard: 25 feet

(2) Cluster subdivision lot

(a) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

(b) Side yard: 8 feet, but a total minimum of 24 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 45° angle of bulk plane, but not less than 35 feet

(2) Side yard: Controlled by a 40° angle of bulk plane, but not less than 15 feet

(3) Rear yard: Controlled by a 40° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.20 for uses other than residential

3-208 Maximum Density

Two (2) dwelling units per acre

3-209 Open Space

In subdivisions approved for cluster development, 15% of the gross area shall be open space

3-210 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 3 3-300 R-3 RESIDENTIAL DISTRICT, THREE DWELLING UNITS/ACRE

3-301 Purpose and Intent

The R-3 District is established to provide for single family detached dwellings at a density not to exceed three (3) dwelling units per acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-302 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Public schools, parks, playgrounds, athletic fields and related facilities.

3-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Convents, monasteries, seminaries and nunneries
   - C. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - D. Group day care facilities, day care centers and nursery schools
   - E. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - F. Private schools of general education
   - G. Private schools of special education
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
6. Group 7 - Older Structures, limited to:
   - A. Antique shops
   - B. Art and craft galleries
   - C. Rooming houses
   - D. Summer theatres
7. Group 8 - Temporary Uses.
8. Group 9 - Uses Requiring Special Regulation, limited to:

Home professional offices

3-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Convenience centers

   B. Funeral chapels

   C. Marinas, docks and boating facilities, commercial

   D. Offices

   E. Plant nurseries

3-305 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-306 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 7 acres

2. Average lot area

   A. Conventional subdivision lot: 11,500 sq. ft.

   B. Cluster subdivision lot: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 10,500 sq. ft.

   B. Cluster subdivision lot: 8,500 sq. ft.

4. Minimum lot width

   A. Conventional subdivision lot:

      (1) Interior lot - 80 feet

      (2) Corner lot - 105 feet

   B. Cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 80 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-307 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Conventional subdivision lot

         (a) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet

         (b) Side yard: 8 feet, but a total minimum of 20 feet

         (c) Rear yard: 25 feet

      (2) Cluster subdivision lot

         (a) Front yard: Controlled by a 30° angle of bulk plane,

but not less than 20 feet

(b) Side yard: 8 feet, but a total minimum of 20 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet

(2) Side yard: Controlled by a 35° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.25 for uses other than residential

3-308 Maximum Density

Three (3) dwelling units per acre

3-309 Open Space

In subdivisions approved for cluster development, 15% of the gross area shall be open space

3-310 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 4 3-400 R-4 RESIDENTIAL DISTRICT, FOUR DWELLING UNITS/ACRE

3-401 Purpose and Intent

The R-4 District is established to provide for single family detached dwellings at a density not to exceed four (4) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-402 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Public schools, parks, playgrounds, athletic fields and related facilities.

3-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses
2. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Convents, monasteries, seminaries and nunneries
   - C. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - D. Group day care facilities, day care centers and nursery schools
   - E. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - F. Private schools of general education
   - G. Private schools of special education
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
5. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
6. Group 7 - Older Structures, limited to:
   - A. Antique shops
   - B. Art and craft galleries
   - C. Rooming houses
   - D. Summer theatres
7. Group 8 - Temporary Uses.
8. Group 9 - Uses Requiring Special Regulation, limited to:

Home professional offices

3-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Convenience centers

   B. Funeral chapels

   C. Marinas, docks and boating facilities, commercial

   D. Offices

   E. Plant nurseries

3-405 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3-406 Lot Size Requirements

1. Minimum district size for cluster subdivisions: 7 acres

2. Average lot area

   A. Conventional subdivision lot: 8,800 sq. ft.

   B. Cluster subdivision lot: No Requirement

3. Minimum lot area

   A. Conventional subdivision lot: 8,400 sq. ft.

   B. Cluster subdivision lot: 6,000 sq. ft.

4. Minimum lot width

   A. Conventional subdivision lot:

      (1) Interior lot - 70 feet

      (2) Corner lot - 95 feet

   B. Cluster subdivision lot:

      (1) Interior lot - No Requirement

      (2) Corner lot - 70 feet

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-407 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Conventional subdivision lot

         (a) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

         (b) Side yard: 8 feet

         (c) Rear yard: 25 feet

      (2) Cluster subdivision lot

         (a) Front yard: Controlled by a 30° angle of bulk plane,

but not less than 20 feet

(b) Side yard: 8 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

(2) Side yard: Controlled by a 30° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.30 for uses other than residential

3-408 Maximum Density

Four (4) dwelling units per acre

3-409 Open Space

For subdivisions approved for cluster development, 15% of the gross area shall be open space

3-410 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 5 3-500 R-5 RESIDENTIAL DISTRICT, FIVE DWELLING UNITS/ACRE

3-501 Purpose and Intent

The R-5 District is established to provide for a planned mixture of single family dwelling types at a density not to exceed five (5) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-502 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Dwellings, single family attached.
4. Dwellings, mixture of those types set forth above.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Convents, monasteries, seminaries and nunneries
   - C. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - D. Group day care facilities, day care centers and nursery schools
   - E. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - F. Private schools of general education
   - G. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Home professional offices

3-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Convenience centers

   B. Funeral chapels

   C. Marinas, docks and boating facilities, commercial

   D. Offices

3-505 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses, except single family detached dwellings, shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-506 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Single family attached dwellings: No Requirement

   C. Non-residential uses: 14,000 sq. ft.

3. Minimum lot width

   A. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   B. Single family attached dwellings: 18 feet

   C. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform to the party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

   C. All other requirements of Chapter 101 of The Code, The Subdivision Ordinance, shall be met.

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-507 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family detached dwellings

      (1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

B. Single family attached dwellings

(1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

C. All other structures

(1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.35 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

3-508 Maximum Density

Five (5) dwelling units per acre

3-509 Open Space

25% of the gross area shall be open space

3-510 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 8 3-800 R-8 RESIDENTIAL DISTRICT, EIGHT DWELLING UNITS/ACRE

3-801 Purpose and Intent

The R-8 District is established to provide for a planned mixture of single family residential dwelling types at a density not to exceed eight (8) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-802 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Dwellings, single family attached.
4. Dwellings, mixture of those types set forth above.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-803 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Convents, monasteries, seminaries and nunneries
   - C. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - D. Group day care facilities, day care centers and nursery schools
   - E. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - F. Private schools of general education
   - G. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Home professional offices

3-804 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Convenience centers

   B. Funeral chapels

   C. Marinas, docks and boating facilities, commercial

   D. Offices

3-805 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses, except single family detached dwellings, shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-806 Lot Size Requirements

1. Minimum district size: 5 acres

2. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Single family attached dwellings: No Requirement

   C. Non-residential uses: 12,000 sq. ft.

3. Minimum lot width

   A. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   B. Single family attached dwellings: 18 feet

   C. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform to the party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

   C. All other requirements of Chapter 101 of The Code, The Subdivision Ordinance, shall be met.

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-807 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family detached dwellings

      (1) Front yard: Controlled by a 30^0 angle of bulk plane, but not less than 20 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   B. Single family attached dwellings

(1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

(2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

C. All other structures

(1) Front yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

(2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.55 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements for individual units in single family attached dwellings.

3-808 Maximum Density

Eight (8) dwelling units per acre

3-809 Open Space

20% of the gross area shall be open space

3-810 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 12 3-1200 R-12 RESIDENTIAL DISTRICT, TWELVE DWELLING UNITS/ACRE

3-1201 Purpose and Intent

The R-12 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed twelve (12) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-1202 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, single family attached.
4. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
5. Dwellings, mixture of those types set forth above.
6. Public schools, parks, playgrounds, athletic fields and related facilities.

3-1203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
   - F. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Bank teller machines, unmanned

3-1204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Funeral chapels

   B. Marinas, docks and boating facilities, commercial

3-1205 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-1206 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform to the party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

   C. All other requirements of Chapter 101 of The Code, The Subdivision Ordinance, shall be met.

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-1207 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other stuctures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements

for individual units in single family attached dwellings.

3-1208 Maximum Density

Twelve (12) dwelling units per acre

3-1209 Open Space

25% of the gross area shall be open space

3-1210 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.

PART 16 3-1600 R-16 RESIDENTIAL DISTRICT, SIXTEEN DWELLING UNITS/ACRE

3-1601 Purpose and Intent

The R-16 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed sixteen (16) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-1602 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, single family attached.
4. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
5. Dwellings, mixture of those types set forth above.
6. Public schools, parks, playgrounds, athletic fields and related facilities.

3-1603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
   - F. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Bank teller machines, unmanned

3-1604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Funeral chapels

   B. Marinas, docks and boating facilities, commercial

3-1605 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-1606 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform to the party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

   C. All other requirements of Chapter 101 of The Code, The Subdivision Ordinance, shall be met.

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-1607 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 65 feet

2. Minumum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other structures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements

for individual units in single family attached dwellings.

3-1608 Maximum Density

Sixteen (16) dwelling units per acre

3-1609 Open Space

30% of the gross area shall be open space

3-1610 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.

PART 20 3-2000 R-20 RESIDENTIAL DISTRICT, TWENTY DWELLING UNITS/ACRE

3-2001 Purpose and Intent

The R-20 District is established to provide for a planned mixture of residential dwelling types at a density not to exceed twenty (20) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-2002 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, single family attached.
4. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
5. Dwellings, mixture of those types set forth above.
6. Public schools, parks, playgrounds, athletic fields and related facilities.

3-2003 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
   - F. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Bank teller machines, unmanned

3-2004 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Funeral chapels

   B. Marinas, docks and boating facilities, commercial

3-2005 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-2006 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area

Non-residental uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform to the party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

   C. All other requirements of Chapter 101 of The Code, The Subdivision Ordinance, shall be met.

5. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-2007 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 90 feet

2. Minimum yard requirements

   A. Single family dwellings

      (1) Front yard: Controlled by a 15° angle of bulk plane, but not less than 5 feet

      (2) Side yard: Controlled by a 15° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 20 feet

   B. All other structures

      (1) Front yard: Controlled by a 25° angle of bulk plane, but not less than 20 feet

      (2) Side yard: Controlled by a 25° angle of bulk plane, but not less than 10 feet

      (3) Rear yard: Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.70 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5. Refer to Par. 4 of Sect. 2-307 for provisions that qualify the minimum yard requirements

for individual units in single family attached dwellings.

3-2008 Maximum Density

Twenty (20) dwelling units per acre

3-2009 Open Space

30% of the gross area shall be open space

3-2010 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.

PART 30 3-3000 R-30 RESIDENTIAL DISTRICT, THIRTY DWELLING UNITS/ACRE

3-3001 Purpose and Intent

The R-30 District is established to provide for multiple family dwellings at a density not to exceed thirty (30) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-3002 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, multiple family, including accessory service uses as permitted by Article 10.
4. Public schools, parks, playgrounds, athletic fields and related facilities.

3-3003 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
   - F. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Bank teller machines, unmanned

3-3004 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 3 - Public and Quasi-Public Uses, limited to:
   - A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Housing for the elderly

F. Institutions providing housing and general care for the indigent, orphans and the like

G. Libraries

H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

I. Penal and correctional institutions

J. Police substations, branch governmental substations

K. Post offices

L. Private clubs and public benefit associations

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

N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Funeral chapels

B. Marinas, docks and boating facilities, commercial

C. Offices

3-3005 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use, or in connection with an accessory service use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

3-3006 Lot Size Requirements

1. Minimum district size: 3 acres

2. Minimum lot area

Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

Non-residential uses:

(1) Interior lot - 75 feet

(2) Corner lot - 100 feet

4. The minimum district size requirement presented in Par. 1 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

3-3007 Bulk Regulations

1. Maximum building height

All structures:	150 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

All structures

(1)	Front yard:	Controlled by a 25° angle of bulk plane, but not less than 20 feet
(2)	Side yard:	Controlled by a 25° angle of bulk plane, but not less than 10 feet
(3)	Rear yard:	Controlled by a 25° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.00 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

3-3008 Maximum Density

Thirty (30) dwelling units per acre

3-3009 Open Space

40% of the gross area shall be open space

3-3010 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART M 3-M00 R-MHP RESIDENTIAL DISTRICT, MOBILE HOME PARK

3-M01 Purpose and Intent

The R-MHP District is established to provide for mobile home parks; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-M02 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Dwellings, single family detached.
4. Dwellings, mobile home.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-M03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
   - F. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Bank teller machines, unmanned

3-M04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.
2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Housing for the elderly

F. Institutions providing housing and general care for the indigent, orphans and the like

G. Libraries

H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

I. Penal and correctional institutions

J. Police substations, branch governmental substations

K. Post offices

L. Private clubs and public benefit associations

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

N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Funeral chapels

B. Marinas, docks and boating facilities, commercial

3-M05 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

2. All uses shall comply with the performance standards set forth in Article 14.

3. No space in a mobile home park shall be rented for residential use except for periods of thirty (30) days or more, and no mobile home shall be located in any park unless it can be demonstrated that it meets the requirements of the Mobile Home Manufacturers Association 'Mobile Home Standards for Plumbing, Heating and Electrical Systems'.

4. All mobile home parks shall meet the requirements for same as set forth in Chapter 61 of The Code, Buildings.

5. All mobile home parks shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

6. Every mobile home lot shall be clearly defined on the ground by permanent monuments.

7. Every mobile home lot shall be provided with a mobile home stand so designed to provide adequate support of the maximum anticipated loads during all seasons; and so located as to provide for the practical placement of a mobile home and its appurtenant structures in such a manner that such mobile homes shall comply fully with all requirements of this Ordinance.

8. No mobile home lot shall extend into a floodplain.

9. Every mobile home shall be provided with storage facilities located on or conveniently near each mobile home lot. There shall be a minimum of ninety (90) cubic feet of storage space provided for each mobile home. Required storage facilities shall be located no closer to park boundary lines, public streets, private streets or driveways than is permitted for mobile home units.

10. Every mobile home lot shall be provided with a paved surface outdoor patio of at least 180 square feet located to be convenient to the entrance of the mobile home.

11. All mobile home lots shall abut on a driveway or private street, and each lot shall have unobstructed access to a public street. Private streets and driveways within a mobile home park shall be constructed in accordance with the provisions of Chapter 61 of The Code, Buildings, and the Public Facilities Manual.

3-M06 Lot Size Requirements

1. Minimum district size: 15 acres

2. Average lot area

   Mobile home: 4,000 sq. ft.

3. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Non-residential uses: 10,000 sq. ft.

4. Minimum lot width

   A. Mobile home park: 70 feet

   B. Mobile home lot: No dimension shall be less than 50 feet

   C. Single family detached dwellings:

      (1) Interior lot - 50 feet

      (2) Corner lot - 70 feet

   D. Non-residential uses:

      (1) Interior lot - 75 feet

      (2) Corner lot - 100 feet

3-M07 Bulk Regulations

1. Maximum building height

   A. Residential uses: 35 feet

   B. All other structures: 90 feet

2. Minimum yard requirements

A. Front yard

(1) Mobile homes: 35 feet from the front lot line of the park

(2) Single family dwellings and all other structures: Controlled by a 30° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street

B. Side yard

(1) Mobile homes: 25 feet from the side lot line of the park

(2) Single family detached dwellings: 8 feet

(3) All other structures: Controlled by a 25° angle of bulk plane, but not less than 10 feet

C. Rear yard

(1) Mobile homes: 25 feet from the rear lot line of the park

(2) Single family detached dwellings: 25 feet

(3) All other structures: Controlled by a 25° angle of bulk plane, but not less than 25 feet

D. Minimum yard requirements within a mobile home park:

No mobile home shall be located closer than:

(1) 15 feet to any other mobile home or building within the park

(2) 35 feet to a public street

(3) 10 feet to a private street or a common open space area within the mobile home park

3. Maximum floor area ratio: 0.50 for uses other than residential

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

3-M08 Maximum Density

Six (6) mobile homes or dwelling units per acre

3-M09 Open Space

20% of the gross area shall be open space

3-M10 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

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ARTICLE 4

COMMERCIAL DISTRICT REGULATIONS

PART 1 4-100 C-1 LOW-RISE OFFICE TRANSITIONAL DISTRICT

4-101 Purpose and Intent

The C-1 District is established to provide areas where non-retail commercial uses such as offices and financial institutions may be located; to provide for such uses in a low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this Ordinance.

4-102 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Nursery schools, group day care facilities or day care centers.
5. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
6. Private schools of general education, private schools of special education.
7. Public schools, parks, playgrounds, athletic fields and related facilities.
8. Telecommunication exchanges.

4-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - B. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
2. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts
3. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
4. Group 7 - Older Structures, limited to:
   - A. Restaurants
   - B. Rooming houses
5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

   Veterinary clinics

4-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   Establishments for scientific research and development

4-105 Use Limitations

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools, group day care facilities and day care centers shall be subject to the standards set forth in Sect. 8-305.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-106 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-107 Bulk Regulations

1. Maximum building height: 25 feet

2. Minimum yard requirements

A.	Front yard:	Controlled by a 45° angle of bulk plane
B.	Side yard:	No requirement, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	25 feet

3. Maximum floor area ratio: 0.25

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-108 Open Space

50% of the gross area shall be landscaped open space

4-109 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 2 4-200 C-2 LIMITED OFFICE DISTRICT

4-201 Purpose and Intent

The C-2 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; to provide for such uses in a low intensity manner such that they can be employed as transitional land uses between higher intensity uses and residential uses; and otherwise to implement the stated purpose and intent of this Ordinance.

4-202 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Nursery schools, group day care facilities or day care centers.
5. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
6. Private schools of general education, private schools of special education.
7. Public schools, parks, playgrounds, athletic fields and related facilities.
8. Telecommunication exchanges.

4-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - B. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
2. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts
3. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
4. Group 7 - Older Structures, limited to:
   - A. Restaurants
   - B. Rooming houses
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Veterinary clinics

4-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Drive-in banks

   B. Eating establishments

   C. Establishments for scientific research and development

4-205 Use Limitations

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools, group day care facilities and day care centers shall be subject to the standards set forth in Sect. 8-305.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-206 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-207 Bulk Regulations

1. Maximum building height: 40 feet

2. Minimum yard requirements

A.	Front yard:	Controlled by a 30° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street
B.	Side yard:	No requirement, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	25 feet

3. Maximum floor area ratio: 0.50

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-208 Open Space

30% of the gross area shall be landscaped open space

4-209 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 3 4-300 C-3 OFFICE DISTRICT

4-301 Purpose and Intent

The C-3 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; and otherwise to implement the stated purpose and intent of this Ordinance.

4-302 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Funeral homes.
5. Nursery schools, group day care facilities or day care centers.
6. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
7. Private schools of general education, private schools of special education.
8. Public schools, parks, playgrounds, athletic fields and related facilities.
9. Telecommunication exchanges.

4-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - B. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
2. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 7 - Older Structures, limited to:
   - A. Restaurants
   - B. Rooming houses
6. Group 8 - Temporary Uses.
7. Group 9 - Uses Requiring Special Regulation, limited to:

   Veterinary clinics

4-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   A. Helistops

   B. WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Drive-in banks

   B. Eating establishments

   C. Establishments for scientific research and development

   D. Parking, commercial off-street, as a principal use

   E. Service stations

   F. Theatres

4-305 Use Limitations

1. All business, service, storage and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools, group day care facilities and day care centers shall be subject to the standards set forth in Sect. 8-305.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-306 Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.

2. Minimum lot width: 100 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-307 Bulk Regulations

1. Maximum building height: 90 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A.	Front yard:	Controlled by a 25° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street
B.	Side yard:	No requirement, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	Controlled by a 20° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.00

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-308 Open Space

15% of the gross area shall be landscaped open space

4-309 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 4 4-400 C-4 HIGH INTENSITY OFFICE DISTRICT

4-401 Purpose and Intent

The C-4 District is established to provide areas of high intensity development where predominantly non-retail commercial uses may be located such as office and financial institutions; and otherwise to implement the stated purpose and intent of this Ordinance.

4-402 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Financial institutions.
4. Funeral homes.
5. Nursery schools, group day care facilities or day care centers.
6. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
7. Private schools of general education, private schools of special education.
8. Public schools, parks, playgrounds, athletic fields and related facilities.
9. Telecommunication exchanges.

4-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - B. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
2. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 7 - Older Structures, limited to:
   - A. Restaurants
   - B. Rooming houses
6. Group 8 - Temporary Uses.

4-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Housing for the elderly

   F. Institutions providing housing and general care for the indigent, orphans and the like

   G. Libraries

   H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   I. Penal and correctional institutions

   J. Police substations, branch governmental substations

   K. Post offices

   L. Private clubs and public benefit associations

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

   N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   A. Helistops

   B. WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Drive-in banks

   B. Eating establishments

   C. Establishments for scientific research and development

   D. Parking, commercial off-street, as a principal use

   E. Service stations

   F. Theatres

4-405 Use Limitations

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except those accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

2. Nursery schools, group day care facilities and day care centers shall be subject to the standards set forth in Sect. 8-305.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-406 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-407 Bulk Regulations

1. Maximum building height: 120 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A.	Front yard:	Controlled by a 25° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street
B.	Side yard:	No requirement, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	Controlled by a 20° angle of the bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 1.65

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-408 Open Space

15% of the gross area shall be landscaped open space

4-409 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

but not less than 20 feet

(b) Side yard: 8 feet

(c) Rear yard: 25 feet

B. All other structures

(1) Front yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet

(2) Side yard: Controlled by a 30° angle of bulk plane, but not less than 10 feet

(3) Rear yard: Controlled by a 30° angle of bulk plane, but not less than 25 feet

3. Maximum floor area ratio: 0.30 for uses other than residential

3-408 Maximum Density

Four (4) dwelling units per acre

3-409 Open Space

For subdivisions approved for cluster development, 15% of the gross area shall be open space

3-410 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which require the submission of a site plan.

PART 5 3-500 R-5 RESIDENTIAL DISTRICT, FIVE DWELLING UNITS/ACRE

3-501 Purpose and Intent

The R-5 District is established to provide for a planned mixture of single family dwelling types at a density not to exceed five (5) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-502 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Dwellings, single family detached.
3. Dwellings, single family attached.
4. Dwellings, mixture of those types set forth above.
5. Public schools, parks, playgrounds, athletic fields and related facilities.

3-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Churches, chapels, temples, synagogues and other such places of worship
   - B. Convents, monasteries, seminaries and nunneries
   - C. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - D. Group day care facilities, day care centers and nursery schools
   - E. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - F. Private schools of general education
   - G. Private schools of special education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:

   Golf courses, commercial
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:

   Home professional offices

3-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

PART 5 4-500 C-5 NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

4-501 Purpose and Intent

The C-5 District is established to provide locations for convenience shopping facilities in which those retail commercial uses shall predominate that have a neighborhood-oriented market of approximately 5000 persons, and which supply necessities that usually require frequent purchasing and with a minimum of consumer travel. Typical uses to be found in the Neighborhood Retail Commercial District include a food supermarket, drugstore, personal service establishments, small specialty shops, and a limited number of small professional offices.

Areas zoned for the C-5 District should be located so that their distributional pattern throughout the County reflects their neighborhood orientation. They should be designed to be an integral, homogeneous component of the neighborhoods they serve, oriented to pedestrian traffic as well as vehicular. The district should not be located in close proximity to other retail commercial uses.

Because of the nature and location of the Neighborhood Retail Commercial District, they should be encouraged to develop in compact centers under a unified design that is architecturally compatible with the neighborhood in which they are located. Further, such districts should not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. Generally, the ultimate size of a C-5 District in a given location in the County should not exceed an aggregate gross floor area of 100,000 square feet or an aggregate site size of ten (10) acres.

4-502 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Eating establishments.
4. Financial institutions.
5. Offices.
6. Personal service establishments.
7. Public schools, parks, playgrounds, athletic fields and related facilities.
8. Repair service establishments.
9. Retail sales establishments.
10. Telecommunication exchanges.

4-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Private schools of general education
   - E. Private schools of special education
2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

   Billiard and pool halls

4. Group 6 - Outdoor Recreation Uses, limited to:

   A. Baseball hitting ranges and archery ranges, outdoor

   B. Golf courses, commercial

   C. Golf driving ranges

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

   Veterinary clinics

4-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Libraries

   F. Penal and correctional institutions

   G. Police substations, branch governmental substations

   H. Post offices

   I. Private clubs and public benefit associations

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

   K. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

   WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Automobile-oriented uses

   B. Drive-in banks

   C. Fast food restaurants

D. Funeral chapels

E. Marinas, docks and boating facilities, commercial

F. Plant nurseries

G. Quick-service food stores

H. Service stations

4-505 Use Limitations

1. All business, service, storage, and display of goods shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

2. All refuse shall be contained in completely enclosed facilities.

3. No separate business establishment shall occupy more than 6000 square feet of gross floor area, except one drugstore or other store of general merchandise may occupy up to 30,000 square feet, and a food supermarket may occupy up to 30,000 square feet of gross floor area.

4. All uses shall comply with the performance standards set forth in Article 14.

5. The initial application for a C-5 District in a given location in the County shall be of such minimum district size as specified below. Thereafter, no parcel or lot shall be so zoned under the provisions of this district unless said lot is of such minimum area and width as specified below; is adjoining or in immediate proximity to a C-5 District having a minimum district size as specified below; or is adjoining or in immediate proximity to any other district of such minimum size which permits retail commercial uses, and in any case is developed or planned for development as a neighborhood shopping center.

6. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

7. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

8. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

9. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-506 Lot Size Requirements

1. Minimum district size: 4 acres

2. Minimum lot area: 40,000 sq. ft.

3. Minimum lot width: 200 feet

4. The minimum lot size requirements presented in Par. 2 and 3 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-507 Bulk Regulations

1. Maximum building height: 40 feet

2. Minimum yard requirements

A.	Front yard:	Controlled by a 45° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street
B.	Side yard:	No requirement, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	20 feet

3. Maximum floor area ratio: 0.50

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-508 Open Space

20% of the gross area shall be landscaped open space

4-509 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 6 4-600 C-6 COMMUNITY RETAIL COMMERCIAL DISTRICT

4-601 Purpose and Intent

The C-6 District is established to provide locations for retail commercial and service uses which are oriented to serve several neighborhoods or approximately 20,000 persons. Typical uses to be found in the C-6 District include those uses found in the C-5, Neighborhood Retail Commercial District, and in addition such uses as a variety-department store, a florist, milliner, furniture store, radio and television repair shop, such specialty stores as children's shoes, gifts, candy, lingerie, liquor, women's apparel, book store, children's wear, toys, haberdashery, athletic goods, and a movie theatre.

Development within the district should be encouraged in compact centers that are planned as a unit and preferably confined to one quadrant of an intersection so as to provide for orderly development; maximize comparison shopping; permit one-stop shopping; minimize traffic congestion; and provide for safe and unimpeded pedestrian movement.

Generally, the ultimate size of a C-6 District in a given location in the County should not exceed an aggregate gross floor area of 400,000 square feet or an aggregate site size of forty (40) acres.

4-602 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Business service and supply service establishments.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Drive-in banks, limited by the provisions of Sect. 605 below.
5. Eating establishments.
6. Fast food restaurants, limited by the provisions of Sect. 605 below.
7. Financial institutions.
8. Funeral homes.
9. Offices.
10. Personal service establishments.
11. Public schools, parks, playgrounds, athletic fields and related facilities.
12. Quick-service food stores, limited by the provisions of Sect. 605 below.
13. Repair service establishments.
14. Retail sales establishments.
15. Telecommunication exchanges.
16. Theatres.
17. Vehicle light service establishments, limited by the provisions of Sect. 605 below.

4-603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other

residence halls

C. Group day care facilities, day care centers and nursery schools

D. Private schools of general education

E. Private schools of special education

2. Group 4 - Community Uses.

3. Group 5 - Commercial Recreation Uses, limited to:

A. Billiard and pool halls

B. Bowling alleys

C. Commercial swimming pools, tennis courts and similar courts

D. Health clubs

E. Indoor firing ranges

F. Miniature golf courses

4. Group 6 - Outdoor Recreation Uses, limited to:

A. Baseball hitting and archery ranges, outdoor

B. Golf courses, commercial

C. Golf driving ranges

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

A. Massage parlors

B. Veterinary clinics

4-604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Libraries

F. Penal and correctional institutions

G. Police substations, branch governmental substations

H. Post offices

I. Private clubs and public benefit associations

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

K. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

A. Bus or railroad stations

B. Helistops

C. WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Automobile-oriented uses

B. Car washes

C. Drive-in banks

D. Fast food restaurants

E. Hotels, motels

F. Marinas, docks and boating facilities, commercial

G. Parking, commercial off-street, as a principal use

H. Plant nurseries

I. Quick-service food stores

J. Service stations

K. Vehicle light service establishments

L. Vehicle sale, rental and ancillary service establishments

4-605 Use Limitations

1. Drive-in banks, fast food restaurants, and quick-service food stores shall be permitted by right only when: (a) such uses are located under the roof of a shopping center, which center contains at least six (6) other retail uses, and which center does not have direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; or (b) such uses, to also include vehicle light service establishments, are located under the roof of the main structure of a regional shopping center.

2. All business, service, storage, and display of goods shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. The initial application for a C-6 District in a given location in the County shall be of such minimum district size as specified below. Thereafter, no parcel or lot shall be so

zoned under the provisions of this district unless said lot is of such minimum area and width as specified below; is adjoining or in immediate proximity to a C-6 District having a minimum district size as specified below; or is adjoining or in immediate proximity to any other district of such minimum size which permits retail commercial uses, and in any case is developed or planned for development as a community shopping center.

6. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

7. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

8. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

9. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-606 Lot Size Requirements

1. Minimum district size: 10 acres

2. Minimum lot area: 40,000 sq. ft.

3. Minimum lot width: 200 feet

4. The minimum lot size requirements presented in Par. 2 and 3 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-607 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street

   B. Side yard: No requirement, but if a side yard is provided, no such yard shall be less than 18 feet

   C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.70

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-608 Open Space

15% of the gross area shall be landscaped open space

4-609 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 7 4-700 C-7 REGIONAL RETAIL COMMERCIAL DISTRICT

4-701 Purpose and Intent

The C-7 District is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area containing 100,000 or more persons. The district should be located adjacent to major transportation facilities, and development within the district should be encouraged in centers that are planned as a unit.

Generally, the C-7 District in a given location in the County should contain an aggregate gross floor area in excess of 1,000,000 square feet.

4-702 Permitted Uses

1. Accessory uses as permitted by Article 10.
2. Business service and supply service establishments.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Drive-in banks, limited by the provisions of Sect. 705 below.
5. Eating establishments.
6. Fast food restaurants, limited by the provisions of Sect. 705 below.
7. Financial institutions.
8. Funeral homes.
9. Hotels, motels.
10. Offices.
11. Personal service establishments.
12. Public parks, playgrounds, athletic fields and related facilities.
13. Quick-service food stores, limited by the provisions of Sect. 705 below.
14. Repair service establishments.
15. Retail sales establishments.
16. Telecommunication exchanges.
17. Theatres.
18. Vehicle light service establishments, limited by the provisions of Sect. 705 below.

4-703 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
2. Group 4 - Community Uses, limited to:

A. Country clubs, golf clubs, swimming clubs and tennis clubs/courts

B. Marinas, docks and boating facilities of a private, non-profit nature

3. Group 5 - Commercial Recreation Uses.

4. Group 6 - Outdoor Recreation Uses, limited to:

A. Baseball hitting and archery ranges, outdoor

B. Golf courses, commercial

C. Golf driving ranges

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

A. Adult book stores and adult mini motion picture theatres

B. Massage parlors

C. Veterinary hospitals

4-704 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Libraries

F. Penal and correctional institutions

G. Police substations, branch governmental substations

H. Post offices

I. Private clubs and public benefit associations

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

K. Sports arenas, stadiums as a principal use

L. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

A. Bus or railroad stations

B. Heliports

C. Helistops

D. WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Amusement arcades

B. Automobile-oriented uses

C. Car washes

D. Drive-in banks

E. Drive-in motion picture theatres

F. Fast food restaurants

G. Marinas, docks and boating facilities, commercial

H. Parking, commercial off-street, as a principal use

I. Plant nurseries

J. Quick-service food stores

K. Service stations

L. Vehicle light service establishments

M. Vehicle sale, rental and ancillary service establishments

N. Wholesale trade establishments

4-705 Use Limitations

1. Drive-in banks, fast food restaurants, and quick-service food stores shall be permitted by right only when: (a) such uses are located under the roof of a shopping center, which center contains at least six (6) other retail uses, and which center does not have direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; or (b) such uses, to also include vehicle light service establishments, are located under the roof of the main structure of a regional shopping center.

2. All business, service, storage, and display of goods shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

3. All refuse shall be contained in completely enclosed facilities.

4. All uses shall comply with the performance standards set forth in Article 14.

5. The initial application for a C-7 District in a given location in the County shall be of such minimum district size as specified below. Thereafter, no parcel or lot shall be so zoned under the provisions of this district unless said lot is of such minimum area and width as specified below; is adjoining or in immediate proximity to a C-7 District having a minimum district size as specified below; or is adjoining or in immediate proximity to any other district of such minimum size which permits retail commercial uses, and in any case is developed or planned for development as a regional shopping center.

6. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

7. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

8. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

9. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-706 Lot Size Requirements

1. Minimum district size: 40 acres

2. Minimum lot area: 40,000 sq. ft.

3. Minimum lot width: 200 feet

4. The minimum lot size requirements presented in Par. 2 and 3 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-707 Bulk Regulations

1. Maximum building height: 90 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements:

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street

   B. Side yard: No requirement, but if a side yard is provided, no such yard shall be less than 18 feet

   C. Rear yard: 20 feet

3. Maximum floor area ratio: 1.00

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-708 Open Space

15% of the gross area shall be landscaped open space

4-709 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

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 pre-planned 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. Automobile-oriented uses, limited by the provisions of Sect. 805 below.
3. Business service and supply service establishments.
4. Churches, chapels, temples, synagogues and other such places of worship.
5. Contractor's offices and shops.
6. Drive-in banks, limited by the provisions of Sect. 805 below.
7. Eating establishments.
8. Fast food restaurants, limited by the provisions of Sect. 805 below.
9. Financial institutions.
10. Funeral homes.
11. Hotels, motels.
12. Offices.
13. Personal service establishments.
14. Plant nurseries.
15. Public parks, playgrounds, athletic fields and related facilities.
16. Quick-service food stores, limited by the provisions of Sect. 805 below.
17. Repair service establishments.
18. Retail sales establishments.
19. Telecommunication exchanges.
20. Theatres.
21. Vehicle light service establishments, limited by the provisions of Sect. 805 below.
22. Vehicle sale, rental and ancillary service establishments.
23. Wholesale trade establishments.

4-803 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
2. Group 4 - Community Uses, limited to:
   - A. Country clubs, golf clubs, swimming clubs and tennis clubs/courts
   - B. Marinas, docks and boating facilities of a private, non-profit nature
3. Group 5 - Commercial Recreation Uses.
4. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Baseball hitting and archery ranges, outdoor
   - B. Golf courses, commercial
   - C. Golf driving ranges
5. Group 8 - Temporary Uses.
6. Group 9 - Uses Requiring Special Regulation, limited to:
   - A. Auction establishments
   - B. Veterinary hospitals

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 - Public and Quasi-Public Uses, limited to:
   - A. Colleges, universities
   - B. Conference centers and retreat houses, operated by a religious or non-profit organization
   - C. Cultural centers, museums and similar facilities
   - D. Fire stations
   - E. Libraries
   - F. Penal and correctional institutions
   - G. Police substations, branch governmental substations
   - H. Post offices
   - I. Private clubs and public benefit associations

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

K. Sports arenas, stadiums as a principal use

L. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities, limited to:

A. Bus or railroad stations

B. Helistops

C. WMATA facilities

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Automobile-oriented uses

B. Car washes

C. Drive-in banks

D. Drive-in motion picture theatres

E. Fast food restaurants

F. Marinas, docks and boating facilities, commercial

G. Parking, commercial off-street, as a principal use

H. Quick-service food stores

I. Service stations

J. Vehicle light service establishments

K. Vehicle major service establishments

4-805 Use Limitations

1. Automobile-oriented uses, drive-in banks, fast food restaurants, and quick-service food stores shall be permitted by right only when: (a) such uses are located under the roof of a shopping center, which center contains at least six (6) other retail uses, and which center does not have direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; or (b) such uses, to also include vehicle light service establishments, are located under the roof of the main structure of a regional shopping center.

2. Outdoor storage and display areas shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use.

3. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of trucks with a carrying capacity of more than three-quarter (3/4) ton, or other vehicles of similar size.

4. All outdoor storage and loading areas shall be enclosed by screening, and areas devoted to outdoor display of goods offered for sale or rental shall be screened.

5. Any establishment involved with the sale or storage of fuel for sale shall be permitted only if the fuel is stored underground.

6. All uses shall comply with the performance standards set forth in Article 14.

7. On a corner lot, no curb cut shall be located closer than sixty (60) feet to the curb line extended of the intersecting street.

8. No curb cut, except on a service drive, shall be located closer than twenty (20) feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent land uses be less than forty (40) feet.

9. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of forty (40) feet between them.

10. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

4-806 Lot Size Requirements

1. Minimum lot area: 40,000 sq. ft.

2. Minimum lot width: 200 feet

3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

4-807 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 1/4 the width of the right-of-way of the abutting street

   B. Side yard: No requirement, but if a side yard is provided, no such yard shall be less than 18 feet

   C. Rear yard: 20 feet

3. Maximum floor area ratio: 0.70

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

4-808 Open Space

15% of the gross area shall be landscaped open space

4-809 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

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ARTICLE 5

INDUSTRIAL DISTRICT REGULATIONS

PART I 5-I00 I-I INDUSTRIAL INSTITUTIONAL DISTRICT

5-I01 Purpose and Intent

The I-I District presented herein is designed to set forth, to the extent possible, the provisions of the I-I District of the Zoning Ordinance of the County of Fairfax, Virginia adopted May 19, 1965, as amended.

5-I02 Permitted Uses

1. Establishments for scientific research and scientific development, subject to the use limitations presented in Sect. I05 below.
2. Offices.
3. Public uses.
4. Signs, as permitted by Article 12.

5-I03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

Group 3 - Institutional Uses, limited to:

Group day care facilities, day care centers and nursery schools

5-I04 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses, limited to:

   Sewerage pumping facilities

2. Category 2 - Heavy Public Utility Uses, limited to:

   Sewage treatment and disposal facilities

3. Category 4 - Transportation Facilities, limited to:

   Heliports

5-I05 Use Limitations

1. Before land may be zoned for establishments for scientific research and scientific development:

   A. The scientific research and development activities to be performed shall be described by the applicant, and approval of an application either to rezone land to this classification for this purpose or for a Building Permit for this use will be based upon the nature, purpose and scope of the research and development and its effect upon the general welfare of the community;

   B. Plans showing landscaping of the site and showing exterior appearance of all

buildings shall be submitted to the Board. Such plans shall have the intent of affording maximum protection to adjoining property and strict adherence to such plans shall be required as a condition to the approval of a Non-Residential Use Permit for such uses.

2. No dwelling, mobile home, hotel, motel, rooming house or any other place of human habitation, either permanent or temporary, shall be permitted; provided, however, the quarters of caretakers or watchmen serving uses within this district may be permitted.

3. Retail sales shall be limited to goods or services primarily for the convenience of the employees of the permitted establishments and one salesroom, not exceeding 1000 square feet of floor area, for any one establishment, for the retail sale of samples and other products of that establishment.

4. All uses shall comply with the performance standards set forth in Article 14.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

6. All uses shall have adequate space for drainage, as determined in accordance with the provisions of Sect. 2-602.

5-I06 Lot Size Requirements

1. Minimum lot area: 20 acres

2. Minimum lot width: No Requirement

5-I07 Bulk Regulations

1. Maximum building height: 65 feet, except that a part of any building, not exceeding in horizontal area 25% of the total horizontal roof area of the building, may be erected to a height of not more than 75 feet

2. Minimum yard requirements

   A. Front yard: 320 feet from the center line of any street, or 200 feet from the right-of-way line, whichever is greater

   B. Side yard: 200 feet, except that no yard need be provided contiguous to the right-of-way of any railroad that is in operation

   C. Rear yard: 200 feet, except that no yard need be provided contiguous to the right-of-way of any railroad that is in operation

3. Maximum floor area ratio: No Requirement

4. Maximum lot coverage: 30%

5-I08 Open Space

No Requirement

5-I09 Additional Regulations

1. All off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual. However, notwithstanding the provisions of Sect. 11-104, the minimum required off-street parking spaces for the following uses shall be:

A. Offices: One (1) parking space for each 200 square feet of floor area

B. Establishments for scientific research and development: One (1) parking space for each 1.5 employees for which the establishment is designed or for which the same is used

2. Off-street loading spaces shall be designed and provided in accordance with the provisions of Article 11, except that the minimum required off-street loading spaces for offices shall be one (1) space for a floor area of from 7,500 square feet to 10,000 square feet, plus one (1) space for each additional 10,000 square feet of floor area or major fraction thereof.

PART 1 5-100 I-1 LIGHT INDUSTRIAL RESEARCH DISTRICT

5-101 Purpose and Intent

The I-1 District is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses. The district is designed to provide for such uses in a low intensity manner on well-landscaped sites such that they can be located in proximity to residential uses. High performance standards are set forth for the district that will make development within the district compatible with all types of adjoining land uses.

5-102 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training.
4. Offices.
5. Private schools of special education.
6. Public schools, parks, playgrounds, athletic fields and related facilities.
7. Telecommunication exchanges.

5-103 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Golf courses, commercial
   - B. Kennels and other animal pens associated with scientific research
5. Group 8 - Temporary Uses.

5-104 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

   Sewage treatment and disposal facilities

3. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Libraries

   F. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   G. Penal and correctional institutions

   H. Police substations, branch governmental substations

   I. Post offices

   J. Private clubs and public benefit associations

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

   L. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

4. Category 4 - Transportation Facilities, limited to:

   A. Heliports

   B. Helistops

   C. WMATA facilities

5-105 Use Limitations

1. Before land may be zoned in this classification, in addition to the application requirements set forth in Sect. 18-202:

   A. The scientific research, development and training activities to be performed shall be described by the applicant and approval of an application to zone land to this classification will be based on the nature, purpose and scope of research, development and training and its effect upon the general welfare of the community, and

   B. Plans showing landscaping of the site and showing the exterior appearance of all buildings shall be submitted to the Board for approval. Such plans shall have the intent of affording maximum protection to adjoining properties.

2. All uses shall comply with the performance standards set forth in Article 14.

3. All operations, activities and storage shall be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and those

accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

4. Wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

5. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

6. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-106 Lot Size Requirements

1. Minimum lot area: 20 acres

2. Minimum lot width: 100 feet

5-107 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: 320 feet from the center line of any street, or 200 feet from the lot line, whichever is greater

   B. Side yard: 200 feet, except none required when a side yard abuts a railroad right-of-way

   C. Rear yard: 200 feet, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.25

4. Maximum lot coverage: The total area occupied by off-street parking and loading areas and by the total horizontal projected surface of all buildings, including covered porches, shall not exceed 30% of the gross area of a lot

5-108 Open Space

50% of the gross area shall be landscaped open space

5-109 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 2 5-200 I-2 INDUSTRIAL RESEARCH DISTRICT

5-201 Purpose and Intent

The I-2 District is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses. The district is designed to promote a park-like atmosphere for the conduct of research-oriented activities in structures of good design on well-landscaped sites. High performance standards shall be required for this district that will make the development within the district compatible with all types of adjoining land uses.

5-202 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training.
4. Financial institutions.
5. Offices.
6. Private schools of special education.
7. Public schools, parks, playgrounds, athletic fields and related facilities.
8. Telecommunication exchanges.

5-203 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:

   Commercial swimming pools, tennis courts and similar courts
4. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Golf courses, commercial
   - B. Kennels and other animal pens associated with scientific research
5. Group 8 - Temporary Uses.

5-204 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 - Light Public Utility Uses.

2. Category 2 - Heavy Public Utility Uses, limited to:

   A. Electrical generating plants and facilities

   B. Sewage treatment and disposal facilities

   C. Solid waste disposal and treatment facilities, including incinerators and landfills

   D. Water purification facilities

   E. Local office space and maintenance facilities incidental to any use set forth above

3. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Libraries

   F. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   G. Penal and correctional institutions

   H. Police substations, branch governmental substations

   I. Post offices

   J. Private clubs and public benefit associations

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

   L. Sports arenas, stadiums as a principal use

   M. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

4. Category 4 - Transportation Facilities.

5. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Eating establishments

   B. Hotels, motels

   C. Marinas, docks and boating facilities, commercial

   D. Parking, commercial off-street, as a principal use

E. Theatres

5-205 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage shall be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and those accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

3. Wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

4. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-206 Lot Size Requirements

1. Minimum district size: 10 acres

2. Minimum lot area:

   A. 4 acres in a district of 10 acres

   B. 3 acres in a district of 11 to 20 acres

   C. 1 acre in a district larger than 20 acres

3. Minimum lot width: 100 feet

5-207 Bulk Regulations

1. Maximum building height: 40 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A.	Front yard:	Controlled by a 50° angle of bulk plane, but not less than 50 feet
B.	Side yard:	Controlled by a 50° angle of bulk plane, except none required where a side yard abuts a railroad right-of-way
C.	Rear yard:	Controlled by a 50° angle of bulk plane, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.25

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5-208 Open Space

20% of the gross area shall be landscaped open space

5-209 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 3 5-300 I-3 LIGHT INTENSITY INDUSTRIAL DISTRICT

5-301 Purpose and Intent

The I-3 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. This district is designed to accommodate a broad spectrum of clean industries operating under high performance standards.

5-302 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; except food and beverage products, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 11 of Sect. 9-501.
4. Establishments for scientific research, development and training.
5. Financial institutions.
6. Light public utility uses (Category 1).
7. Offices.
8. Private schools of special education.
9. Public schools, parks, playgrounds, athletic fields and related facilities.

5-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
   - A. Convents, monasteries, seminaries and nunneries
   - B. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
   - C. Group day care facilities, day care centers and nursery schools
   - D. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds
   - E. Private schools of general education
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
   - B. Miniature golf courses
4. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Golf courses, commercial
   - B. Kennels and other animal pens associated with scientific research

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

Veterinary clinics

5-304 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 2 - Heavy Public Utility Uses, limited to:

   A. Electrical generating plants and facilities

   B. Sewage treatment and disposal facilities

   C. Solid waste disposal and treatment facilities, including incinerators and landfills

   D. Water purification facilities

   E. Local office space and maintenance facilities incidental to any use set forth above

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and similar facilities

   D. Fire stations

   E. Libraries

   F. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

   G. Penal and correctional institutions

   H. Police substations, branch governmental substations

   I. Post offices

   J. Private clubs and public benefit associations

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

   L. Sports arenas, stadiums as a principal use

   M. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Car washes

   B. Drive-in banks

C. Eating establishments

D. Hotels, motels

E. Marinas, docks and boating facilities, commercial

F. Parking, commercial off-street, as a principle use

G. Service stations

H. Theatres

5-305 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage shall be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and those accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

3. Wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use. Retail sales may be permitted only in accordance with the provisions of Part 2 of Article 10.

4. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

5. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-306 Lot Size Requirements

1. Minimum district size: 2 acres

2. Minimum lot area: 40,000 sq. ft.

3. Minimum lot width: 100 feet

5-307 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: Controlled by a 45° angle of bulk plane, except none required when a side yard abuts a railroad right-of-way

   C. Rear yard: Controlled by a 45° angle of bulk plane, except none required when the yard abuts a railroad right-of-way

3. Maximum floor area ratio: 0.50

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5-308 Open Space

15% of the gross area shall be landscaped open space

5-309 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.

PART 4 5-400 I-4 MEDIUM INTENSITY INDUSTRIAL DISTRICT

5-401 Purpose and Intent

The I-4 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. Basically, the provisions of the I-4 District are similar to those of the I-3 District, but a greater intensity of development is allowed than that permitted in the I-3 District.

5-402 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Contractor's offices and shops.
3. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products; however, manufacturing and production of food and beverage products, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 11 of Sect. 9-501 shall not be permitted.
4. Establishments for scientific research, development and training.
5. Financial institutions.
6. Light public utility uses (Category 1).
7. Motor freight terminals.
8. Motor vehicle storage and impoundment yards.
9. Offices.
10. Private schools of special education.
11. Public schools, parks, playgrounds, athletic fields and related facilities.
12. Warehousing establishments.
13. Wholesale trade establishments.

5-403 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

   Churches, chapels, temples, synagogues and other such places of worship
2. Group 4 - Community Uses.
3. Group 5 - Commercial Recreation Uses, limited to:
   - A. Commercial swimming pools, tennis courts and similar courts
   - B. Miniature golf courses
4. Group 6 - Outdoor Recreation Uses, limited to:
   - A. Golf courses, commercial
   - B. Kennels and other animal pens associated with scientific research
5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

   Veterinary clinics

5-404 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 2 - Heavy Public Utility Uses, limited to:

   A. Electrical generating plants and facilities

   B. Sewage treatment and disposal facilities

   C. Solid waste disposal and treatment facilities, including incinerators and landfills

   D. Water purification facilities

   E. Local office space and maintenance facilities incidental to any use set forth above

2. Category 3 - Public and Quasi-Public Uses, limited to:

   A. Colleges, universities

   B. Conference centers and retreat houses, operated by a religious or non-profit organization

   C. Cultural centers, museums and other similar facilities

   D. Fire stations

   E. Libraries

   F. Medical care facilities, except nursing facilities which have a capacity of less than fifty beds

   G. Penal and correctional institutions

   H. Police substations, branch governmental substations

   I. Post offices

   J. Private clubs and public benefit associations

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

   L. Sports arenas, stadiums as a principal use

   M. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

   A. Car washes

   B. Drive-in banks

   C. Eating establishments

D. Hotels, motels

E. Marinas, docks and boating facilities, commercial

F. Parking, commercial off-street, as a principal use

G. Service stations

H. Theatres

5-405 Use Limitations

1. All uses shall comply with the performance standards set forth in Article 14.

2. All operations, activities and storage shall be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and those accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

3. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10. In addition, retail sales may be permitted as an associated use in a warehouse establishment, to be limited to the lesser of either twenty-five (25) per cent of the gross floor area of the establishment or 5000 square feet.

4. Motor vehicle storage and impoundment facilities shall be used only for the temporary storage of wrecked and/or inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such storage and impoundment facilities shall be conducted only within a completely enclosed building.

5. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

6. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-406 Lot Size Requirements

1. Minimum district size: 2 acres

2. Minimum lot area: 20,000 sq. ft.

3. Minimum lot width: 100 feet

5-407 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: None required, but if a side yard is provided, no such yard shall be less than 18 feet

   C. Rear yard: None required, but if a rear yard is provided, no such yard shall be less than 25 feet

3. Maximum floor area ratio: 0.70

4. Refer to Sect 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5-408 Open Space

15% of the gross area shall be landscaped open space

5-409 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.

PART 5 5-500 I-5 GENERAL INDUSTRIAL DISTRICT

5-501 Purpose and Intent

The I-5 District is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this district shall operate under medium performance standards designed to minimize the impact of noise, smoke, glare, and other environmental pollutants on the industries within the district and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the district will be those which provide services and supplies primarily to industrial companies, those which engage in wholesale operations, and those which are associated with warehouse establishments.

5-502 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Contractor's offices and shops.
3. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 11 of Sect. 9-501.
4. Establishments for scientific research, development and training.
5. Financial institutions.
6. Heavy equipment sale, rental and service establishments.
7. Light public utility uses (Category 1).
8. Lumber yards and building material yards to include rock, sand and gravel.
9. Motor freight terminals.
10. Motor vehicle storage and impoundment yards.
11. Offices.
12. Private schools of special education.
13. Recycling centers.
14. Storage yards.
15. Vehicle light service establishments, limited by the provisions of Sect. 505 below.
16. Vehicle major service establishments.
17. Warehousing and associated retail establishments.
18. Wholesale trade establishments.

5-503 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts

2. Group 5 - Commercial Recreation Uses, limited to:

   A. Commercial swimmimg pools, tennis courts and similar courts

B. Miniature golf courses

C. Skating facilities

3. Group 6 - Outdoor Recreation Uses, limited to:

A. Golf courses, commercial

B. Kennels and other animal pens associated with scientific research

4. Group 8 - Temporary Uses.

5. Group 9 - Uses Requiring Special Regulation, limited to:

Veterinary hospitals

5-504 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 2 - Heavy Public Utility Uses, limited to:

A. Electrical generating plants and facilities

B. Sewage treatment and disposal facilities

C. Solid waste disposal and treatment facilities including incinerators and landfills

D. Supply yards for any public utility

E. Water purification facilities

F. Local office space and maintenance facilities incidental to any use set forth above

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Fire stations

B. Libraries

C. Penal and correctional institutions

D. Police substations, branch governmental substations

E. Post offices

F. Private clubs and public benefit associations

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

H. Sports arenas, stadiums as a principal use

I. Any other office, facility, building or owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Car washes

B. Drive-in banks

C. Drive-in motion picture theatres

D. Eating establishments

E. Fast food restaurants

F. Hotels, motels

G. Parking, commercial off-street, as a principal use

H. Quick-service food stores

I. Service stations

J. Vehicle light service establishments

5-505 Use Limitations

1. Vehicle light service establishments shall be permitted by right only when: (a) such use is an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area; and (b) such use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; and (c) the aggregate floor area of such use and those accessory service uses permitted by the provisions of Par. 3 of Sect. 10-202 will not exceed fifteen (15) per cent of the total permitted gross floor area for the total land area of the industrial site or park.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Outside storage shall not be located within a minimum required front yard or within a transitional screening area as required by the provisions of Article 13; provided, however, recycling centers shall have no outside storage.

4. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10. In addition, retail sales may be permitted as an associated use in a warehouse establishment wherein at least sixty (60) per cent of the above-ground gross floor area of the establishment is devoted to warehouse use.

5. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

6. Motor vehicle storage and impoundment yards shall be used only for the temporary storage of wrecked and/or inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof.

7. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-506 Lot Size Requirements

1.	Minimum district size:	2 acres
2.	Minimum lot area:	20,000 sq. ft.
3.	Minimum lot width:	100 feet

5-507 Bulk Regulations

1.	Maximum building height:	75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

A.	Front yard:	Controlled by a 45° angle of bulk plane, but not less than 40 feet
B.	Side yard:	None required, but if a side yard is provided, no such yard shall be less than 18 feet
C.	Rear yard:	None required, but if a rear yard is provided, no such yard shall be less than 25 feet

3. Maximum floor area ratio: 1.00

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5-508 Open Space

15% of the gross area shall be landscaped open space

5-509 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

PART 6 5-600 I-6 HEAVY INDUSTRIAL DISTRICT

5-601 Purpose and Intent

The I-6 District is established to provide areas for heavy industrial activities with minimum performance standards where the uses may require that some noise, vibration and other environmental pollutants must be tolerated, and where the traffic to and from the district may be intensive. This district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy.

5-602 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Bus or railroad terminals, car barns, garages, storage and inspection yards, railroad switching and classification yards, and railroad car and locomotive repair shops, but specifically excluding WMATA facilities set forth as a Category 4 special exception use.
3. Contractor's offices and shops.
4. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods and products; except those particular heavy industrial uses set forth in Par. 11 of Sect. 9-501.
5. Financial institutions.
6. Heavy equipment sale, rental and service establishments.
7. Heavy public utility uses (Category 2), all uses except storage facilities for natural gas, oil and other petroleum products.
8. Junk yards, to include motor vehicle storage and impoundment yards.
9. Light public utility uses (Category 1).
10. Lumber yards, fuel yards and building material yards to include rock, sand and gravel.
11. Motor freight terminals.
12. Offices.
13. Recycling centers.
14. Storage yards.
15. Vehicle light service establishments, limited by the provisions of Sect. 605 below.
16. Vehicle major service establishments.
17. Warehousing and associated retail establishments.
18. Wholesale trade establishments.

5-603 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:

   Country clubs, golf clubs, swimming clubs and tennis clubs/courts

2. Group 5 - Commercial Recreation Uses, limited to:

A. Commercial swimming pools, tennis courts and similar courts

B. Miniature golf courses

C. Skating facilities

3. Group 6 - Outdoor Recreation Uses, limited to:

Golf courses, commercial

4. Group 8 - Temporary Uses.

5. Group 9 - Uses Requiring Special Regulation, limited to:

Veterinary hospitals

5-604 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 2 - Heavy Public Utility Uses, limited to:

Storage facilities for natural gas, oil and other petroleum products

2. Category 3 - Public and Quasi-Public Uses, limited to:

A. Fire stations

B. Libraries

C. Penal and correctional institutions

D. Police substations, branch governmental substations

E. Post offices

F. Private clubs and public benefit associations

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

H. Sports arenas, stadiums as a principal use

I. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

3. Category 4 - Transportation Facilities.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:

A. Car washes

B. Drive-in banks

C. Drive-in motion picture theatres

D. Fast food restaurants

E. Heavy industrial uses

F. Parking, commercial off-street, as a principal use

G. Quick-service food stores

H. Service stations

I. Vehicle light service establishments

5-605 Use Limitations

1. Vehicle light service establishments shall be permitted by right only when: (a) such use is an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area; and (b) such use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; and (c) the aggregate floor area of such use and those accessory service uses permitted by the provisions of Par. 3 of Sect. 10-202 will not exceed fifteen (15) per cent of the total permitted gross floor area for the total land area of the industrial site or park.

2. All uses shall comply with the performance standards set forth in Article 14.

3. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10. In addition, retail sales may be permitted as an associated use in a warehouse establishment wherein at least sixty (60) per cent of the above-ground gross floor area of the establishment is devoted to warehouse use.

4. All premises shall be furnished with all-weather, dustless surfaced walks and driveways.

5. In addition to the regulations of this Ordinance, junk yards shall be subject to the provisions of Chapter 21 of The Code, Automobile Graveyards.

6. All uses shall be subject to the approval of a site plan in accordance with the provisions of Article 17.

5-606 Lot Size Requirements

1. Minimum district size: 2 acres

2. Minimum lot area: 20,000 sq. ft.

3. Minimum lot width: 100 feet

5-607 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607

2. Minimum yard requirements

   A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet

   B. Side yard: None required, but if a side yard is provided, no such yard shall be less than 18 feet

   C. Rear yard: None required, but if a rear yard is provided, no such yard shall be less than 25 feet

3. Maximum floor area ratio: 1.00

4. Refer to Sect. 13-108 for provisions that may qualify the minimum yard requirements set forth above.

5-608 Open Space

10% of the gross area shall be landscaped open space

5-609 Additional Regulations

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 11 for off-street parking, loading and private street requirements.

3. Refer to Article 12 for regulations on signs.

4. Refer to Article 13 for landscaping and screening requirements.

ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

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ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT

6-101 Purpose and Intent

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-102 Principal Uses Permitted

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 106 below.

1. Dwellings, single family detached.
2. Dwellings, single family attached.
3. Dwellings, multiple family.
4. Dwellings, mixture of those types set forth above.

6-103 Secondary Uses Permitted

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

1. Accessory uses and home occupations as permitted by Article 10.
2. Bank teller machines, unmanned, located within a multiple family dwelling.
3. Business service and supply service establishments.
4. Commercial and industrial uses of special impact (Category 5), limited to:
   - A. Automobile-oriented uses
   - B. Drive-in banks
   - C. Marinas, docks and boating facilities, commercial
   - D. Quick-service food stores
   - E. Service stations
5. Commercial recreation uses (Group 5), limited to:

A. Billiard and pool halls

B. Bowling alleys

C. Commercial swimming pools, tennis courts and similar courts

D. Health clubs

E. Miniature golf courses

F. Skating facilities

6. Community uses (Group 4).

7. Eating establishments.

8. Financial institutions.

9. Institutional uses (Group 3).

10. Interment uses (Group 2).

11. Light public utility uses (Category 1).

12. Offices.

13. Outdoor recreation uses (Group 6), limited to:

A. Golf courses, commercial

B. Golf driving ranges

C. Riding or boarding stables

D. Veterinary hospitals, but only ancillary to riding or boarding stables

14. Personal service establishments.

15. Public and quasi-public uses (Category 3), limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Housing for the elderly

F. Institutions providing housing and general care for the indigent, orphans and the like

G. Libraries

H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

I. Penal and correctional institutions

J. Police substations, branch governmental substations

K. Post offices

L. Private clubs and public benefit associations

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

N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

16. Public schools, parks, playgrounds, athletic fields and related facilities.

17. Repair service establishments.

18. Retail sales establishments.

19. Transportation facilities (Category 4), limited to:

A. Bus or railroad stations

B. Heliports

C. Helistops

D. WMATA facilities

6-104 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 8 - Temporary Uses.

2. Group 9 - Uses Requiring Special Regulation, limited to:

Home professional offices

6-105 Special Exception Uses

Any use presented in Sections 102 and 103 above, when such a use is not specifically designated on an approved final development plan.

6-106 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. All uses shall comply with the performance standards set forth in Article 14.

3. The standards set forth in Articles 8 and 9 may be used as a guide in considering all uses presented in Sect. 103 above as a Group or Category use. All Category 3 uses and all Group 3 medical care facility uses, however, shall be subject to the review procedures presented in Part 3 of Article 9.

4. Secondary uses of a commercial and office nature shall be permitted only in a PDH District which has a minimum of fifty (50) residential dwelling units.

5. Secondary uses of a commercial nature except offices shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:

A. Commercial and offices uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must

be conducted outside a building.

B. When located within the same building as residential uses, commercial and office uses shall be limited to the lower two (2) floors.

C. The maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses shall be as follows:

(1) PDH-1 through PDH-4: 400 square feet of commercial/dwelling unit.

(2) PDH-5 through PDH-20: 300 square feet of commercial/dwelling unit.

(3) PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

In no instance, however, shall office uses occupy more than ten (10) per cent of the total gross floor area.

6. Service stations shall be permitted only under the following conditions:

A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.

B. In connection with such service stations, there shall be no vehicle or tool rental; no outside storage or display of goods offered for sale; no separate freestanding sign associated with the use; and no more than two (2) vehicles that are wrecked, inoperable or abandoned may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, and in no event shall any one such vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

7. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

8. All uses shall be permitted only in the location shown on the approved final development plan. Once constructed, any alteration to a given structure or change in a given use shall be governed by the regulations of that conventional zoning district which most closely characterizes the given development, such conventional district to be determined by the Zoning Administrator subject to review by the Board. Should a desired alteration or change in use represent a substantial departure from the approved final development plan, then such shall be allowed only after amendment of the final development plan in accordance with the provisions of Par. 10 of Sect. 16-402.

6-107 Lot Size Requirements

1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.

2. Minimum lot area: No requirement for each use or building.

3. Minimum lot width: No requirement for each use or building.

6-108 Bulk Regulations

The maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16.

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as follows:

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-4	4 dwelling units per acre
PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-12	12 dwelling units per acre
PDH-16	16 dwelling units per acre
PDH-20	20 dwelling units per acre
PDH-30	30 dwelling units per acre
PDH-40	40 dwelling units per acre

2. The Board may, in its sole discretion, increase the maximum number of dwelling units in a PDH District in accordance with and when the conceptual and final development plans include one or more of the following; but in no event shall the total number of dwellings, including moderately-priced housing units, exceed 125% of the number permitted in Par. 1 above.

   A. More open space than the minimum required by Sect. 110 below - Not more than .4% for each additional 1% of the gross area provided in open space.

   B. Unique design features, amenities and/or recreational facilities in the planned development which require unusually high development costs, and which in the opinion of the Board are exceptional features which help achieve an attractive and stable development - As determined by the Board in each instance, but not to exceed 5%.

   C. Underground parking facilities - Not more than 5% for each 20% of the required number of parking spaces to be provided.

   D. Preservation and restoration of buildings, structures or premises which have historic or architectural significance - As determined by the Board in each instance, but not to exceed 5%.

   E. The provision of moderately-priced housing units - As determined by the Board in each instance in accordance with the provisions of Part 8 of Article 2; but in no event shall the total number of dwelling units, including all moderately-priced housing units, exceed 125% of the number permitted in Par. 1 above.

6-110 Open Space

1. The following minimum amount of open space shall be provided in each PDH subdistrict:

Subdistrict	Open Space
PDH-1	25% of the gross area
PDH-2	20% of the gross area
PDH-3	20% of the gross area
PDH-4	20% of the gross area
PDH-5	35% of the gross area
PDH-8	25% of the gross area

PDH-12	30% of the gross area
PDH-16	35% of the gross area
PDH-20	35% of the gross area
PDH-30	45% of the gross area
PDH-40	35% of the gross area

2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide developed recreational facilities in all PDH Districts. Such requirements shall be based on a minimum expenditure of $300.00 per dwelling unit for such facilities, and either the facilities shall be provided by the developer in conformance with the the approved final development plan, or the cash shall be provided for such facilities in conformance with provisions of Sect. 2-704.

6-111 Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT

6-201 Purpose and Intent

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-202 Principal Uses Permitted

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 206 below.

1. Business service and supply service establishments.
2. Eating establishments.
3. Establishments for scientific research, development and training.
4. Exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations, with a minimum gross floor area of 100,000 square feet.
5. Financial institutions.
6. Hotels, motels.
7. Offices.
8. Personal service establishments.
9. Repair service establishments.
10. Retail sales establishments.
11. Theatres.

6-203 Secondary Uses Permitted

The following secondary uses shall be permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

1. Accessory uses and home occupations as permitted by Article 10.
2. Bank teller machines, unmanned, located within a multiple family dwelling.
3. Commercial and industrial uses of special impact (Category 5), limited to:
   - A. Automobile-oriented uses
   - B. Drive-in banks
   - C. Marinas, docks and boating facilities, commercial
   - D. Quick-service food stores

E. Service stations

4. Commercial recreation uses (Group 5), limited to:

A. Billiard and pool halls

B. Bowling alleys

C. Commercial swimming pools, tennis courts and similar courts

D. Health clubs

E. Indoor firing ranges

F. Miniature golf courses

G. Skating facilities

H. Any other similar commercial recreation use

5. Community uses (Group 4).

6. Dwellings.

7. Institutional uses (Group 3).

8. Light public utility uses (Category 1).

9. Outdoor recreation uses (Group 6), limited to:

A. Golf courses, commercial

B. Golf driving ranges

10. Parking, commercial off-street, as a principal use.

11. Public and quasi-public uses (Category 3), limited to:

A. Colleges, universities

B. Conference centers and retreat houses, operated by a religious or non-profit organization

C. Cultural centers, museums and similar facilities

D. Fire stations

E. Housing for the elderly

F. Institutions providing housing and general care for the indigent, orphans and the like

G. Libraries

H. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds

I. Penal and correctional institutions

J. Police substations, branch governmental substations

K. Post offices

L. Private clubs and public benefit associations

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

N. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority

12. Public schools, parks, playgrounds, athletic fields and related facilities.

13. Transportation facilities (Category 4), limited to:

A. Bus or railroad stations

B. Heliports

C. Helistops

D. WMATA facilities

6-204 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

Group 8 - Temporary Uses.

6-205 Special Exception Uses

Any use presented in Sections 202 and 203 above, when such use is not specifically designated on an approved final development plan.

6-206 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.

2. All uses shall comply with the performance standards set forth in Article 14.

3. The standards set forth in Articles 8 and 9 may be used as a guide in considering all uses presented in Sect. 203 above as a Group or Category use. All Category 3 uses and all Group 3 medical care facility uses, however, shall be subject to the review procedures presented in Part 3 of Article 9.

4. Secondary uses shall be permitted only in a PDC District which contains one or more principal uses. The gross floor area devoted to dwellings as a secondary use shall not exceed fifty (50) per cent of the gross floor area of all principal uses in the development. The gross floor area of all other secondary uses shall not exceed twenty-five (25) per cent of the gross floor area of all principal uses in the development.

5. Secondary uses shall be designed to serve primarily the needs of the residents and occupants of the planned development in which they are located. Such uses shall be designed so as to maintain and protect the character of adjacent properties, and shall be conducted entirely within an enclosed building, with no outside display, except those uses which by their nature must be conducted outside a building.

6. Service stations shall be permitted only under the following conditions:

A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.

B. In connection with such service stations, there shall be no vehicle or tool rental; no outside storage or display of goods offered for sale; and no more than two (2) vehicles that are wrecked, inoperable or abandoned may be

temporarily stored outdoors for a period in excess of seventy-two (72) hours, and in no event shall any one such vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

7. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

8. All uses shall be permitted only in the location shown on the approved final development plan. Once constructed, any alteration to a given structure or change in a given use shall be governed by the regulations of that conventional zoning district which most closely characterizes the given development, such conventional district to be determined by the Zoning Administrator subject to review by the Board. Should a desired alteration or change in use represent a substantial departure from the approved final development plan, then such shall be allowed only after amendment of the development plan in accordance with the provisions of Par. 10 of Sect. 16-402.

6-207 Lot Size Requirements

1. Minimum district size: No land shall be classified in the PDC District unless the Board finds that the proposed development meets at least one (1) of the following conditions:

   A. The proposed development will yield a minimum of 100,000 square feet of gross floor area.

   B. The proposed development will be a logical extension of an existing P District, in which case it must yield a minimum of 40,000 square feet of gross floor area.

2. Minimum lot area: No requirement for each use or building.

3. Minimum lot width: No requirement for each use or building.

6-208 Bulk Regulations

1. Maximum building height: Controlled by the standards set forth in Part 1 of Article 16.

2. Minimum yard requirements: Controlled by the standards set forth in Part 1 of Article 16.

3. Maximum floor area ratio: 1.5, which may be increased by the Board, in its sole discretion, up to a maximum of 2.5 in accordance with and when the conceptual and final development plans include one or more of the following:

   A. More open space than the minimum required by Sect. 209 below - Not more than 2% for each additional 1% of the gross area provided in open space.

   B. Unique design features and amenities within the planned development which require unusually high development costs and which achieve an especially attractive and desirable development, such as, but not limited to, terraces, sculpture, reflecting pools and fountains - As determined by the Board in each instance, but not to exceed 35%.

   C. Below-surface off-street parking facilities - Not more than 5% for each 20% of the required number of parking spaces to be provided.

   D. Above-surface off-street parking facilities within an enclosed building or structure - Not more than 3% for each 20% of the required number of parking spaces to be provided.

6-209 Open Space

1. 15% of the gross area shall be open space.

2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide developed recreational facilities for the enjoyment of the residents of the dwelling units. Such requirement shall be based on a minimum expenditure of $300.00 per dwelling unit for such facilities, and either the facilities shall be provided by the developer in conformance with the approved final development plan, or the cash shall be provided for such facilities in conformance with the provisions of Sect. 2-704. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses.

6-210 Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

PART 3 6-300 PRC PLANNED RESIDENTIAL COMMUNITY DISTRICT

6-301 Purpose and Intent

The PRC District is established to permit the development of planned communities on a minimum of 750 contiguous acres of land under one ownership or control. Such planned communities shall be permitted only in accordance with a comprehensive plan, which plan, when approved, shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time.

The PRC District regulations are designed to permit a greater amount of flexibility to a developer of a planned community by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted this zoning district, the developer must demonstrate the achievement of the following specific objectives throughout all of his planning, design and development.

1. A variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of all ages, sizes and levels of income.

2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community.

3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as mass transportation, roadways, bicycle or equestrian paths and pedestrian walkways.

4. The provision of cultural, educational, medical, and recreational facilities for all segments of the community.

5. The location of structures to take maximum advantage of the natural and man-made environment.

6. The provision of adequate and well-designed open space for the use of all residents.

7. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities and services.

To these ends, rezoning to and development under this district will be permitted only in accordance with a comprehensive plan and development plan prepared and approved in accordance with the provisions of Article 16.

6-302 Permitted Uses

With the exception of Par. F below and the exceptions permitted by Sections 303 and 304 below, the following and similar uses as may be approved shall be permitted only in those locations respectively designated Residential, Neighborhood Convenience Center, Village Center, Town Center and Convention/Conference Center on an approved preliminary site plan prepared in accordance with the provisions of Article 16, subject to the use limitations set forth in Sect. 305 below.

A. The following uses are permitted in those areas approved for Residential Uses:

(1) Accessory uses and home occupations as permitted by Article 10 to include garden plots which are not connected with, incidental to, or on the same lot with a principal use.

(2) Bank teller machines, unmanned, located within a multiple family dwelling.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

Marinas, docks and boating facilities, commercial

(4) Community uses (Group 4).

(5) Dwellings, single family detached.

(6) Dwellings, single family attached.

(7) Dwellings, multiple family.

(8) Dwellings, mixture of those types set forth above.

(9) Institutional uses (Group 3).

(10) Interment uses (Group 2).

(11) Light public utility uses (Category 1).

(12) Outdoor recreation uses (Group 6), limited to:

(a) Baseball hitting and archery ranges, outdoor

(b) Camp or recreation grounds

(c) Golf courses, commercial

(d) Golf driving ranges

(e) Kennels, animal shelters

(f) Riding and boarding stables

(g) Veterinary hospitals, but only ancillary to kennels, riding or boarding stables

(13) Public and quasi-public uses (Category 3).

(14) Public schools, parks, playgrounds, athletic fields and related facilities.

(15) Transportation facilities (Category 4).

B. The following uses are permitted in those locations approved for a Neighborhood Convenience Center, which should be neighborhood-oriented in scope and location. A neighborhood convenience center should be oriented to both pedestrian and vehicular access.

(1) Accessory uses and home occupations as permitted by Article 10.

(2) Commercial and industrial uses of special impact (Category 5) , limited to:

(a) Drive-in banks

(b) Service stations

(3) Community uses (Group 4).

(4) Dwellings, as set forth in Par. A above.

(5) Eating establishments.

(6) Financial institutions.

(7) Institutional uses (Group 3), limited to:

(a) Churches, chapels, temples, synagogues and other such places of worship

(b) Convents, monasteries, seminaries and nunneries

(c) Group day care facilities, day care centers and nursery schools

(d) Private schools of general education

(e) Private schools of special education

(8) Light public utility uses (Category 1).

(9) Offices.

(10) Personal service establishments.

(11) Public and quasi-public uses (Category 3).

(12) Retail sales establishments.

(13) Taxi stands.

(14) Transportation facilities (Category 4), limited to:

WMATA facilities

C. The following uses are permitted in those locations approved for a Village Center, which should be a central location for activity of retail, community and leisure uses on a scale serving a number of neighborhoods. A village center should be easily accessible to both vehicles and pedestrians. Within such a center, the primary emphasis should be on the pedestrian circulation system. A village center should contain uses such as professional offices, a supermarket, a hardware store, specialty shops and other uses as listed below.

(1) Accessory uses and home occupations as permitted by Article 10.

(2) Business service and supply service establishments.

(3) Commercial and industrial uses of special impact (Category 5) , limited to:

(a) Automobile-oriented uses

(b) Car washes

(c) Drive-in banks

(d) Fast food restaurants

(e) Marinas, docks and boating facilities, commercial

(f) Quick-service food stores

(g) Service stations

(4) Commercial recreation uses (Group 5), limited to:

(a) Billiard and pool halls

(b) Bowling alleys

(c) Commercial swimming pools, tennis courts and similar courts

(d) Dance halls

(e) Health clubs

(f) Miniature golf courses

(g) Skating facilities

(h) Any other similar commercial recreation use

(5) Community uses (Group 4).

(6) Dwellings, as set forth in Par. A above.

(7) Eating establishments.

(8) Financial institutions.

(9) Funeral chapels.

(10) Institutional uses (Group 3).

(11) Light public utility uses (Category 1).

(12) Offices.

(13) Personal service establishments.

(14) Public and quasi-public uses (Category 3).

(15) Repair service establishments.

(16) Retail sales establishments.

(17) Taxi stands.

(18) Theatres.

(19) Transportation facilities (Category 4), limited to:

(a) Bus or railroad stations

(b) WMATA facilities

(20) Vehicle light service establishments.

(21) Veterinary clinics.

D. The following uses are permitted in those locations approved for a Town Center, which should be a central location for retail, community and leisure uses on a scale serving the planned community and the surrounding area. There should be no more than one town center in a new town, and it should contain a mixture of uses such as residential, community, office, retail, entertainment and specialty shops. The uses should be well integrated and contain unique design elements. The pedestrian and vehicular traffic within the center should be separated with major emphasis on the pedestrian circulation system.

(1) All uses set forth for Village Centers in Par. C above.

(2) Commercial recreation uses (Group 5).

(3) Funeral homes.

(4) Parking, commercial off-street, as a principal use.

(5) Transportation facilities (Category 4), limited to:

(a) Heliports

(b) Helistops

(6) Vehicle sale, rental and ancillary service establishments.

(7) Veterinary hospitals.

E. The following uses are permitted in those locations approved for a Convention/ Conference Center, which should have the facilities to accommodate conventions or large meetings, including retail or commercial establishments necessary to serve the people using such facilities.

(1) Business service and supply service establishments.

(2) Commercial and industrial uses of special impact (Category 5) , limited to:

(a) Automobile-oriented uses

(b) Car washes

(c) Drive-in banks

(d) Fast food restaurants

(e) Quick-service food stores

(f) Service stations

(3) Commercial recreation uses (Group 5).

(4) Cultural and civic centers and exhibition halls.

(5) Eating establishments.

(6) Educational facilities.

(7) Financial institutions.

(8) Hotels/motels, including necessary facilities to accommodate conventions or large meetings.

(9) Offices.

(10) Personal service establishments designed to serve the people using the center.

(11) Retail sales establishments designed to serve the people using the center.

(12) Theatres.

(13) Transportation facilities (Category 4), limited to:

(a) Heliports

(b) Helistops

F. In those areas approved for industrial use on the adopted comprehensive plan of the planned community, upon application, such areas may be reclassified to the I-I, I-1, I-2, I-3, I-4 or I-5 District. Industrial areas shall not be included in the PRC District nor be subject to the requirements thereof.

6-303 Special Permit Uses

The following uses shall be permitted uses in those areas as qualified when they are specifically designated on an approved development plan; otherwise they may be allowed in such qualified areas only as a special permit use upon aproval by the BZA:

1. All uses presented in Par. A, B, C, D and E in Sect. 302 above as a Group use.

2. Commercial recreation centers - Village and town centers.

3. Open air markets - Neighborhood convenience, village, town and convention/conference centers.

4. Open refreshment stands - Neighborhood convenience, village, town and convention/ conference centers.

5. Group 8 - Temporary Uses.

6. Group 9 - Uses Requiring Special Regulation, limited to:

   Home professional offices

6-304 Special Exception Uses

The following uses shall be permitted uses in those areas as qualified when they are specifically designated on an approved development plan; otherwise they may be allowed in such qualified areas only as a special exception use upon approval of the Board:

1. All uses presented in Par. A, B, C, D and E in Sect. 302 above as a Category use.

2. Commercial and industrial uses of special impact (Category 5), limited to:

   A. Car washes - Neighborhood convenience, village, town and convention/ conference centers.

   B. Drive-in laundries or dry cleaners - Neighborhood convenience centers.

   C. Fast food restaurants - Neighborhood convenience centers.

   D. Service stations - Neighborhood convenience centers.

3. Heavy public utility uses (Category 2), limited to sewage treatment and disposal facilities - Residential.

4. Hotels, motels - Village and town centers.

5. Offices - Neighborhood convenience centers.

6-305 Use Limitations

1. Uses in a PRC District shall be permitted only in those areas as designated on the approved development plan, or in those areas as may be approved under Sections 303 and 304 above.

2. The standards set forth in Articles 8 and 9 will be used as a guide in considering all uses presented in Sect. 302 above as a Group or Category use. All Category 3 uses and all Group 3 medical care facility uses, however, shall be subject to the review procedures presented in Part 3 of Article 9.

3. All uses shall comply with the performance standards set forth in Article 14.

4. In areas approved for low density residential uses, no multiple family dwellings shall be allowed.

5. Where commercial and residential uses are located in the same building, there shall be separate exterior entrances for the two uses.

6. In all commercial centers, all business, service, storage and display of goods shall be conducted within a completely enclosed building, except those particular uses which by their nature must be conducted outside a building.

7. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.

8. Signs shall be permitted in accordance with the provisions of Article 12, and where there is an interpretation needed on the appropriate provisions that are applicable in a neighborhood convenience center, village center, town center or convention/conference center, such shall be made by the Zoning Administrator. Minor exceptions from the provisions of Article 12 may be permitted but only where such exceptions have been approved by the Board and are indicated on the approved preliminary site plan.

6-306 Lot Size Requirements

1. Minimum district size: 750 acres.

2. Minimum lot area: No requirement for each use or building.

3. Minimum lot width: No requirement for each use or building.

6-307 Bulk Regulations

1. Maximum building height: No Regulation

2. Minimum yard requirements:

   A. The location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

   B. No single family detached dwelling shall be erected closer than sixteen (16) feet to any other single family dwelling.

   C. No single family detached or attached dwelling or accessory structure shall be erected closer than fifteen (15) feet to any public street right-of-way line unless shown on an approved preliminary site plan.

3. Maximum floor area ratio: No Regulation

4. Maximum percentage of lot coverage: No Regulation

6-308 Maximum Density

1. The overall density for a PRC District shall not exceed thirteen (13) persons per acre of gross residential and associated commercial areas.

2. In computing density, a factor of 3.5 persons shall be used per single family detached dwelling; 3.0 persons per single family attached dwelling; 2.5 persons per garden apartment multiple family dwelling; and 2.0 persons per elevator apartment multiple family dwelling. Such factors shall be reviewed at least once every three (3) years. Within three (3) years following the commencement of residential construction within a PRC community, such factors shall be reviewed and, for that community, shall become fixed for the purposes of calculating the permitted number of dwelling units.

3. Residential densities in a PRC District shall be designated low, medium and high on the approved development plan.

   A. Low: The overall density within the entire area of a PRC District that is designated for low density shall not exceed 3.8 persons per acre of gross residential area. Further, the density in any one low density area shall not exceed five (5) dwelling units per acre.

   B. Medium: The overall density within the entire area of a PRC District that is designated for medium density shall not exceed 14 persons per acre of gross residential area. Further, the density in any one medium density area shall not

exceed twenty (20) dwelling units per acre.

C. High: The overall density within the entire area of a PRC District that is designated for high density shall not exceed 60 persons per acre of gross residential area. Further, the density in any one high density area shall not exceed fifty (50) dwelling units per acre.

For the purposes of this district, density area shall mean a development unit within an area designated on the approved development plan for low, medium or high density.

4. In computing average density on any development plan, subsequent preliminary site plan or final plat of a part of a PRC District, any excess in land area over that required to support an average density of thirteen (13) persons per acre in any final plat previously recorded may be included. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the PRC District shall be recomputed so that the average density within the recorded plats of sections of the PRC District shall never at any time in the history of the development exceed a density of thirteen (13) persons.

6-309 Open Space

All common open space lands shall be controlled by the provisions of Part 7 of Article 2.

6-310 Additional Regulations

1. Refer to Article 16 for the standards and development plan and preliminary site plan requirements for all planned developments.

2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

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ARTICLE 7

OVERLAY DISTRICT REGULATIONS

PART 1 7-100 OVERLAY DISTRICTS IN GENERAL

7-101 Purpose and Intent

Overlay districts, as presented in this Article 7, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay 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 district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

7-102 Establishment

In general, overlay districts 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 overlay district as set forth herein.

PART 2 7-200 HISTORIC OVERLAY DISTRICT

7-201 Purpose and Intent

Historic Overlay Districts are created for the purpose of promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those general areas or individual structures and premises which have been officially designated by the Board of Supervisors as having historic, architectural or cultural significance.

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 a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

7-202 District Boundaries

The boundaries of a Historic Overlay District shall in general be drawn so as to include all lands closely related to and bearing upon the character of the historic site, thus providing a landscape unit and affording transitional regulations needed to control potentially adverse environmental influences.

7-203 Establishment of Districts

1. The Architectural Review Board (ARB), as established by the provisions of Article 19, and/ or the Fairfax County History Commission may propose to the Planning Commission and/ or the Board of Supervisors such amendments to the provisions of this Ordinance as deemed appropriate, including the establishment of Historic Overlay Districts and revisions to existing Historic Overlay Districts.

2. Upon receipt of said proposal, the Board of Supervisors or the Planning Commission may initiate such amendment pursuant to the provisions of this Ordinance governing amendment thereof.

3. The Planning Commission, in cooperation with the ARB and the Fairfax County History Commission, shall prepare and submit a report to substantiate the proposed amendment. Such report shall establish and define the Historic Overlay District boundaries as well as the historic, architectural 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 matters:

   A. An analysis of existing structures by period of construction, architectural style, condition and other matters relating to planning or regulating future development, such as location on lots, location of yards and other open spaces, access to interior of lots, and off-street parking provided. In addition to general analysis, two specific and detailed descriptions shall be entered:

      (1) 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 it is desired to preserve.

      (2) 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.

   B. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use and location shall be indicated. For private lands, assessed valuation shall be added as well as existing zoning and planned land use.

C. 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, 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.

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 landmarks, buildings, structures or sites to be preserved are in fact of historical, architectural 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). Such action shall also include adoption, in the manner provided for 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

Upon creation of a Historic Overlay District, administrative procedures for the enforcement of such regulations shall be as provided hereafter in this Section.

1. The Director shall not issue a Building Permit for the erection, reconstruction, exterior alteration or restoration of any building or structure in a Historic Overlay District, until the issuance of the same has been approved by the ARB, following the procedures set forth below. In addition, no Building Permit for the demolition, razing, relocation or moving of any officially designated historic landmark, building or structure in a Historic Overlay District shall be issued until approved by the ARB.

2. Upon receipt of an application for a Building Permit, the Director shall forward to the ARB copies of the Building Permit application, plot plan, site plan and any other materials filed with such application.

3. 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. For an initial presentation:

      (1) Statement of proposed use, name of proposed user;

      (2) Statement of estimated time of construction;

      (3) Maps relating proposed use to surrounding property, zoning and the historic district;

      (4) Design sketches showing building configuration, topography and paving;

      (5) Architectural schematic drawings showing floor plan, four elevations (principal one in color).

   B. For a final presentation, at which the architect shall appear:

      (1) All material in Par. A above;

      (2) Final design concept showing floor plan, four elevations and a

rendering of more than one elevation;

(3) A site plan showing building configuration, paving and grading;

(4) A landscaping plan showing list of plantings;

(5) Plan showing exterior signs, graphics and lighting to establish location, size, color and type of materials.

4. The ARB shall review each application for a Building Permit promptly upon its receipt of the same. In reviewing applications for the erection, construction, reconstruction, remodeling, exterior alteration or restoration of a building or structure, the ARB shall not consider interior arrangement, relative size of the building or structure, detailed design or features not subject to any public view and 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:

A. The exterior architectural features, including all signs, which are subject to public view from a public street, way or place;

B. The general design, arrangement, texture, material, color and fenestration of the proposed building or structure and the relation of such factors to similar features of buildings or structures in the immediate vicinity of the historic landmarks within the Historic Overlay District;

C. The extent to which the building or structure would be harmonious with or architecturally incompatible with the historic landmark;

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

E. 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.

5. In reviewing an application for a certificate to raze or demolish an officially designated historic landmark, building or structure, the ARB shall review the circumstances and the condition of the structure or part proposed for demolition and shall report its finding based on consideration of any or all of the following criteria:

A. Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?

B. 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?

C. Would retention of the building help preserve and protect a historic place or area of historic interest in the County?

6. In reviewing an application for a certificate to move or relocate an officially designated historical landmark, building or structure, the ARB shall consider the following criteria:

A. Would the proposed relocation have a detrimental effect on the structural soundness of the landmark, building or structure?

B. Would the proposed relocation have a detrimental effect on the historical aspects of other landmarks in the Historic Overlay District?

C. Would relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the landmark, structure or building?

D. Would relocation of the building help preserve and protect a historic place or area of historic interest in the County?

7. 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 Par. 4, 5 and 6 above, 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 permit. If the ARB disapproves the application, it shall so notify the applicant and the Director.

8. Any person aggrieved by any decision of the ARB may appeal such decision to the Board of Supervisors, provided such appeal is filed with the Clerk to the Board of Supervisors within ten (10) days of the ARB's decision.

9. The Board shall consult with the ARB and hear the appeal. The Board may affirm, reverse or modify the decision of the ARB, and its determination shall be forwarded to the Director.

10. 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 historic landmark, 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.

11. In addition to the right of appeal set forth in Par. 8, 9 and 10 above, the owner of a historic landmark, 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 landmark, building or structure, provided that:

A. He 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 landmark, building or structure, and the land pertaining thereto, to the County or to any department, officer, agency, board of government entity thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore such landmark, 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 landmark, 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 his request to the Board to approve the razing or demolition of the historic landmark, 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 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, including 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 landmark.

2. No officially designated historic landmark, building or structure within any Historic Overlay District shall be razed, demolished, moved or relocated until such action is approved by the ARB.

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 District, except that no required off-street parking or loading space shall be located in any required front yard.

   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 all lands within a Historic Overlay District shall be in strict accordance 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.

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, and that the Land Restoration Board review all applications, conduct periodic inspections, and make recommendations on all applications in achieving the objectives set forth.

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.

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.

It is the intent of this overlay district to regulate land uses within specified noise impact areas by requiring special acoustical performance standards for those uses lying within such designated areas.

7-402 District Boundaries

The Airport Noise Impact Overlay District boundaries shall be based on the 1980 Noise Exposure Forecast (NEF) 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, 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 four (4) Noise Exposure Forecast Zones, and the boundaries for such zones shall be established in accordance with the provisions of Par. 1 above.

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 Noise Exposure Forecast Zone.

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 granted in the district, it shall be subject to the provisions of Sect. 408 below.

7-405 Permitted Uses

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

7-406 Special Permit Uses

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

7-407 Special Exception Uses

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

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:

All buildings proposed for construction within this Airport Noise Impact District shall be designed in accordance with the acoustical performance standards presented in the table below, and such design shall be approved by the Director before a permit for the erection of any building is issued.

Acoustical Performance Standards

Land Use Category	Maximum Interior Noise Levels (dB(A))
Residential	35
Public and Quasi-Public Use	
School	40
Library	35
Church	35
Hospital	35
Auditorium, Concert Hall, etc.	35
Parks and Recreation	
Sports Arena	60
Office	50
Commercial	
Retail	55
Movie Theatre	40
Hotel, Motel	40
Distribution Industry	70
Manufacturing and Assembly Industry	65

7-409 Lot Size Requirements

As specified in the underlying zoning district(s)

7-410 Bulk Regulations

As specified in the underlying zoning district(s)

7-411 Open Space

As specified in the underlying zoning district(s)

7-412 Additional Regulations

As specified in the underlying zoning district(s)

PART 5 7-500 CBD SIGN CONTROL OVERLAY DISTRICT

7-501 Purpose and Intent

CBD Sign Control Overlay Districts are established for the general purpose of regulating signs in the Central Business Districts of the County in accordance with the provisions of Sect. 12-204.

7-502 District Boundaries

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

7-503 Establishment of Districts

CBD 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 CBD 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 in the provisions of Article 12.

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 purpose and intent of this Ordinance, a Highway Corridor Overlay District is created to limit the number and location of service stations, car washes and fast food restaurants.

All such uses shall be prohibited in the Highway Corridor Overlay District, subject to the following qualifications:

1. Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair or reconstruction of the structure for an existing such use.

2. Nothing herein shall be deemed to prohibit the improvement or expansion of the structure for an existing such use in accordance with the provisions of Sections 15-101 and 15-102.

3. Nothing herein shall be deemed to prohibit the establishment of such a use which complies with the provisions of Sect. 608 below.

7-602 District Boundaries

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

2. The District boundaries may be described in lieu of metes and bounds by a fixing of the points of beginning and ending in the center line of the named highway, and the distance on one or both sides from said center line to which this district shall extend.

7-603 Establishments of Districts

1. Lands adjacent to the right-of-way of certain highways within the County in areas of heavy traffic congestion may be placed in a Highway Corridor Overlay District when the Board finds that the construction and utilization of additional service stations, car washes and fast food restaurants will increase danger and congestion on the public streets through the increase in turning movements, entrances into and exits from such streets or highways, and/or that such construction and utilization will impede rather than facilitate the creation of a convenient, attractive and harmonious community.

2. 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 this Highway Corridor Overlay District shall be as provided for in Article 9 for service stations, car washes and fast food restaurants 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) except service stations, car washes and fast food restaurants.

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).

2. New service stations, car washes and fast food restaurants.

3. Improvement/expansion of existing service stations, car washes and fast food restaurants.

7-608 Use Limitations

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and in addition, all new service stations, car washes and fast food restaurants shall be subject to the following use limitations:

1. In any Highway Corridor Overlay District:

   A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group with which it is associated.

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

   C. Such a use shall have no separate and exclusive curb cut access to the abutting highway.

   D. There shall be no outside storage or display of goods offered for sale.

   E. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related shopping center, office building(s) or industrial building(s).

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

   A. Such a use shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.

   B. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

   C. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

   D. There shall be no separate freestanding sign associated with the use.

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

   A. Such a use shall be an integral design element of a site plan for a shopping center containing not less than 30,000 square feet of gross floor area.

   B. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

   C. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

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

   A. Such a use shall be an integral design element of a site plan for a shopping center, industrial building or building complex containing not less than 30,000

square feet of gross floor area.

B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

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

A. Such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

B. Service stations 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 7-700 FLOODPLAIN OVERLAY DISTRICT

7-701 Purpose and Intent

In furtherance of the zoning powers, purposes and jurisdiction provided for by Sections 15.1-486, 15.1-489 and 15.1-490, Code of Virginia, 1950, as amended, this district is created to provide for safety from flood and other dangers, to protect against loss of life, health, or property from flood or other dangers, and to preserve and protect floodplains.

7-702 District Boundaries

The Floodplain Overlay District boundaries shall be based on all unincorporated areas of the County which are designated as a floodplain by the United States Department of Housing and Urban Development (HUD), by the United States Geological Survey or by the Fairfax County Board of Supervisors. Areas designated as floodplains by HUD cannot be altered by the Board of Supervisors without prior approval from HUD.

7-703 Establishment of Districts

Floodplain 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.

7-704 Administration

1. Only those uses set forth in Sect. 705 below shall be permitted by right within a Floodplain Overlay District. All other uses permitted in the underlying zoning districts may be permitted provided that a special exception is approved by the Board of Supervisors in accordance with the provisions of Sect. 9-606 and in accordance with the provisions set forth below.

2. The Director may, in appropriate cases, require further information from the applicant including, but not limited to, an engineering study of the floodplain.

3. The Director shall prepare a report to the Board including his recommendations and rationale for submission, after review and comments have been received from the Department of Public Works, the County Soil Scientist, and the Stream Valley Board.

4. The Board, in reviewing a special exception, shall consider at least the following factors:

   A. Type of proposed structure and/or use

   B. Location of proposed structure and/or use

   C. Frequency of floodings

   D. Nature of floodings

   E. Access to site

   F. Nature and extent of any proposed fill

   G. Impact of proposal on floodplain

   H. Potential of proposal to cause or increase flooding damage or to jeopardize human life

7-705 Permitted Uses

The following uses shall be permitted in the Floodplain Overlay District, when the Director has determined that the use complies with the standards and criteria set forth in the Public Facilities Manual.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries,

horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Residential uses such as play areas, lawns, gardens and parking areas if one (1) foot or less depth of flooding.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Industrial or commercial uses such as loading and parking areas if one (1) foot or less depth of flooding.

5. Roadway crossings meeting VDH&T and Fairfax County design requirements and where any additional rise in water surface will not have an adverse effect upon the floodplain and/ or will be set aside in an easement.

6. Other similar uses which have equally low flood damage potential as determined by the Director.

Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use in this district, provided such improvements are done in conformance with the Virginia Statewide Building Code.

7-706 Special Permit Uses

All uses permitted by special permit in the underlying zoning district(s), except any special permit use shall be approved only by the Board in accordance with the provisions of Sect. 9-606.

7-707 Special Exception Uses

All uses permitted by right, special permit or special exception in the underlying zoning district(s), except those uses set forth in Sect. 705 above.

7-708 Use Limitations

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and the following limitations:

1. The Board shall not grant a special exception where any new construction, substantial improvements, or other development, including fill, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood.

2. The Board shall not grant a special exception where the lowest elevation of the lowest floor of any proposed residential structure is less than eighteen (18) inches above the water surface elevation of the base flood.

3. The Board shall not grant a special exception for a commercial or industrial structure or for substantial improvements to any structure, unless adequate flood-proofing as defined in the Public Facilities Manual is established.

7-709 Lot Size Requirements

As specified in the underlying zoning district(s)

7-710 Bulk Regulations

As specified in the underlying zoning district(s)

7-711 Open Space

As specified in the underlying zoning district(s)

7-712 Additional Regulations

As specified in the underlying zoning district(s)

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ARTICLE 8

SPECIAL PERMITS

PART 0 8-000 GENERAL PROVISIONS

8-001 Purpose and Intent

There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given zoning district. These uses as described may be allowed to locate within given designated districts under the controls, limitations, and regulations of a special permit.

It shall be the duty of the BZA, under the provisions of this Article, to evaluate the impact and compatibility of each such use, and to stipulate such conditions and restrictions, including those specifically contained herein, as will assure the use being compatible with the neighborhood in which it is to be located; or where that cannot be accomplished, to deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with existing uses or development permitted by right in the area.

8-002 Authorization

In consideration of an application filed with the Zoning Administrator, the BZA may authorize the establishment of those uses that are expressly listed as special permit uses in a particular zoning district; provided, however, that no such permit shall be required for a use allowed as a permitted use in such district, notwithstanding that such use may also be included in a use group available by special permit.

No special permit use shall be authorized unless said use complies with all of the applicable standards of this Article 8 and all other applicable requirements of this Ordinance.

Notwithstanding the foregoing, any special permit use permitted by this Article, when located within a Floodplain Overlay District established in accordance with the provisions of Part 7 of Article 7, shall be approved by the Board as a special exception in accordance with the provisions of Sect. 9-606.

8-003 Limits on Authority

The BZA shall have no authority to vary, modify or waive any of the regulations or standards prescribed for any use for which a special permit is required; and any purported such modification, variance, or waiver shall ipso facto nullify the action of the BZA in issuing any special permit hereunder. The BZA's discretion shall be limited to determinations with respect to the standards applying to the use covered by the application.

This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which application is made for a variance on an allegation of hardship.

The jurisdiction of the BZA with respect to any use or purpose for which the BZA is authorized to issue special permits shall be confined to the consideration of the question of conformity to the provisions of this Ordinance. On an affirmative finding with respect to conformity, the BZA shall issue the special permit applied for subject to whatever conditions and restrictions are deemed necessary under the provisions of Sect. 007 below.

8-004 Status of Special Permit Uses

Any use for which a special permit is granted by the BZA, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed by the BZA under Sect. 007 below, shall be deemed to be a permitted use on the lot on which it is thus permitted.

Once a special permit is granted, however, the use shall not be enlarged, extended, increased in intensity, or relocated unless an application is made for a new or revised special permit.

8-005 Establishment of Groups

For purposes of applying specific conditions upon certain types of special permit uses, and for allowing special permit uses to be established only in those zoning districts which are appropriate areas for such uses, all special permit uses are divided into groups of associated or related uses, hereinafter set forth in this Article 8.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the policies embodied in the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12, except as may be qualified in the Parts that follow for a particular group or use. However, the BZA, under the authority presented in Sect. 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

8-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the BZA, in granting a special permit, may impose such conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. To accomplish this end, the BZA may establish a time limitation on the length of the permit in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

8-008 Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the BZA may require, as a condition to the issuance of any special permit, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the BZA. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 013 below.

8-009 Application for a Special Permit

1. An application for a special permit may be made by any property owner, lessee, contract purchaser, official, department, board or bureau of any government. A contract purchaser or lessee must file, with the application, a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.

2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete, and shall be accompanied by those submission requirements set forth in Sect. 011 below, such specific information as may be required for a given group or use, and such additional material as may be required by the BZA. The application shall be accompanied by a fee established in accordance with the provisions of Sect. 18-106. No application shall be deemed to be on file with the County until all required submissions have been presented.

3. The Zoning Administrator shall forward the application to the BZA and such other review body as may be specified for a particular use. Upon receipt, the Clerk of the BZA shall refer a copy of the application to the Planning Commission in accordance with the provisions of Sect. 19-206. Each application shall be scheduled for public hearing in a timely manner, and shall be reviewed in the order in which received unless otherwise qualified by the BZA.

4. Upon receipt of all reviews and reports, the BZA shall fix a reasonable time for the hearing of the application. A public hearing shall be held on all applications in accordance with the provisions of Sect. 18-109.

5. The BZA shall render a decision on all applications within sixty (60) days from the date the application was filed.

8-010 Application for a Temporary Special Permit

The application for a temporary use as permitted under Group 8 shall be on forms provided by the County, and shall be filed with the Zoning Administrator. The Zoning Administrator shall be the approving authority on all temporary special permits, and such approval shall be in strict accordance with the regulations and time limits set forth in Part 8.

8-011 Submission Requirements

All applications for special permit uses, except for temporary special permits, shall be accompanied by the following items in addition to those items that may be listed for a particular group or use in the Parts that follow:

1. Ten (10) copies of a plat drawn to designated scale, certified by a professional engineer, land surveyor or architect licensed by the State of Virginia, containing the following information:

   A. Boundaries of entire property, with bearings and distances on all bounding lines.

   B. Total area of the property in square feet or acres.

   C. Location of all existing structures, with dimensions, including height, and the location, dimension and lighting of all signs.

   D. Location of proposed additions, with dimensions, including height.

   E. All proposed yards to include front, side and rear.

   F. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed use, to include proposed measures of screening and dimensions of all peripheral yards that will be provided.

   G. Public right(s)-of-way, indicating width.

H. Proposed ingress and egress from highway or street.

I. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s).

J. Location of well and/or septic field, or indication that the property is served by public water and/or sewer.

K. Where applicable, seating capacity, recreation area, emergency access, bicycle parking, fencing, landscaping and screening, outside lighting, loudspeakers, required and/or proposed improvements to public right(s)-of-way.

L. Seal and signature of professional person certifying the plat.

2. One (1) copy of the 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.

3. Ground level photographs of the property showing existing structures, terrain and vegetation.

4. One (1) copy of the applicant's affidavit completed, signed, and notarized, which shall contain the following:

A. A listing of names and last known addresses of all applicants, title owners, contract purchasers, or lessees of the land described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, and all agents who have acted on behalf of any of the foregoing with respect to the application. The application shall also contain a listing of the shareholders of all corporations of the foregoing who own ten (10) per cent or more of any class of stock issued by said corporation and, where such corporation has ten (10) or less shareholders, a listing of all the shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership.

B. The applicant shall further make oath or affirmation that no member of the Board of Zoning Appeals or Planning Commission owns or has any interest in the outcome of the decision. If any member of the Board of Zoning Appeals or Planning Commission owns or has such an interest in the land or outcome of the decision, the applicant must so state.

C. The applicant shall further make oath or affirmation that to the best of his knowledge within five (5) years prior to the filing of the application, no member of the Board of Zoning Appeals or Planning Commission or any member of their immediate household and family, either directly or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds outstanding bonds or shares of stock with a value in excess of fifty (50) dollars, has or has had any business or financial relationship, other than ordinary depositor or customer relationship with or by a retail establishment, public utility or bank, including any gift or donation having a value of fifty (50) dollars or more with any of those listed in Par. A above. If there has been any such relationship, it shall be disclosed on the application.

5. A written statement from the applicant describing the proposed use, giving all pertinent data, including specifically:

A. Type of operations.

B. Hours of operation.

C. Estimated number of patrons/clients/patients/pupils/etc.

D. Proposed number of employees/attendants/teachers/etc.

E. Qualifications of applicant and operators of the proposed use. Where applicable, submit copy of professional or occupational certification or license.

F. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

G. Vicinity or general area to be served by the use.

H. Description of building facade and architecture of proposed new building or additions.

6. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.

7. If the use proposed by the application is a school or child care facility, a copy of the Health Department's report is required, indicating:

A. Maximum number of children/pupils which can be accommodated by the facilities.

B. Whether fencing of outdoor play area is required.

C. Whether sanitary facilities are adequate.

8-012 Extension of a Special Permit

1. The application for an extension of a special permit shall be filed with the Zoning Administrator in accordance with the provisions of Par. 1 and 2 of Sect. 009 above. The application shall be filed thirty (30) days before the expiration date of the permit.

2. The Zoning Administrator shall inspect the special permit use; review the applicant's record of compliance with those conditions, standards, and restrictions previously imposed by the BZA; and make a determination on whether the special permit use still satisfies the general standards presented in Sect. 006 above.

3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special permit for the period of time that may be specified for a particular group or use or that may have been specified by the BZA. Upon an unfavorable finding, the application shall be denied, and such an action shall be subject to appeal in accordance with the provisions of Part 3 of Article 18.

4. All ordinances and regulations in effect at the time an application is filed for an extension shall apply to the permit in the same manner as when a new permit is issued by the BZA, except that no alteration of a structure shall be required if such structure was in conformance with the provisions of the Building Code and other applicable regulations at the time the special permit was first granted.

8-013 Renewal of a Special Permit

1. The procedure for the renewal of a special permit shall be the same as specified in Sect. 009 above for the issuance of the original permit, unless the BZA shall specifically waive or modify such procedure for a given permit, or unless the procedure is qualified for a particular group or use. The application for renewal shall be filed ninety (90) days before the expiration date of the permit.

2. All ordinances and regulations in effect at the time an application is filed for a renewal shall apply to the permit in the same manner as when a new permit is issued by the BZA, except that no alteration of a structure shall be required if such structure was in conformance with the provisions of the Building Code and other application regulations at the time the special permit was first granted.

8-014 Expiration of a Special Permit

Whenever a special permit is issued by the BZA, the activity authorized thereby shall be established, and any construction authorized shall be diligently prosecuted within such time as the BZA may have specified, or, if no such time has been specified, then within one (1) year after the effective date of such permit, unless an extension shall be granted by the BZA because of the occurrence of conditions unforeseen at the time of the granting of the special permit. If construction has not commenced within a period of one (1) year, unless same is extended as aforesaid, such special permit shall automatically expire without notice.

8-015 Revocation of a Special Permit

1. Unless a time limit is specified for a special permit, the same shall be valid for an indefinite period of time but shall be revocable on the order of the BZA at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designed in issuing the same.

2. Before revoking any special permit, however, the BZA shall give the holder thereof at least ten (10) days' written notice of violation. If within such ten (10) days, the permit holder so requests, the BZA shall hold a hearing on the revocation of the permit and shall give the applicant at least ten (10) days' advance written notice of the hearing date either by registered mail or by having the notification served personally on him.

3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

PART 1 8-100 GROUP 1 EXTRACTION AND EXCAVATION USES

8-101 Group 1 Special Permit Uses

1. Removal of sand or gravel by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2-601; but not including the treating, crushing or processing of the same. No permit for such sand or gravel removal shall be approved by the BZA for any parcel or area not designated in the adopted comprehensive plan for consideration of such a use.

2. Removal of soil by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2-601; but not including the treating, crushing or processing of the same.

3. Stone quarrying.

4. Extraction of materials other than those specifically enumerated in this Part.

5. Crushing, treating, washing and/or processing of materials resulting from a use permitted under the four immediately preceding Paragraphs when conducted on the same property.

8-102 Districts In Which Group 1 Uses May Be Located

Group 1 special permit uses may be allowed only in those areas designated as Natural Resource Overlay Districts as established in Part 3 of Article 7.

8-103 Application

In addition to the submission requirements set forth in Sect. 011 above, all applications for Group 1 uses shall be accompanied by the following items:

1. Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of one inch equals one hundred feet (1"=100'). Such plat shall show:

   A. The boundary of the entire tract by metes and bounds.

   B. Limits and current field topography, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 250 feet of such proposed limits or such greater distance as may be specified by the Director.

   C. Average thickness of overburden within the limits of the proposed use.

   D. Means of vehicular access to the proposed use indicating the proposed type of surface treatment.

2. One (1) vertical aerial photograph, enlarged to a scale of one inch equals five hundred feet (1"=500'), from the original photography flown at a negative scale no smaller than one inch equals one thousand feet (1"=1000'), and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:

   A. All land included in the application for a special permit.

   B. All contiguous land which is or has been used by the applicant for such use or a related use.

   C. All public roads which provide access to the proposed use.

   D. All residentially zoned land within 500 feet of the area proposed for such use.

3. One (or more if necessary to cover the area) Fairfax County Zoning Section Sheet indicating the same area covered by the aerial photograph in Par. 2 above. Such section sheet shall clearly indicate the area proposed for such use by a red line drawn following

the boundary thereof. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map.

4. Five (5) copies of a report which describes the proposed use and includes the following:

   A. A detailed list of the type and quantity of equipment to be used in connection with the use, including bulldozers, cranes, washers, crushing equipment, trucks, and all other mechanical equipment.

   B. An estimate of the number of trucks proposed to enter and leave the property per day.

   C. The proposed hours of operation each day, and the proposed days of operation during the week.

   D. The proposed period of time necessary to complete the use proposed, and the time schedule for a restoration program. This item shall include a time certain by which the applicant believes that all uses under the application should be completed and all restoration complete.

5. The plan for operation of the natural resource excavation or extraction, prepared by an engineer or surveyor licensed by the State, shall be submitted as a transparent overlay at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated and the location, limits and title of each of the items shall be indicated on the transparent overlay, and the area in square feet of each shall be provided on a one-page supplemental report:

   A. Area of any previous, currently active, and proposed excavation.

   B. Area of active settling ponds and washing facilities.

   C. Areas of existing and proposed crushing or treatment facilities.

   D. Areas of existing and proposed storage of extracted material.

   E. Areas of existing and proposed production facilities or resource related uses.

   F. Location and type of any existing and proposed erosion control facilities.

6. The plan for the restoration of the site, prepared by an engineer or surveyor licensed by the State, shall be submitted as a transparent overlay at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated and the location, limits and title of each of the items shall be indicated on the transparent overlay, and the area in square feet of each shall be provided on a one-page supplemental report:

   A. The area proposed to be restored.

   B. The area of any current restoration now in progress.

   C. The area of any previous restoration.

   D. The area currently used for topsoil and overburden storage.

7. Three (3) copies of a final grading plan for the site, prepared by an engineer or surveyor licensed by the State, shall be submitted at the same scale and covering the same area as the vertical aerial photograph required in Par. 2 above. All of the following items which are applicable to the permit application shall be delineated:

   A. Final proposed topography of the site after completion of all proposed restoration.

   B. Proposed depth of topsoil and location of any planting restoration, including

type of plant material.

C. The direction of all drainage, shown by arrows, after restoration.

D. Any roadways and driveways which are not proposed to be removed during restoration, and their surfacing material.

8. Receipts for certified letters mailed to all contiguous property owners notifying said owners that an application for the proposed use is being filed with the appropriate County officials. Such notice shall precede the hearing by the BZA by not less than sixty (60) days.

9. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Director, law enforcement agents, the members of the Land Restoration Board and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued.

10. A soils analysis of the property, including test borings as required by the County Soil Scientist, and a written report setting forth the effects, if any, of the proposed operation upon the stability of soils, the water table, wells and septic fields within the area, and other soil factors which may have an effect upon nearby properties.

11. As a condition of approval, the applicant shall post with the County a bond in an amount to be set by the BZA upon recommendation of the Land Restoration Board. Such bond shall be with surety satisfactory to the bonding committee appointed by the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 180 days following the expiration of the special permit. The bond shall be accompanied by an instrument in writing, effectively granting to the County or its officers, agents and employees, a right to enter the property which is the subject of the permit for the purpose of inspection and of restoration if required.

8-104 Administration

The administration of a Group 1 special permit shall be in accordance with the provisions of Part 0 and those additional provisions set forth below:

1. The completed application, including all items required by the provisions of Sect. 103 above, shall be submitted to the Zoning Administrator who shall review it for completeness, and shall make it available for review by the County Soil Scientist and by County personnel who review plans for erosion, siltation, drainage and access considerations. The Department of Environmental Management shall prepare a report containing its comments and recommendations.

2. Following such staff review, the Director shall schedule a meeting of the Land Restoration Board, which body is established by the provisions of Part 3 of Article 19. The Land Restoration Board shall review the application and all photographs, maps and plans submitted therewith, and shall prepare a report in accordance with the provisions of Part 3 of Article 19.

3. Following review by the staff and the Land Restoration Board, the Director shall cause the application to be set on the agenda of the BZA, where such application shall be heard in the manner and according to the same procedures as any other special permit application.

4. The application shall be approved or denied within not less than 60 or more than 180 days after a complete application is filed by the applicant except under abnormal circumstances. The running of this period shall be suspended during any time when the application is returned to the applicant for the furnishing of further information.

5. The BZA may grant a special permit for a stone quarry for a period not to exceed five (5) years. Such special permit may be extended in accordance with the provisions of Sect. 012 above for a period not to exceed five (5) years, but only upon a favorable recommendation from the Land Restoration Board. Only one (1) such extension may be

granted, and at the end of a ten (10) year period, a permit shall be renewed in accordance with the provisions of Sect. 013 above.

6. The BZA may grant a special permit for all other Group 1 uses except a stone quarry for a period not to exceed two (2) years. Such permit may be extended in accordance with the provisions of Sect. 012 above for not more than one additional two (2) year period, but only upon a favorable recommendation from the Land Restoration Board.

7. All natural resource related operations and uses approved under any previous ordinance for which an expiration date has been established, either by that previous ordinance or by a condition placed thereon by the BZA, shall expire on such date under this Ordinance, and may only be renewed or extended in accordance with the provisions of this Ordinance. No such use may be considered a permissible nonconforming use where the limits of extraction have been extended beyond the area of operation active on the effective date of this Ordinance. Any nonconforming extraction or quarrying operation may be terminated by the BZA upon a finding that such operation is injurious to the health, safety and welfare of the general public.

8-105 Standards For All Group 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 1 special permit uses shall satisfy the following standards:

1. No permit for a Group 1 use shall be issued for any tract of land containing less than twenty (20) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing Group 1 use onto contiguous land containing less than twenty (20) acres.

2. With the exception of stone quarrying and related grading activity, no grading, mining, excavating, removal of trees or other disturbance of natural vegetation shall be permitted within 200 feet of contiguous property subdivided into residential lots of one (1) acre or smaller not under the ownership or control of the applicant, nor within 250 feet of an occupied dwelling.

   Exceptions to the setbacks established above for all uses except stone quarrying may be granted by the BZA subject to compliance with the following:

   A. The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment, and

   B. The Land Restoration Board shall have reviewed the proposed encroachment, and shall have found the ultimate grades suitable for the future development of the property in the manner prescribed in the adopted comprehensive plan for that area.

3. All natural resource extraction, quarrying and related operations shall be in conformance with the provisions of Sect. 2-603 relating to erosion and sedimentation.

4. No building or structure used in connection with such an operation, except buildings for office and administrative purposes only, shall be located within 200 feet of (a) the right-of-way of any public street or (b) any adjoining property. Buildings devoted solely to office and/or administrative uses may be constructed not less than 100 feet from such street or property line when specifically approved as part of the special permit.

5. In conjunction with all Group 1 uses except stone quarrying, no washing, crushing, processing or similar operation shall be conducted within 200 feet of (a) the right-of-way line of any public street or (b) any adjoining residential property.

6. In conjunction with a stone quarry, no washing, crushing, processing or similar operation shall be conducted within 200 feet of the right-of-way of any public street or a safe distance to be established by the BZA from any adjoining occupied dwelling. No stone quarrying or related grading activity, except restoration work, shall be permitted within 150 feet of contiguous property subdivided into residential lots of one (1) acre or smaller, not owned or controlled by the applicant, or the right-of-way of any public street.

Exceptions to the setbacks established above may be granted by the BZA subject to compliance with the following:

The applicant shall have submitted, with his application, a notarized letter, signed by the owner of the adjacent property, indicating approval of such encroachment.

7. The setback requirements of Par. 4 and 6 above shall not apply to quarries or quarry related uses existing prior to the effective date of this Ordinance nor to extensions granted therefor.

8. The top of all open excavations having a depth of ten (10) feet or more, which will create a slope of forty-five (45) degrees or more from the horizontal and which shall remain for a period of more than twenty-four (24) hours, shall be enclosed by a substantial fence erected at least fifty (50) feet outside the excavation. Such fence shall be not less than six (6) feet in height, and shall effectively control access to such excavation.

9. All operations shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by the BZA.

10. All settlement ponds used in connection with an operation, except those entirely within a fenced area required by Par. 8 above, shall be fenced with at least a six (6) foot chain link fence having an 18" to 24" arm above the chain link fence with at least three (3) strands of barbed wire - four barb, equipped with a locked gate at all access points.

11. All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

12. Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the roadside setback.

The type, time of planting, design and spacing of planting screen shall be approved by the Director. Approval of maintenance of roadside landscape area by the Director shall be required for permit extension and permit renewal.

The function of the roadside landscape area is threefold: (a) to dignify the purpose of the natural resource area and protect it from becoming an eyesore; (b) to dampen noise from operation of equipment; and (c) to absorb dust that might result from the operations.

Where it is determined by the Director that roadside landscaping is not practical because of soil and/or operation conditions, screening shall be provided in the form of a fence, wall or berm.

13. Notwithstanding the provisions of the underlying zoning district in which a Group 1 use may be located, all Group 1 special permit operations shall be subject to only the following performance standards:

A. No blasting shall be permitted except in conjunction with a permit for stone quarrying.

B. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the BZA may further limit such blasting vibration where, in its opinion, the density of population in the area warrants additional protection.

C. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.

D. The peak over-pressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130 decibels) at any occupied structure not on the subject property.

E. Airborne noise produced from sources other than blasting shall not exceed, at

any structure not on the subject property, 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.

PART 2 8-200 GROUP 2 INTERMENT USES

8-201 Group 2 Special Permit Uses

1. Cemetery for human or animal interment.
2. Columbarium and mausoleum when used in conjunction with a cemetery.
3. Crematory, human or animal.
4. Funeral home, if located in an already existing cemetery of more than seventy-five (75) acres.
5. Any other facility for the disposal of the dead.

8-202 Districts In Which Group 2 Uses May Be Located

Group 2 uses may be permitted by right in the PDH and PRC Districts when represented on an approved development plan and may be allowed by special permit in the R-E through R-4 Districts.

8-203 Standards For All Group 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 2 special permit uses shall satisfy the following standards:

1. All uses shall comply with the provisions set forth in Chapter 3 of Title 57 of the Code of Virginia.
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment in any facility for the disposal of the dead be made within fifty (50) feet of a street line.
3. All uses shall comply with the performance standards specified for the zoning district in which located.
4. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

PART 3 8-300 GROUP 3 INSTITUTIONAL USES

8-301 Group 3 Special Permit Uses

1. Boarding schools, academies.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Convents, monasteries, seminaries and nunneries.
4. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning.
5. Group day care facilities, day care centers and nursery schools.
6. Medical care facilities, limited to nursing facilities which have a capacity of less than fifty (50) beds.
7. Private schools of general education.
8. Private schools of special education.

8-302 Districts In Which Group 3 Uses May Be Located

1. Group 3 uses may be permitted by right in the following districts:

R-12, R-16, R-20, R-30, R-MHP Districts: Limited to use 2

All P Districts: All uses when represented on an approved development plan

C-1, C-2, C-3, C-4 Districts: Limited to uses 2, 5, 7 and 8
C-5, C-6, C-7, C-8 Districts: Limited to use 2

I-1, I-2, I-3 Districts: Limited to uses 2 and 8
I-4, I-5 Districts: Limited to use 8

2. Group 3 uses may be allowed by special permit in the following districts:

R-P, R-C Districts: Limited to use 2
R-E, R-1, R-2 Districts: All uses
R-3, R-4, R-5, R-8 Districts: Limited to uses 2, 3, 4, 5, 6, 7 and 8
R-12, R-16, R-20, R-30, R-MHP Districts: Limited to uses 3, 4, 5, 6, 7 and 8

C-1, C-2, C-3, C-4 Districts: Limited to uses 4 and 6
C-5, C-6 Districts: Limited to uses 3, 4, 5, 7 and 8
C-7, C-8 Districts: Limited to uses 3, 4 and 5

I-I District: Limited to use 5
I-1, I-2, I-3 Districts: Limited to uses 3, 4, 5, 6 and 7
I-4 District: Limited to use 2

8-303 Standards For All Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.

2. Except for those uses set forth in Par. 5 of Sect. 301 above, no off-street parking or loading space shall be located closer than twenty-five (25) feet to any lot line which abuts an R-A through R-4 District, except as may be qualified by the provisions of Article 13.

3. All uses shall comply with the performance standards specified for the zoning district in which located.

4. Before application can be made for a Building Permit, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

8-304 Additional Standards for Dormitories and Other Uses Set Forth in Par. 4 of Sect. 301 Above

1. Any such use may be established only after approval by the BZA of a plan setting forth acceptable student control procedures. The BZA, in deciding on the issuance of such a permit, shall specifically consider a monitoring procedure, including the details of student and non-student employees to serve as counselors and/or advisors.

2. Any such use may be established only after approval by the BZA of a plan showing uses proposed for the site, which plan shall include a detailed layout of the interior of the building, the uses projected for various portions thereof and the number of students to be housed in the total building and the individual rooms thereof.

3. When such use is located in an R-E through R-4 District, the external appearance of the structure shall be in the form and character of a single family detached dwelling.

8-305 Additional Standards for Group Day Care Facilities, Day Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

   For the purpose of this provision, usable outdoor recreation area shall be limited to:

   A. That area not covered by buildings or required off-street parking spaces.

   B. That area outside the limits of the required front yard.

   C. Only that area which is developable for active outdoor recreation purposes.

   D. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.

2. For each person enrolled, indoor recreation space shall be provided in accordance with the provisions of Chapter 30 of The Code.

3. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the BZA deems to be necessary or advisable:

Number of Persons	Street Type
4-75	Local
76-660	Collector
660 or more	Arterial

4. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

8-306 Additional Standards for Medical Care Facilities As Set Forth in Par. 6 of Sect. 301 Above

1. The provisions set forth in Par. 4 of Sect 9-303 shall also apply to nursing facilities which have a capacity of less than fifty (50) beds, except the BZA shall have the powers set forth in said provision for the Board of Supervisors.

2. No such use shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.

3. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

4. Adequate provisions shall be made for service vehicles with access to the building at a side or rear entrance.

8-307 Additional Standards for Private Schools of General Education and Private Schools of Special Education

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:

   A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and

   B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

   Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

   For the purpose of this provision, usable outdoor recreation area shall be limited to:

   A. That area not covered by buildings or required off-street parking spaces.

   B. That area outside the limits of the required front yard.

   C. Only that area which is developable for active outdoor recreation purposes.

   D. An area which occupies no more than eighty (80) per cent of the combined total areas of the required rear and side yards.

2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education, in which total class size is in excess of four (4) students, shall be based upon a determination made by the BZA; provided, however, that the proposed use conforms with the provisions set forth in Sect. 303 above.

3. For each person enrolled, indoor recreation space shall be provided in accordance with the provisions of Chapter 30 of The Code.

4. The provisions set forth in Par. 3 and 4 of Sect. 305 above shall also apply to private schools of general education and private schools of special education.

PART 4 8-400 GROUP 4 COMMUNITY USES

8-401 Group 4 Special Permit Uses

1. Community clubs, centers, meeting halls, swimming pools, archery ranges.
2. Country clubs, golf clubs, swimming clubs and tennis clubs/courts.
3. Marinas, docks and boating facilities of a private, non-profit nature.
4. Any other recreational or social use, operated by a non-profit organization, where membership thereto is limited to residents of nearby residential areas.

8-402 Districts In Which Group 4 Uses May Be Located

Group 4 uses may be permitted by right in all P districts when represented on an approved development plan and may be allowed by special permit in the following districts:

All R Districts except R-A: All uses

C-1, C-2, C-3, C-4 Districts: Limited to use 2
C-5, C-6 Districts: All uses
C-7, C-8 Districts: Limited to uses 2 and 3

I-1, I-2, I-3, I-4 Districts: All uses
I-5, I-6 Districts: Limited to use 2

8-403 Standards For All Group 4 Uses

1. Except for Use 2 set forth in Sect. 401 above, all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility. Further, no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a non-profit organization where membership thereto is limited to residents of nearby residential areas.
2. All uses shall comply with the bulk regulations of the zoning district in which located.
3. All uses shall comply with the performance standards specified for the zoning district in which located.
4. Before application can be made for a Building Permit, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

PART 5 8-500 GROUP 5 COMMERCIAL RECREATION USES

8-501 Group 5 Special Permit Uses

1. Billiard and pool halls.
2. Bowling alleys.
3. Commercial recreation parks for children, including mechanical amusement rides.
4. Commerical swimmimg pools, tennis courts and similar courts.
5. Dance halls.
6. Health clubs.
7. Indoor firing ranges.
8. Miniature golf courses.
9. Skating facilities.
10. Any other similar commercial recreation use.

8-502 Districts In Which Group 5 Uses May Be Located

1. Group 5 uses may be permitted by right in the following districts when represented on an approved development plan:

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PDH District:  Limited to uses 1, 2, 4, 6, 8 and 9
PDC District:  Limited to uses 1, 2, 4, 6, 7, 8, 9 and 10
PRC District:  All uses
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2. Group 5 uses may be allowed by special permit in the following districts:

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All R Districts except R-A, R-P and R-C:  Limited to use 4

C-3, C-4 Districts:  Limited to use 4
C-5 District:  Limited to use 1
C-6 District:  Limited to uses 1, 2, 4, 6, 7 and 8
C-7, C-8 Districts:  All uses

I-1, I-2 Districts:  Limited to use 4
I-3, I-4 Districts:  Limited to uses 4 and 8
I-5, I-6 Districts:  Limited to uses 4, 8 and 9
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8-503 Standards For All Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. No building used for or in connection with any use shall be located within 100 feet of any adjoining property which is in an R district.

4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

5. Before application can be made for a Building Permit, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

PART 6 8-600 GROUP 6 OUTDOOR RECREATION USES

8-601 Group 6 Special Permit Uses

1. Baseball hitting and archery ranges, outdoor.
2. Camp or recreation grounds.
3. Golf courses, commercial.
4. Golf driving ranges.
5. Kennels, animal shelters.
6. Riding and boarding stables.
7. Skeet and trapshooting ranges.
8. Veterinary hospitals, but only ancillary to kennels, riding or boarding stables.

8-602 Districts In Which Group 6 Uses May Be Located

1. Group 6 uses may be permitted by right in the following districts when represented on an approved development plan:

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PDH District:  Limited to uses 3, 4, 6 and 8
PDC District:  Limited to uses 3 and 4
PRC District:  Limited to uses 1, 2, 3, 4, 5, 6 and 8
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2. Group 6 uses may be allowed by special permit in the following districts:

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R-A District:  Limited to uses 5 and 6
R-P, R-C Districts:  Limited to uses 2, 3, 5, 6, 7 and 8
R-E, R-1 Districts:  All uses
All other R Districts:  Limited to use 3

C-1, C-2, C-3, C-4 Districts:  Limited to use 3
All other C Districts:  Limited to uses 1, 3 and 4

I-1, I-2, I-3, I-4, I-5 Districts:  Limited to uses 3 and 5
I-6 District:  Limited to use 3
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8-603 Standards For All Group 6 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 6 special permit uses shall satisfy the following standards:

1. Except for Uses 3 and 4 set forth in Sect. 601 above, no permit issued for a Group 6 use shall exceed three (3) years. Such permit may be extended in conformance with the provisions of Sect. 012 above for not to exceed three (3) successive periods of one (1) year each. At the expiration of six (6) years from the date the original permit was issued, the permit shall be subject to renewal in accordance with the provisions set forth in Sect. 013 above.
2. All uses shall comply with the bulk regulations of the zoning district in which located, except as may be qualified below.

3. All uses shall comply with the performance standards specified for the zoning district in which located.

4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

5. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

8-604 Additional Standards for Outdoor Baseball Hitting and Archery Ranges

1. The minimum lot size requirement shall be two (2) acres.

2. No structure used in connection with the use shall be located closer than 100 feet to any lot line.

8-605 Additional Standards for Camp or Recreation Ground

1. The minimum lot size requirement shall be twenty (20) acres.

2. No structure or camp site shall be located closer than 100 feet to any lot line.

3. No permit shall be issued for a camp or recreation ground until the applicant has furnished evidence that the proposed development meets all requirements of the Health Department.

8-606 Additional Standards for Commercial Golf Courses

1. The minimum lot size requirement shall be fifteen (15) acres.

2. No structure used in connection with the use shall be located closer than fifty (50) feet to any lot line.

8-607 Additional Standard for Golf Driving Ranges

No structure used in connection with the use shall be located closer than 100 feet to any lot line.

8-608 Additional Standards for Kennels, Animal Shelters

1. The minimum lot size requirement shall be two (2) acres.

2. No structure for the confinement, care or breeding of dogs, and no associated structures, shall be located closer than 100 feet to any lot line.

3. All dogs more than four (4) months of age shall be kept in pens designed and maintained for secure confinement.

4. In the consideration of an application for a permit, the BZA shall take into account the kinds of dogs proposed to be kept and the characteristics thereof, and may prescribe conditions with respect thereto.

8-609 Additional Standards for Riding and Boarding Stables

1. The minimum lot size requirement shall be two (2) acres.

2. No structure associated with a riding or boarding stable shall be located closer than 100 feet to any lot line.

3. The provisions set forth in Sect. 2-512 shall apply to riding and boarding stables.

8-610 Additional Standards for Skeet and Trapshooting Ranges

1. The minimum lot size requirement shall be seventy-five (75) acres.

2. No structure associated with a skeet or trapshooting range shall be located closer than 100 feet to any lot line.

3. No permit shall be issued for a skeet or trapshooting range until the applicant has furnished evidence that the proposed development meets all regulations specified by State law and all County ordinances.

4. In the consideration of an application for a permit, the BZA shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

8-611 Additional Standards for Veterinary Hospitals

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

2. The construction and operation of all such facilities shall be approved by the Health Department prior to issuance of any Building Permit or Non-Residential Use Permit.

PART 7 8-700 GROUP 7 OLDER STRUCTURES

8-701 Group 7 Special Permit Uses

1. Antique shops.
2. Art and craft galleries.
3. Restaurants.
4. Rooming houses.
5. Summer theatres.

8-702 Districts In Which Group 7 Uses May Be Located

Group 7 uses may be allowed by special permit in the following districts:

R-P, R-C Districts: Limited to uses 3 and 5
R-E, R-1 Districts: All uses
R-2, R-3, R-4 Districts: Limited to uses 1, 2, 4 and 5

C-1, C-2, C-3, C-4 Districts: Limited to uses 3 and 4

8-703 Standards For All Group 7 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 7 special permit uses shall satisfy the following standards:

1. No permit issued for a Group 7 use shall exceed five (5) years. Such permit may be extended in conformance with the provisions of Sect. 012 above for not to exceed three (3) successive periods of one (1) year each. At the expiration of eight (8) years from the date the original permit was issued, the permit shall be subject to renewal in accordance with the provisions set forth in Sect. 013 above.
2. Group 7 uses shall be permitted only in those locations where the desirability and acceptability for continued residential use is judged to be less than in surrounding residential areas.
3. All uses shall be permitted only in residential structures, including normal residential accessory structures, existing prior to January 1, 1949. Alterations undertaken on structures shall be limited to those which will not alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.
4. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
5. All uses shall comply with the performance standards specified for the zoning district in which located.
6. No off-street parking or loading space shall be located in any required side or rear yard that abuts an R district. No more than three (3) parking spaces shall be located in any required front yard unless specifically permitted by the BZA on a finding that such parking provisions will not adversely affect the character of the surrounding residential area.
7. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

8-704 Additional Standards for Antique Shops and Art and Craft Galleries

1. Antique shops and art and craft galleries shall be located on lots within a Central Business District (CBD) as delineated on the adopted comprehensive plan.

2. No goods or items offered for sale shall be displayed outdoors.

8-705 Additional Standards for Restaurants

1. The minimum lot size requirement shall be five (5) acres.

2. No restaurant shall be established in any dwelling or associated farm building that has a gross floor area of less than 3000 square feet.

3. A restaurant must be located in the bona fide residence of the proprietor of such use or in its related farm building.

4. No goods or items offered for sale shall be displayed outdoors.

8-706 Additional Standards for Rooming Houses

1. Rooming houses shall be located on lots which have direct access to a major thoroughfare or a service drive parallel to same, or shall be located on lots within a Central Business District (CBD) as delineated on the adopted comprehensive plan.

2. No freestanding sign shall be permitted.

8-707 Additional Standards for Summer Theatres

1. A summer theatre shall not be deemed to include a drive-in motion picture theatre.

2. The minimum lot size requirement shall be five (5) acres.

3. No summer theatre shall be established in any dwelling or associated farm building that has a gross floor area of less than 3000 square feet.

4. No goods shall be sold in connection with any summer theatre except refreshments and such incidentals as are customarily sold during the theatrical performances, and no such goods shall be offered for sale except during the time that the theatre is open for performances.

5. Notwithstanding the provisions of Article 12, all signs displayed in connection with a summer theatre shall not exceed an aggregate area of fifty (50) square feet. No freestanding sign shall exceed a height of twelve (12) feet, and its location shall be controlled by a 45^{0} angle of bulk plane.

PART 8 8-800 GROUP 8 TEMPORARY USES

8-801 Group 8 Special Permit Uses

1. Carnival, circus, festival, fair, bingo game, raffle, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.
2. Construction material yards accessory to a construction project.
3. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project.
4. Golf driving or baseball hitting ranges.
5. Promotional activities of retail merchants.
6. Subdivision and apartment sales and rental offices.
7. Temporary dwellings or mobile homes.

8-802 Districts In Which Group 8 Uses May Be Located

Group 8 uses may be allowed by special permit in the following districts:

R-A District: Limited to use 1
R-P, R-C Districts: Limited to uses 1, 2, 3, 5, 6 and 7
All other R Districts: All uses

All P Districts: All uses

All C Districts: All uses

All I Districts except I-I: All uses

8-803 Administration

1. On application as provided for in Sect. 010 above, the Zoning Administrator may issue a temporary special permit for any of the uses set forth in Sect. 801 above.
2. The application for a temporary special permit shall be filed at least three (3) weeks prior to the date on which the permit is to take effect, provided that the County Executive may approve a lesser time period. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this Part.
3. A temporary special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time, or any renewal or extension of such permit, shall be approved by the BZA, subject to the same procedure as specified in Sect. 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.
4. Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Sect. 006 above, the Zoning Administrator shall issue a temporary special permit, setting forth the duration of the permit and specifying such conditions as to location, parking, traffic access, and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.

5. The Zoning Administrator may revoke a temporary special permit at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the Zoning Administrator in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked, the date and time upon which the revocation is effective, and informing the owner or operator of the appeals procedure. Upon receipt of such notice, the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

6. An appeal by any person aggrieved by an action of the Zoning Administrator in granting or denying a temporary special permit may be made in accordance with the provisions of Part 3 of Article 18.

7. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours of the date upon which the appeal is received. Within twenty-four (24) hours of the date of the meeting, the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify, or rescind the revocation of the temporary permit.

8-804 Standards and Time Limits for Carnivals and Other Uses Set Forth in Par. 1 of Sect. 801 Above

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days, with the exception of bingo game and raffle permits, which may also be issued for one (1) calendar year.

2. All permitted activities shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or non-profit organization or recognized chapter thereof whose principal administrative offices are located within the County.

3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival. The Zoning Administrator shall determine, from previous performance and other information, that the owner or owners are of good repute.

4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.

5. The Zoning Administrator shall not issue a temporary special permit for a carnival or circus where such activity, as proposed, will:

   A. Occur within two (2) miles of any other carnival or circus for which a temporary special permit has been previously obtained under this Section, and

   B. Commence within a time period of three (3) weeks from the ending date of any other carnival or circus within a two (2) mile radius for which a temporary special permit has been previously obtained under this Section.

6. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.

7. In addition to the requirements of this Ordinance, a carnival, circus, side show, dog and pony show, trained animal show, menagerie or any other show, exhibition or performance similar thereto, shall procure a County license therefor in accordance with the provisions of Chapter 25 of The Code.

8. If a bingo game or raffle is to be held at some place other than the regular meeting place of the sponsoring organization and the bingo game or raffle is not in connection with the operation of a carnival, circus or similar event, such special permit shall be granted only by the BZA.

9. Bingo games and raffles shall be conducted in accordance with the regulations set forth in Chapter 24 of The Code.

10. No sponsoring organization shall conduct bingo games or raffles more than three (3) days in any one (1) week except as permitted in connection with the operation of a carnival, circus or similar event.

8-805 Standards and Time Limits for Construction Material Yards

1. A temporary special permit may be issued for a period not to exceed eighteen (18) months.

2. Such a yard shall be located within the recorded subdivision which it serves or on the same lot where the construction project is located.

3. No portion of such a yard shall be located closer than fifty (50) feet to any right-of-way line of any public street existing prior to the recording of the subdivision served by such yard or existing prior to the commencement of the construction project.

4. No portion of such a yard shall be located closer than 150 feet to any pre-existing dwelling not owned or leased by the owner of the subdivision or construction project served by such a yard.

5. If such a yard is to be used in connection with the construction of 100 or more single family detached dwellings, then the distances specified in Par. 3 and 4 above shall be doubled.

6. All areas of such a yard and access roads thereto shall be treated or maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. Such yards shall be maintained in a clean and orderly manner, and building material and construction residue and debris shall not be permitted to accumulate.

7. All buildings, materials, supplies and debris shall be completely removed from such yard within sixty (60) days from the date of completion of the last building to be constructed or within sixty (60) days from the date active construction is discontinued, whichever occurs first, but in no event shall the time exceed the limit set forth in Par. 1 above.

8. Where deemed necessary and desirable by the Zoning Administrator, when such yards are to be located in or adjacent to an R district, appropriate screening or fencing measures shall be provided.

8-806 Standards and Time Limits for Contractors' Offices and Equipment Sheds

1. A temporary special permit may be issued for a period beginning no earlier than thirty (30) days prior to the commencement of actual construction and terminating no later than twenty (20) days after completion of the last building to be constructed in the project.

2. Such uses shall be located within the recorded subdivision or on the same lot where the construction project is located.

3. The area in the vicinity of such uses and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto

adjoining properties or onto any public right-of-way.

8-807 Standards and Time Limits for Golf Driving or Baseball Hitting Ranges

1. A temporary special permit may be issued for a period not to exceed two (2) years.
2. Such a use shall comply with the bulk regulations of the zoning district in which located, except as may be qualified below.
3. Such a use shall comply with the performance standards specified for the zoning district in which located.
4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.
5. No building used for or in connection with such use shall be located within 100 feet of any adjoining property which is in an R district.

8-808 Standards and Time Limits for Promotional Activities of Retail Merchants

1. A temporary special permit may be issued for a period not to exceed fourteen (14) days in any three (3) month period.
2. Such promotional activities involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
3. No required off-street parking space, service drive or loading area shall be utilized for such display.
4. The outdoor display of automobiles, mobile homes, trailers, camping equipment, boats, antiques, and similar large items shall not include the sale of such items in conjunction with and on the site of such display.
5. The outdoor display of used appliances, used furniture, used housewares, used plumbing, used building materials, and other similar used merchandise shall not be authorized under this Section.

8-809 Standards and Time Limits for Subdivision and Apartment Sales and Rental Offices

1. A temporary special permit may be issued for a period not to exceed two (2) years.
2. Such an office shall be incidental to and located within the recorded subdivision which it serves or on the same lot where the sales project is located.
3. Such an office shall contain no sleeping accommodations unless it is located in a model dwelling unit.
4. Such an office shall continue only until the sale or lease of all dwelling units in the development, but in no event shall the time exceed the limit set forth in Par. 1 above.

8-810 Standards and Time Limits for Temporary Dwellings or Mobile Homes

1. A temporary special permit may be issued for a period not to exceed nine (9) months.
2. Such a use shall be allowed only on a lot where a single family detached dwelling is permitted by the provisions of this Ordinance.
3. Such a use shall be allowed only in a case where a single family dwelling has been destroyed or damaged by fire or other disaster to an extent which makes such dwelling uninhabitable and only where such dwelling is to be rebuilt or repaired.
4. Occupancy of such a temporary dwelling shall be allowed only if appropriate sanitary facilities are provided as approved by the Health Department, and such occupancy shall

terminate immediately upon completion of the dwelling on the same lot, but in no event shall the time exceed the limit set forth in Par. 1 above.

5. Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon his review of a particular application for a temporary dwelling or mobile home, in which event he shall refer the request to the BZA for its action, and such temporary permit shall be subject to all such conditions and requirements.

PART 9 8-900 GROUP 9 USES REQUIRING SPECIAL REGULATION

8-901 Group 9 Special Permit Uses

1. Adult book stores and adult mini motion picture theatres.
2. Auction establishments.
3. Bank teller machines, unmanned.
4. Barbershops or beauty parlors as a home occupation.
5. Home professional offices.
6. Massage parlors.
7. Sawmilling of timber.
8. Veterinary clinics.
9. Veterinary hospitals.

8-902 Districts In Which Group 9 Uses May Be Located

Group 9 uses may be allowed by special permit in the following districts:

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R-A District:  Limited to use 7
R-P, R-C Districts:  Limited to use 5
R-E, R-1 Districts:  Limited to uses 4, 5 and 7
R-2 District:  Limited to uses 4 and 5
R-3, R-4, R-5, R-8 Districts:  Limited to use 5
R-12 through R-MHP Districts:  Limited to use 3

PDH, PRC Districts:  Limited to use 5

C-1, C-2, C-3, C-5 Districts:  Limited to use 8
C-6 District:  Limited to uses 6 and 8
C-7 District:  Limited to uses 1, 6 and 9
C-8 District:  Limited to uses 2 and 9

I-3, I-4 Districts:  Limited to use 8
I-5, I-6 Districts:  Limited to use 9
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8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

8-904 Additional Standards for Adult Book Stores and Adult Mini Motion Picture Theatres

1. Such a use shall be located only within a regional shopping center.
2. Such a use shall not abut a residentially used or zoned property.
3. Such a use shall not be located closer than 1000 feet to any church or school.
4. No two such adult book stores or adult mini motion picture theatres may be located closer than 1000 feet from each other.

8-905 Additional Standard for Barbershops or Beauty Parlors as a Home Occupation

Barbershops or beauty parlors as a home occupation shall comply with the use limitations set forth in Sect. 10-304.

8-906 Additional Standards for Home Professional Offices

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 013 above, home professional offices approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally granted, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

8-907 Additional Standards for Massage Parlors

1. Such a use shall be located only within a regional shopping center, or within an area designated on the adopted comprehensive plan as a Central Business District (CBD).
2. Such a use shall not abut a residentially used or zoned property.

8-908 Additional Standards for Sawmilling of Timber

1. No permit issued for a sawmilling operation shall exceed two (2) years. Such permit may be extended in conformance with the provisions of Sect. 012 above for not to exceed two (2) successive periods of two (2) years each, but in no event shall such an operation exist for more than a total of six (6) years.
2. Sawmilling operations shall be limited to timber grown on the same property.
3. No structure and no storage of lumber, logs or timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a saw shall be located closer than 400 feet to any lot line which abuts an R district.
4. The mill shall operate not more than one (1) saw at any one time, and no blade shall exceed forty-eight (48) inches in diameter.
5. There shall be no more than five (5) employees per shift, and no more than one (1) shift in any twenty-four (24) hour period.

6. Such sawmilling operation shall not maintain an on-site stockpile of more than 100 unsawn logs nor sawn lumber exceeding 8500 board feet at any one time.

7. The hours and days of operation shall be established by the BZA, except that such operation shall not extend during the period between 8 p.m. and 8 a.m.

8. The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirement which will effect a minimum impact on the surrounding area.

8-909 Additional Standards for Veterinary Clinics, Veterinary Hospitals

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

2. The construction and operation of all such facilities shall be approved by the Health Department prior to issuance of any Building Permit or Non-Residential Use Permit.

ARTICLE 9

SPECIAL EXCEPTIONS

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ARTICLE 9

SPECIAL EXCEPTIONS

PART 0 9-000 GENERAL PROVISIONS

9-001 Purpose and Intent

There are certain uses, like those regulated by special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land within a given zoning district. In addition, there are times when standards and regulations specified for certain uses allowed within a given district should be allowed to be varied, within limitations, in the interest of sound development. These uses as described may be allowed to locate within given designated districts under the controls, limitations, and regulations of a special exception.

The Board of Supervisors may issue special exceptions under the provisions of this Article when it is concluded that such action will not be incompatible with existing or planned development in the general area. In addition, in the granting of a special exception, the Board may stipulate such conditions and restrictions, including those specifically contained herein, as will assure the use being homogeneous with the neighborhood in which it is to be located. Where such cannot be accomplished, the Board shall deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with existing uses or development permitted by right in the area.

9-002 Authorization

In consideration of an application filed with the Zoning Administrator, the Board may authorize the establishment of those special exception uses that are expressly listed in a particular zoning district; provided, however, that no special exception shall be required for a use specifically permitted in a given district, notwithstanding that such use may also be included in a use category available by special exception.

No special exception use shall be authorized unless said use complies with all of the applicable standards of this Article 9 and all other applicable requirements of this Ordinance.

9-003 Limits on Authority

The Board shall have no authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which a special exception is required, and any purported such modification, variance, or waiver shall ipso facto nullify the action of the Board in issuing any special exception hereunder. The Board's discretion shall be limited to determinations with respect to the standards applying to the use or purpose covered by the application.

This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which an application is made for a variance on an allegation of hardship.

The jurisdiction of the Board with respect to any use or purpose for which the Board is authorized to issue special exceptions shall be confined to the consideration of the question of conformity to the provisions of this Ordinance. On an affirmative finding with respect to conformity, the Board shall issue the special exception applied for subject to whatever conditions and restrictions deemed necessary under the provisions of Sect. 007 below

9-004 Status of Special Exception Uses

Any use for which a special exception is granted by the Board and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed by the Board under Sect. 007 below, shall be deemed to be a permitted use on the lot on which it is thus permitted.

Once a special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity, or relocated unless an application is made for a new or revised special exception.

9-005 Establishment of Categories

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the policies embodied in the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12, except as may be qualified in the Parts that follow for a particular category or use. However, the Board may impose more strict standards for a given use than those set forth in this Ordinance.

9-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the Board, in granting a special exception, may impose such conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. To accomplish this end, the Board may establish a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008 Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the Board may require, as a condition to the issuance of any special exception, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 013 below.

9-009 Application for a Special Exception

1. An application for a special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement must file, with the application, a copy of the contract or some form of written statement which indicates endorsement of the application by the property owner.

2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete, and shall be accompanied by those submission requirements set forth in Sect. 011 below, such specific information as may be required for a given category or use, and such additional information as may be required by the Board. The application shall be accompanied by a fee established in accordance with the provisions of Sect. 18-106. No application shall be deemed to be on file with the County until all required submissions have been presented.

3. The Zoning Administrator shall transmit a copy of every special exception to the Planning Commission. Where required for a particular use as set forth in Sect. 010 below, the Planning Commission shall hold a public hearing. The Planning Commission may review and make recommendations on all other applications.

4. In addition, the Zoning Administrator shall forward a copy of the application to any other review body as may be specified for a particular use.

5. Each application shall be scheduled for public hearing by the Board in a timely manner, and shall be heard in the order in which received unless otherwise qualified by the Board.

6. The Board shall render a decision on all applications within sixty (60) days from the date the application was filed.

9-010 Special Provisions for Certain Category 1, 2, 3 and 4 Applications

The special administrative provisions set forth below shall be in addition to those provisions set forth in Sect. 009 above and shall apply to those particular uses in Categories 1, 2, 3 and 4 which are subject to review by the Planning Commission pursuant to Sect. 15.1-456 of the Code of Virginia, as amended.

1. Applications for such particular special exception uses in Category 1 - Light Public Utility Uses; Category 2 - Heavy Public Utility Uses; Category 3 - Public and Quasi-Public Uses; and Category 4 - Transportation Facilities shall be presented to the respective review bodies as designated in the Parts that follow. Such review body, if designated, shall develop a recommendation, and shall submit such in writing to the Planning Commission and Board.

2. The Planning Commission shall review such applications in accordance with the provisions of Sect. 15.1-456 of the Code of Virginia and shall hold a public hearing on same as provided for in Sect. 18-109. Following the public hearing, the Commission shall communicate its findings regarding the provisions of Sect. 15.1-456 of the Code of Virginia to the Board, indicating its approval or disapproval with written reasons therefor.

3. The applicant may apply for a special exception with its application submitted pursuant to Sect. 15.1-456, or at some later date. The Planning Commission shall communicate its recommendation on the application for a special exception, setting forth any conditions and restrictions that it may recommend for consideration by the Board. Upon receipt of the Planning Commission's recommendations, the Board shall consider the application for a special exception in accordance with the provisions of Par. 5 and 6 of Sect. 009 above.

9-011 Submission Requirements

All applications for special exception uses shall be accompanied by the following items in addition to those items that may be listed for a particular category or use in the Parts that follow:

1. Ten (10) copies of a plat drawn to designated scale, certified by a professional engineer, land surveyor or architect licensed by the State of Virginia, containing the following information:

   A. Boundaries of entire property, with bearings and distances on all bounding lines.

   B. Total area of the property in square feet or acres.

   C. Location of all existing structures, with dimensions, including height, and the location, dimension and lighting of all signs.

   D. Location of proposed additions, with dimensions, including height.

   E. All proposed yards to include front, side and rear.

   F. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed use, to include proposed measures of screening, and dimensions of all peripheral yards that will be provided.

   G. Public right(s)-of-way, indicating width.

   H. Proposed ingress and egress from highway or street.

   I. Parking spaces, existing and/or proposed, indicating minimum distance from nearest property line(s).

   J. Location of well and/or septic field, or indication that the property is served by public water and/or sewer.

   K. Where applicable, seating capacity, recreation area, emergency access, bicycle parking, fencing, landscaping and screening, outside lighting, loudspeakers, required and/or proposed improvements to public right(s)-of-way.

   L. Seal and signature of professional person certifying the plat.

2. One (1) copy of the 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.

3. Ground level photographs of the property showing existing stuctures, terrain and vegetation.

4. One (1) copy of the applicant's affidavit completed, signed, and notarized, which shall contain the following:

   A. A listing of names and last known addresses of all applicants, title owners, contract purchasers, or lessees of the land described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, and all agents who have acted on behalf of any of the foregoing with respect to the application. The application shall also contain a listing of the shareholders of all corporations of the foregoing who own ten (10) per cent or more of any class of stock issued by said corporation and, where such corporation has ten (10) or less shareholders, a listing of all the shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership.

   B. The applicant shall further make oath or affirmation that no member of the Board or Planning Commission owns or has any interest in the outcome of the

decision. If any member of the Board or Planning Commission owns or has such an interest in the land or outcome of the decision, the applicant must so state.

C. The applicant shall further make oath or affirmation that to the best of his knowledge within five (5) years prior to the filing of the application, no member of the Board or Planning Commission or any member of their immediate household or family, either directly or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds outstanding bonds or shares of stock with a value in excess of fifty (50) dollars, has or has had any business or financial relationship, other than ordinary depositor or customer relationship with or by a retail establishment, public utility or bank, including any gift or donation having a value of fifty (50) dollars or more with any of those listed in Par. A above. If there has been any such relationship, it shall be disclosed on the application.

5. A written statement from the applicant describing the proposed use, giving all pertinent data, including specifically:

A. Type of operations.

B. Hours of operation.

C. Estimated number of patrons/clients/patients/pupils/etc.

D. Proposed number of employees/attendants/teachers/etc.

E. Qualifications of applicant and operators of the proposed use. Where applicable, submit copy of professional or occupational certification or license.

F. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

G. Vicinity or general area to be served by the use.

H. Description of building facade and architecture of proposed new building or additions.

6. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.

9-012 Extension of a Special Exception

1. The application for an extention of a special exception shall be filed with the Zoning Administrator in accordance with the provisions of Par. 1 and 2 of Sect. 009 above. The application shall be filed thirty (30) days before the expiration date of the exception.

2. The Zoning Administrator shall inspect the special exception use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the Board; and make a determination on whether the special exception use still satisfies the general standards presented in Sect. 006 above.

3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special exception for the period of time that may be specified for a particular category or use or that may have been specified by the Board. Upon an unfavorable finding, the application shall be denied, and such an action shall be subject to appeal in accordance with the provisions of Part 3 of Article 18.

4. All ordinances and regulations in effect at the time an application is filed for an extension

shall apply to the exception in the same manner as when a new exception is issued by the Board, except that no alteration of a structure shall be required if such structure was in conformance with the provisions of the Building Code and other applicable regulations at the time the special exception was first granted.

9-013 Renewal of a Special Exception

1. The procedure for the renewal of a special exception shall be the same as specified in Sect. 009 above for the issuance of the original exception, unless the Board shall specifically waive or modify such procedure for a given exception, or unless the procedure is qualified for a particular category or use. The application for renewal shall be filed ninety (90) days before the expiration date of the exception.

2. All ordinances and regulations in effect at the time an application is filed for a renewal shall apply to the exception in the same manner as when a new exception is issued by the Board, except that no alteration of a structure shall be required if such structure was in conformance with the provisions of the Building Code and other applicable regulations at the time the special exception was first granted.

9-014 Expiration of a Special Exception

With the exception of public uses, whenever a special exception is issued by the Board, the activity authorized thereby shall be established, and any construction authorized shall be diligently prosecuted within such a time as the Board may have specified, or, if no such time has been specified, then within one (1) year after the effective date of such exception, unless an extension shall be granted by the Board because of the occurrence of conditions unforeseen at the time of the granting of the special exception. If construction has not commenced within a period of one (1) year, unless same is extended as aforesaid, such special exception shall automatically expire without notice.

9-015 Revocation of a Special Exception

1. Unless a time limit is specified for a special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the Board at any time because of the failure of the owner or operator of the use covered by the exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the exception that were designated in issuing the same.

2. Before revoking any special exception, however, the Board shall give the holder thereof at least ten (10) days' written notice of violation. If within such ten (10) days, the exception holder so requests, the Board shall hold a hearing on the revocation of the exception and shall give the applicant at least ten (10) days' advance written notice of the hearing date either by registered mail or by having the notification served personally on him.

3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

PART 1 9-100 CATEGORY 1 LIGHT PUBLIC UTILITY USES

9-101 Category 1 Special Exception Uses

1. Electric substations and distribution centers including transformer stations.

2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space incidental thereto and necessary for the operation of such station, but not including any storage facilities.

3. Radio, television, microwave facilities and satellite earth stations.

4. Sewerage pumping facilities.

5. Telecommunication facilities, including but not limited to exchanges, dial centers and repeater stations, but not including ordinary telephone or telegraph transmission poles and lines located in public rights-of-way or easements of not more than twenty-five (25) feet in width.

6. Utility transmission facilities, including but not limited to poles, structures, wires, conduits, cables, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water.

   For the purpose of this Part, utility transmission facilities shall not include:

   A. Ordinary distribution facilities for delivery of such utilities to customers where such facilities are located in the public right-of-way or are located in easements, or strips of property owned in fee simple not more than twenty-five (25) feet in width; or

   B. Transmission lines approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

7. Water storage, control, and pumping facilities.

9-102 Districts In Which Category 1 Uses May Be Located

1. Category 1 uses may be permitted by right in the following districts:

   All P Districts: All uses when represented on an approved development plan

   All C Districts: Limited to telecommunication facilities

   I-1, I-2 Districts: Limited to telecommunication facilities
   I-3, I-4, I-5, I-6 Districts: All uses

2. Category 1 uses may be allowed by special exception in the following districts:

   R-A District: Limited to uses 5, 6 and 7
   All other R Districts: All uses

   All C Districts: All uses

   I-I District: Limited to use 4
   I-1, I-2 Districts: All uses

9-103 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 1 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

9-104 Standards For All Category 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.

2. No land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.

3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.

PART 2 9-200 CATEGORY 2 HEAVY PUBLIC UTILITY USES

9-201 Category 2 Special Exception Uses

1. Electrical generating plants and facilities.
2. Sewage treatment and disposal facilities.
3. Solid waste disposal and treatment facilities including incinerators and landfills.
4. Storage facilities for natural gas, oil and other petroleum products.
5. Supply yards for any public utility.
6. Water purification facilities.
7. Local office space and maintenance facilities incidental to any use set forth above.

9-202 Districts In Which Category 2 Uses May Be Located

1. Category 2 uses may be permitted by right in the following districts:

   I-6 District: Limited to uses 1, 2, 3, 5, 6 and 7

2. Category 2 uses may be allowed by special exception in the following districts:

   R-E, R-1, R-2 Districts: Limited to landfills

   PRC District: Limited to use 2

   I-I, I-1 Districts: Limited to use 2
   I-2, I-3, I-4 Districts: Limited to uses 1, 2, 3, 6 and 7
   I-5 District: Limited to uses 1, 2, 3, 5, 6 and 7
   I-6 District: Limited to use 4

9-203 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 2 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.
3. In addition, an application for a landfill shall be accompanied by those submission requirements set forth in Sect. 8-103, as deemed applicable by the Zoning Administrator, and a list of the types of debris and materials proposed to be deposited on the site.

9-204 Standards For All Category 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 2 special exception uses shall satisfy the following standards:

1. All uses shall comply with the lot size requirements of the zoning district in which located.

2. All buildings and structures, except below-ground facilities, shall comply with the bulk regulations of the zoning district in which located.

3. No land or building in any district other than the I-5 or I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.

4. It shall be conclusively established that the proposed location of the special exception use shall be necessary for the rendering of efficient utility service to consumers within the immediate area of the location.

5. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

9-205 Additional Standards for Landfills

The following standards shall apply to all landfills that are not owned and/or operated by a public agency.

1. The Land Restoration Board, as provided for in Part 3 of Article 19, shall review each application for a landfill and shall furnish a report to the Planning Commission and Board of Supervisors.

2. No special exception for a landfill shall be issued unless the same has been approved by the Director of Public Works and the Bureau of Solid Waste and Vector Control with respect to the suitability of the site for such use.

3. Every special exception for a landfill shall be deemed to incorporate as specific conditions all other provisions of law related to such use.

4. Upon completion of operations, the land shall be left in a safe condition and in such a state that it can be used for development of a use permitted in the district in which such land is located. Further, sufficient drainage improvements shall be provided so as to prevent water pockets or erosion, and such improvements shall be so designed that both natural and storm water leaves the entire property at the original natural drainage points, and the area draining to any one point is not increased.

5. Except for improvements necessary for the operation of a landfill, no improvements shall be constructed in or upon any landfill for a period of twenty (20) years after the termination of the landfill operation without the prior approval of the Land Restoration Board and the Zoning Administrator. No such approval shall be granted unless the applicant demonstrates that:

   A. Any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvement.

   B. The nature and extent of corrosion-producing properties, the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.

6. There shall be an annual inspection of each landfill by the Land Restoration Board, and said Board shall make a report of its findings to the Board of Supervisors.

7. Every landfill shall be subject to such additional regulations as may be adopted by the Board of Supervisors. The Board may limit the type of debris and materials to be deposited and may require a degree of soil compaction adequate to support ultimate use of the property in accordance with the adopted comprehensive plan.

9-206 Additional Standard for Sewage Facilities and Water Treatment Facilities

No sewage facility or water treatment facility shall be established except on approval by the State Health Department, the State Water Control Board, and other appropriate agencies of the County and the State having jurisdiction over the location, design, operation and maintenance of such a facility. The determinations by such agencies as to the technical aspects of the proposed facility shall be conclusive with respect to this Ordinance.

PART 3 9-300 CATEGORY 3 PUBLIC AND QUASI-PUBLIC USES

9-301 Category 3 Special Exception Uses

1. Colleges, universities.
2. Conference centers and retreat houses, operated by a religious or non-profit organization.
3. Cultural centers, museums and similar facilities.
4. Fire stations.
5. Housing for the elderly.
6. Institutions providing housing and general care for the indigent, orphans and the like.
7. Libraries.
8. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds.
9. Penal and correctional institutions.
10. Police substations, branch governmental substations.
11. Post offices.
12. Private clubs and public benefit associations.
13. Quasi-public parks, playgrounds, athletic fields and related facilities.
14. Sports arenas, stadiums as a principal use.
15. Any other office, facility, building or property owned, leased or used by the federal government, the State or any local governmental jurisdiction, but specifically excluding housing projects sponsored by the Redevelopment and Housing Authority.

9-302 Districts In Which Category 3 Uses May Be Located

1. Category 3 uses may be permitted by right in the following districts when represented on an approved development plan:

PDH, PDC Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15
PRC District: All uses

2. Category 3 uses may be allowed by special exception in the following districts:

R-A, R-P, R-C Districts: Limited to uses 4, 7, 8, 9, 10, 11, 13 and 15
R-E, R-1 Districts: Limited to uses 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15
All other R Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15

C-1, C-2, C-3, C-4 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15
C-5, C-6 Districts: Limited to uses 1, 2, 3, 4, 7, 9, 10, 11, 12, 13 and 15

C-7, C-8 Districts: Limited to uses 1, 2, 3, 4, 7, 9, 10, 11, 12, 13, 14 and 15

I-1 District: Limited to uses 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13 and 15

I-2, I-3, I-4 Districts: Limited to uses 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14 and 15

I-5, I-6 Districts: Limited to uses 4, 7, 9, 10, 11, 12, 13, 14 and 15

9-303 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 3 uses shall be accompanied by the following items:

1. For public uses, a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location, shall be provided.

2. For public uses, a statement by an official or officer of the governmental body shall be presented giving the exact reasons for selecting the particular site as the location for the proposed facility.

3. All applications for fire stations shall be referred to the Fairfax County Fire Commission for a recommendation and report, which report shall be furnished to the Planning Commission and Board.

4. All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need. The application for the special exception shall be referred to the Health Care Advisory Board for a recommendation and report, which shall be developed in accordance with the provisions of Par. 1 and 2 of Sect. 308 below and furnished to the Planning Commission and Board of Supervisors.

9-304 Standards For All Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located.

5. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

9-305 Additional Standard for Conference Centers and Retreat Houses

No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

9-306 Additional Standards for Housing for the Elderly

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over and couples where either the husband or wife is sixty-two (62) years of age or over.

2. Housing for the elderly may include general nursing facilities designed solely for the residents as an accessory use.

3. The Board specifically shall find that applications under this Section adequately and satisfactorily take into account the needs of elderly persons for transportation, shopping, health, recreational and other similar such facilities and shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure provision of such facilities.

4. The Board shall find that such development shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

5. No such use shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.

6. When located in an area where low density single family detached dwelling units are the predominant use, and the proposed establishment is in the form of a multiple family dwelling, such use shall be sponsored by a non-profit or limited distribution entity as defined by the U.S. Department of Housing and Urban Development as of March 28, 1977.

7. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

8. The intensity of such use shall be based upon the intensity of the land use recommendation adopted in the comprehensive plan. More specifically, the intensity and site plan development of such use shall be in accordance with the following schedule. Where a residential density range is adopted in the comprehensive plan, the low end of the range shall govern, except that when up to fifteen (15) per cent of the total number of housing units are reserved for individuals or couples meeting the income requirements of low and moderate income as defined by the Fairfax County Housing and Redevelopment Authority to the extent that Housing Assistance Payment funds are available under Title II, Section 8 of the 1974 Housing and Community Development Act, the high end of the density range shall govern. Housing for the elderly proposals which have applied for Housing Assistance funds shall be in accordance with the Fairfax County Housing Assistance Plan.

Comprehensive Plan Recommendation		Maximum Number of Units Per Acre*	Required Open Space
0.2 units per acre	not to exceed	1 unit per acre	75%
0.5 units per acre	"	2 units per acre	70%
1 unit per acre	"	4 units per acre	65%
2 units per acre	"	8 units per acre	60%
3 units per acre	"	12 units per acre	55%
4 units per acre	"	16 units per acre	50%
5 units per acre	"	20 units per acre	35%
8 units per acre	"	32 units per acre	25%
12 units per acre or more	"	40 units per acre	35%
PRC District		In accordance with an approved Development Plan	

*Excluding nursing facilities

9. The maximum building height shall be 50 feet, except that greater heights may be approved by the Board.

10. The minimum front, side and rear yard requirements shall be as follows, except greater yards may be required by the Board:

    A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.

    B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.

11. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, housing for the elderly shall be deemed a multiple family dwelling.

9-307 Additional Standard for Institutions Providing Housing and General Care for the Indigent, Orphans and the Like

No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

9-308 Additional Standards for Medical Care Facilities

1. In its development of a recommendation and report as required by Par. 4 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment. The Health Care Advisory Board may hold such hearing or hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:

    A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.

    B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.

    C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.

3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

4. No freestanding nursing facility having a capacity of fifty (50) beds or more shall be permitted in any R district of less density than the R-8 District; provided, however, that this requirement shall not be deemed to prohibit the expansion of such a use in existence and operating on the effective date of this Ordinance, when the owner of such facility also owns additional abutting land prior to the effective date of this Ordinance and such expansion is otherwise permissible and appropriate.

5. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.

9-309 Additional Standard for Private Clubs and Public Benefit Associations

No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

PART 4 9-400 CATEGORY 4 TRANSPORTATION FACILITIES

9-401 Category 4 Special Exception Uses

1. Airports.
2. Bus or railroad stations.
3. Heliports.
4. Helistops.
5. Washington Metropolitan Area Transit Authority (WMATA) facilities.

9-402 Districts In Which Category 4 Uses May Be Located

1. Category 4 uses may be permitted by right in the following districts when represented on an approved development plan:

PDH, PDC Districts: Limited to uses 2, 3, 4 and 5
PRC District: All uses

2. Category 4 uses may be allowed by special exception in the following districts:

R-E, R-1 Districts: All uses
R-2 through R-MHP Districts: Limited to use 5

C-1, C-2 Districts: Limited to use 5
C-3, C-4 Districts: Limited to uses 4 and 5
C-5 District: Limited to use 5
C-6 District: Limited to uses 2, 4 and 5
C-7 District: Limited to uses 2, 3, 4 and 5
C-8 District: Limited to uses 2, 4 and 5

I-I District: Limited to use 3
I-1 District: Limited to uses 3, 4 and 5
I-2 through I-6 Districts: All uses

9-403 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 4 uses shall be accompanied by the following items:

1. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.
2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, State or local statutes, ordinances, rules or regulations applicable thereto.
3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.

4. In the case of airports, a map shall be presented showing the landing and take-off corridors as projected, such map to cover an area within at least a 5000 foot radius of the boundaries of the proposed facility.

9-404 Standards For All Category 4 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 4 special exception uses shall satisfy the following standards:

1. All buildings and structures shall comply with the bulk regulations of the zoning district in which located.

2. Any rooftop surface or touchdown pad which will be utilized as an elevated helistop shall be designed and erected in a manner sufficient to withstand the anticipated additional stress.

3. Except in the I-6 District, all maintenance, repair and mechanical work, except that of an emergency nature, shall be performed in enclosed buildings

4. All facilities shall be so located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

5. Except for elevated helistops, no area used by aircraft under its own power shall be located within a distance of 200 feet from any lot line. Elevated helistops shall be located in accordance with the bulk regulations of the zoning district in which located.

6. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.

7. Except for elevated helistops, all areas used by aircraft under its own power shall be surrounded by a chain link fence, not less than six (6) feet in height, with suitable gates to effectively control access to such areas. Access to the landing area of an elevated helistop shall be through limited access points.

8. Before establishment, all uses except Use 5, WMATA facilities, shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17. WMATA facilities shall be established in conformance with the provisions of the agreement between that agency and the County.

PART 5 9-500 CATEGORY 5 COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT

9-501 Category 5 Special Exception Uses

1. Amusement arcades.
2. Automobile-oriented uses.
3. Car washes.
4. Convenience centers.
5. Drive-in banks.
6. Drive-in motion picture theatres.
7. Eating establishments.
8. Establishments for scientific research and development.
9. Fast food restaurants.
10. Funeral chapels.
11. Heavy industrial uses, to include:
    - A. Abattoir.
    - B. Ammonia, bleaching powder or chlorine manufacture.
    - C. Asphalt mixing plant.
    - D. Bag cleaning establishment.
    - E. Blast furnace.
    - F. Boiler works.
    - G. Concrete mixing or batching plant.
    - H. Distillation of coal, wood or bones.
    - I. Distillation of turpentine or varnish.
    - J. Emery cloth manufacture.
    - K. Fertilizer manufacture.
    - L. Fireworks or explosives manufacture or storage.
    - M. Fish canning, curing, grinding or smoking.
    - N. Garbage incineration other than in municipal plants or incidental to the operation of hotels, eating establishments and dwellings.
    - O. Glue, size or gelatin manufacture.
    - P. Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, or animal refuse, or rancid fats or refuse of dead animals.
    - Q. Iron, steel or copper works or foundries.
    - R. Lime, cement, gypsum or plaster of paris manufacture.

S. Manufacture of concrete or mortar.

T. Petroleum or asphalt refining or manufacture.

U. Pyroxylin or celluloid manufacture.

V. Pulverizing of charcoal or coal.

W. Smelting of iron.

X. Soap manufacture.

Y. Stockyards.

Z. Sulphuric, nitric or hydrochloric acid manufacture.

AA. Tanning, curing or storing of raw hides or skins.

BB. Tetra-ethyl lead precipitate or liquid manufacture.

CC. Vinegar manufacture.

DD. Wool pulling and scouring.

EE. Yeast plants.

FF. Any other similar use which in the opinion of the Board might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

12. Hotels, motels.

13. Marinas, docks and boating facilities, commercial.

14. Offices.

15. Parking, commercial off-street, as a principal use.

16. Plant nurseries.

17. Quick-service food stores.

18. Service stations.

19. Theatres.

20. Vehicle light service establishments.

21. Vehicle major service establishments.

22. Vehicle sale, rental and ancillary service establishments.

23. Wholesale trade establishments.

9-502 Districts In Which Category 5 Uses May Be Located

1. Category 5 uses may be permitted by right or as an accessory service use in the following districts:

PDH District: Limited to uses 2, 5, 7, 13, 14, 17 and 18
PDC District: Limited to uses 2, 5, 7, 8, 12, 13, 14, 15, 17, 18 and 19
PRC District: Limited to uses 5, 7, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20 and 22

C-1, C-2, C-3, C-4 Districts: Limited to use 14
C-5 District: Limited to uses 7 and 14
C-6 District: Limited to uses 5, 7, 9, 14, 17, 19 and 20
C-7 District: Limited to uses 5, 7, 9, 12, 14, 17, 19 and 20
C-8 District: Limited to uses 2, 5, 7, 9, 12, 14, 16, 17, 19, 20 and 22

I-I, I-1, I-2, I-3 Districts: Limited to uses 8 and 14
I-4 District: Limited to uses 8, 14 and 23
I-5 District: Limited to uses 8, 14, 20, 21 and 23
I-6 District: Limited to uses 14, 20, 21 and 23

2. Category 5 uses may be allowed by special exception in the following districts:

R-A District: Limited to use 16
R-P, R-C Districts: Limited to uses 13 and 14
R-E, R-1 Districts: Limited to uses 8, 10, 13, 14 and 16
R-2, R-3, R-4 Districts: Limited to uses 4, 10, 13, 14 and 16
R-5, R-8 Districts: Limited to uses 4, 10, 13 and 14
R-12, R-16, R-20 Districts: Limited to uses 10 and 13
R-30 District: Limited to uses 10, 13 and 14
R-MHP District: Limited to uses 10 and 13

PRC District: Limited to use 3

C-1 District: Limited to use 8
C-2 District: Limited to uses 5, 7 and 8
C-3, C-4 Districts: Limited to uses 5, 7, 8, 15, 18 and 19
C-5 District: Limited to uses 2, 5, 9, 10, 13, 16, 17 and 18
C-6 District: Limited to uses 2, 3, 5, 9, 12, 13, 15, 16, 17, 18, 20 and 22
C-7 District: Limited to uses 1, 2, 3, 5, 6, 9, 13, 15, 16, 17, 18, 20, 22 and 23
C-8 District: Limited to uses 2, 3, 5, 6, 9, 13, 15, 17, 18, 20 and 21

I-2 District: Limited to uses 7, 12, 13, 15 and 18
I-3, I-4 Districts: Limited to uses 3, 5, 7, 12, 13, 15, 18 and 19
I-5 District: Limited to uses 3, 5, 6, 7, 9, 12, 15, 17, 18 and 20
I-6 District: Limited to uses 3, 5, 6, 7, 11, 15, 17, 18 and 20

9-503 Standards For All Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses shall be subject to the approval of a site plan prepared in accordance with the provisions of Article 17.

9-504 Additional Standard for Amusement Arcades

Such a use shall be located only within a regional shopping center.

9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Fast Food Restaurants, Quick-Service Food Stores and Service Stations

1. In all districts where permitted by special exception:

   A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.

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

2. In the C-3 and C-4 Districts, in addition to Par. 1 above:

   A. Such a use shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.

   B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.

   C. There shall be no outside storage or display of goods offered for sale.

   D. There shall be no separate freestanding sign associated with the use.

   E. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

   F. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

3. In the C-5 and C-6 Districts, in addition to Par. 1 above;

   A. There shall be no outside storage or display of goods offered for sale.

   B. There shall be no separate freestanding sign associated with the use.

   C. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.

   D. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

4. In the C-7 and C-8 Districts, in addition to Par. 1 above:

A. In the C-7 District, there shall be no outside storage or display of goods offered for sale.

B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

C. The outdoor area devoted to any ancillary use such as vehicle or tool rental shall be limited to the area so designated on an approved site plan.

5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:

A. Such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.

B. In an I-3 or I-4 District, there shall be no outside storage or display of goods offered for sale, and there shall be no separate freestanding sign associated with the use.

C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than 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, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).

E. The outdoor area devoted to any ancillary use such as vehicle or tool rental shall be limited to that area so designated on an approved site plan.

9-506 Additional Standards for Convenience Centers

1. No convenience center shall be approved in a neighborhood or subdivision which has been recorded or recorded in part prior to the effective date of this Ordinance. In addition, no convenience center shall be located on a lot adjacent to existing dwellings, unless such center was represented on an approved development plan.

2. The approval of a special exception for a convenience center shall be subject to the approval of a development plan prepared in accordance with the provisions of Sect. 16-502.

3. No convenience center shall be located within a distance of one (1) mile from any other similar retail commercial use.

4. Uses within a convenience center shall be limited to retail sales establishments, personal service establishments and quick-service food stores oriented to serve the residents of the immediate neighborhood.

5. In no event shall the gross floor area of a convenience center exceed 2000 square feet.

6. A convenience center shall be so located and designed to be a homogeneous component of the neighborhood it serves. It shall have on all sides the same architectural features or shall be architecturally compatible with adjacent residential uses; and it shall be constructed of building materials common to residential uses.

7. Off-street parking and loading facilities shall be so located and screened that they are not visible from the first story window level of adjoining or nearby properties.

8. Lighting of parking areas shall be on standards which have a maximum height of three (3) feet.

9. Notwithstanding the provisions of Article 12, no freestanding sign shall be permitted, and no sign accessory to the use shall exceed two (2) square feet.

10. All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.

9-507 Additional Standards for Establishments for Scientific Research and Development

1. No products shall be manufactured or goods produced except for the operation of a pilot plant incidental to the scientific research or development operations of the establishment, and no products shall be manufactured or goods produced for sale on the site or elsewhere.

2. There shall be no sale of any goods or commodities on the site except that associated with an accessory service use which may be permitted in accordance with the provisions of Part 2 of Article 10.

3. In the R-E and R-1 Districts, in addition to Par. 1 and 2 above:

   A. The minimum lot size requirement shall be twenty (20) acres.

   B. The minimum yard requirements shall be 320 feet from the center line of any street or 200 feet from any lot line which is not a street line.

   C. No off-street parking or loading space shall be located within any required yard.

   D. In lieu of the maximum floor area ratio presented in Par. 3 of Sections 3-E07 and 3-107, building bulk shall be controlled by a maximum lot coverage of twenty (20) per cent.

   E. No building shall exceed a height of sixty-five (65) feet, except that a part of any building, not exceeding in horizontal area twenty-five (25) per cent of the total roof area of the building, may be erected to a height of not more than seventy-five (75) feet.

   F. Notwithstanding the provisions of Sect. 12-209, the following signs shall be permitted:

      (1) Three (3) building-mounted signs on any principal building, not to exceed an aggregate total of one (1) square foot for each one (1) linear foot of building frontage; and

      (2) One (1) freestanding sign, with a maximum area of forty (40) square feet and maximum height of eight (8) feet, and located no closer than fifty (50) feet to any lot line.

   G. In order to provide the maximum protection to adjoining property, a plan shall be required showing the proposed landscaping of the site and the exterior appearance of all buildings.

9-508 Additional Standards for Funeral Chapels

1. No such use shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan. A service drive shall be provided such that the major thoroughfare need not be used for the forming of funeral processions. Such drives shall have direct, but limited, access to the major thoroughfare.

2. No building shall be located closer than forty-five (45) feet to any street line or closer than forty (40) feet to any lot line which abuts an R-A through R-4 District.

3. In R districts, the minimum lot size shall be not less than the minimum required for a single family detached dwelling in the district, or 20,000 square feet, whichever is greater.

4. In R districts, the external appearance of the funeral chapel and any accessory building shall be residential in character.

5. Notwithstanding the provisions of Sect. 12-209, in R districts, no signs shall be displayed in connection with any such use other than one (1) identification sign not exceeding fifteen (15) square feet in area, or five (5) feet in height, not illuminated other than by indirect lighting from a shielded source. In addition, not more than two (2) signs, each two (2) square feet or less in area, giving directions to and from the off-street parking area, may be permitted. The location of a freestanding sign shall be controlled by a 45° angle of bulk plane.

9-509 Additional Standards for Heavy Industrial Uses

1. Each applicant for a heavy industrial use shall provide with his application an evaluation of his proposed use, by a person or firm qualified to make such evaluations, indicating how the use can be made to comply with the applicable performance standards in Article 14.

2. The Board may, in approving a special exception for a heavy industrial use, establish additional yard requirements, landscaping and screening and other standards that, in the opinion of the Board, will effect compatibility with the surrounding community.

9-510 Additional Standard for Hotels, Motels

When located in an I district, such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 100,000 square feet of gross floor area.

9-511 Additional Standards for Marinas, Docks and Boating Facilities, Commercial

1. The minimum lot size requirement shall be two (2) acres.

2. No structure used in connection with the use shall be located closer than 100 feet to any non-riparian lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-512 Additional Standards for Offices

1. Such a use shall be located only within a Central Business District (CBD) as shown in the adopted comprehensive plan or such other area where such use is specifically designated in the adopted comprehensive plan.

2. Such a use shall be permitted only in a single family detached dwelling which was erected prior to February 26, 1973; additions erected subsequently may not be used for such activities.

3. Notwithstanding the provisions of Sect. 12-209, no freestanding sign shall be permitted.

4. Notwithstanding the provisions of Sect. 013 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit/exception was originally granted, provided that the principal user is the same as the one who originally received the special permit or exception. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

5. In the R-30 District, offices shall be subject to the following standards:

A. Such use shall be located only on the lower two (2) floors of the primary building.

B. The aggregate floor area of all non-residential uses, to include offices, shall not exceed fifteen (15) per cent of the total gross floor area.

C. There shall be no exterior sign associated with such use(s), and no associated sign shall be visible from the outside of the building.

D. Adequate off-street parking shall be provided in accordance with the provisions of Par. 4 of Sect. 11-102.

9-513 Additional Standards for Parking, Commercial Off-Street

1. In the C-3, C-4, C-6, I-2 and I-3 Districts, such parking facilities shall be allowed only as an integral design element of a site plan for an office, commercial or industrial building or building complex containing not less than 30,000 square feet of gross floor area.

2. Notwithstanding the bulk regulations of the zoning district in which located, any parking space that is located on the ground and is open to the sky may be located in any required yard but not closer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

   Parking structures and any structure accessory to a commercial parking lot shall be subject to the bulk regulations of the zoning district in which located, except parking structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

3. Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.

4. Such parking facilities shall be provided with safe and convenient access to a street. If any parking space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

5. All such parking facilities, including aisles and driveways, shall be constructed and maintained with an all-weather, dustless surface, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.

6. All lighting fixtures used to illuminate such parking facilities shall be designed to comply with the performance standards relative to glare of the zoning district in which such facilitiy is located.

   Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.

9-514 Additional Standards for Plant Nurseries

1. In the R-A, and R-E through R-4 Districts, no plant nursery shall be located on a lot containing less than 40,000 square feet.

2. In the R-A, and R-E through R-4 Districts, no building or structure used for or in connection with such use shall be located closer than 100 feet to any lot line which abuts an R district.

3. In the R-A, and R-E through R-4 Districts, no off-street parking or loading space shall be located closer than fifty (50) feet to any lot line which abuts an R district.

4. In the R-A, and R-E through R-4 Districts, there shall be no outside storage or display of man-made products offered for sale.

9-515 Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.

2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.

3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

   All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

4. All such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an all-weather, dustless surface, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.

6. All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the performance standards as to glare of the zoning district in which such facility is located.

   Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.

9-516 Additional Standard for Wholesale Trade Establishments

All business, service, storage and display of goods shall be conducted within a completely enclosed building.

PART 6 9-600 CATEGORY 6 MISCELLANEOUS PROVISIONS REQUIRING BOARD OF SUPERVISORS' APPROVAL

9-601 Category 6 Special Exception Uses

Category 6 special exceptions consist of those miscellaneous provisions set forth in various Articles of this Ordinance, which require special approval or authorization from the Board.

1. Authorization of outdoor advertising signs.
2. Increase in the size and height of identification signs for regional shopping centers and industrial parks.
3. Authorization of freestanding signs otherwise not conforming with the provisions of this Ordinance.
4. Approval of uses in a Floodplain Overlay District.
5. Increase in building heights.
6. Enlargement of certain nonconforming uses.
7. Parking in R districts.
8. Waiver of minimum district size requirements in R districts and minimum lot size requirements in C districts.
9. Approval of new service stations, car washes and fast food restaurants in a Highway Corridor Overlay District.
10. Approval of the improvement/expansion of existing service stations, car washes and fast food restaurants in a Highway Corridor Overlay District.
11. Waiver of open space requirements.

9-602 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for a Category 6 special exception shall be accompanied by such submission items as may be required by the provisions of this Ordinance or as may be required by the Board for a particular special exception.

9-603 Provisions for Authorization of Outdoor Advertising Signs

The Board may approve a special exception for the erection of an outdoor advertising sign, but only in accordance with the provisions of Sect. 12-108.

9-604 Provisions for Increasing the Size and Height of Identification Signs for Regional Shopping Centers and Industrial Parks

The Board may approve a special exception for the increase in the size and height of identification signs for regional shopping centers and industrial parks, but only in accordance with the provisions of Sect. 12-306.

9-605 Provisions for Authorization of Freestanding Signs Otherwise Not Conforming With the Provisions of This Ordinance

The Board may approve a special exception for the erection of a freestanding sign which would otherwise not conform with the provisions of this Ordinance, but only in accordance with the provisions of Sect. 12-306.

9-606 Provisions for Approval of Uses in a Floodplain Overlay District

The Board may approve a special exception for the establishment of a use in a Floodplain Overlay District, but only in accordance with the provisions of Part 7 of Article 7.

9-607 Provisions for Approving an Increase in Building Heights

As set forth in the C-3, C-4, C-6, C-7, C-8, I-1, I-2, I-3, I-4, I-5 and I-6 Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Public and Quasi-Public Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.

2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.

3. The parcel upon which such use is to be located shall have frontage on and direct access to an existing or programmed collector or arterial street as defined in the adopted comprehensive plan.

4. An increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied.

5. The minimum yard requirements established for a given zoning district or use shall be increased one (1) foot for every one (1) foot of increase in height in excess of the maximum building height set forth for the district or use.

9-608 Provisions for Enlargement of Certain Nonconforming Uses

The Board may approve a special exception authorizing the enlargement of certain nonconforming uses, but only in accordance with the provisions of Sect. 15-102.

9-609 Provisions for Parking in R Districts

The Board may approve a special exception authorizing a parcel of land in an R district to be used for off-street parking of motor vehicles, but only in accordance with the following conditions:

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

2. All such off-street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with any such off-street parking.

3. All such off-street parking space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.

4. All such off-street parking areas, including aisles and driveways, except those required for single family detached dwellings, shall be constructed and maintained with an all-weather, dustless surface, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.

5. All such off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual.

6. There shall be no parking of vehicles closer to any lot line which abuts an R district than a distance equal to the dimension of the abutting corresponding yard as required by this Ordinance.

7. Notwithstanding the provisions of Article 12, no sign shall be displayed on such parcel except one (1) identification sign not exceeding four (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.

8. All lighting fixtures used to illuminate such off-street parking areas shall be designed to comply with the performance standards relative to glare of the zoning district in which such area is located.

   Such area shall not be lighted at any time other than during the same hours that the use to which the parking is appurtenant is open for business, except for necessary security lighting.

9. All such off-street parking areas shall comply with the provisions for landscaping and screening set forth in Article 13.

9-610 Provisions for Waiving Minimum District Size Requirements in R Districts and Minimum Lot Size Requirements in C Districts

The Board may approve a special exception waiving the minimum district size requirement for an R district and the minimum lot size requirement for a C district, but only in accordance with the following provisions:

1. Such lot is not adjoined by or has not been adjoined by any other land in the same ownership since the effective date of this Ordinance.

2. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.

3. The applicant shall demonstrate that consolidation with adjacent lots represents an undue economic hardship.

4. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.

5. Such a waiver shall be approved only in those instances where the remaining regulations for the district can be satisfied.

9-611 Provisions for Approving New Service Stations, Car Washes and Fast Food Restaurants in a Highway Corridor Overlay District

The Board may approve a special exception for the establishment of a service station, car wash or fast food restaurant in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

9-612 Provisions for Approving an Improvement/Expansion of Existing Service Stations, Car Washes and Fast Food Restaurants in a Highway Corridor Overlay District

The Board may approve a special exception for the improvement and/or expansion of an existing service station, car wash or fast food restaurant in a Highway Corridor Overlay District, but only in accordance with the provisions of Sections 15-101 and 15-102.

9-613 Provisions for Waiving Open Space Requirements

The Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.

2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.

3. Such a waiver may be approved only if the landscaping and transitional screening requirements set forth in Article 13 are satisfied

ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

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ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1 10-100 ACCESSORY USES AND STRUCTURES

10-101 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

10-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures; provided that such use or structure shall be in accordance with the definition of Accessory Use contained in Article 20.

1. Amusement machines, but only accessory to eating establishments, motels, hotels, bowling alleys, skating facilities, and establishments for billiards, ping pong, indoor archery, and other indoor games of skill, and retail sales establishments with greater than 5000 square feet of floor area open to the general public.

2. Antenna structures.

3. Barns and any other structures that are customarily incidental to an agricultural use, but only in the R-A through R-1 Districts on a tract of land not less than five (5) acres; except a stable for livestock may be permitted on a lot of two (2) acres where livestock is kept in accordance with the provisions of Sect. 2-512. In no instance shall such structures be used for retail sales except as may be permitted by the provisions of Part 5 of Article 9.

4. Carports.

5. Child's playhouse, not to exceed 100 square feet in gross floor area, and child's play equipment.

6. Doghouses, pens and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 20.

7. Fallout shelters.

8. Garages, private, subject to the following limitations:

   A. No garage accessory to a multiple family residence shall be designed for more than two (2) vehicles per dwelling unit.

   B. No tractor trailer, and not more than one (1) commercial vehicle, may be parked in a private, enclosed garage in an R district.

9. Gardening.

10. Guest house or rooms for guests in an accessory structure, but only in the R-A through R-E Districts, and provided such house is without kitchen facilities and is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units.

11. Junk vehicles, provided such vehicles are located within a fully enclosed structure.

12. Parking and loading spaces, off-street, as regulated by Article 11.

13. Parking of one (1) commercial vehicle in an R district, but not to include any tractor trailer or vehicle exceeding one and one-half (1 1/2) ton capacity, and limited to a vehicle which is operated by the occupant of the lot.

14. Porches, gazebos, belvederes and similar structures.

15. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the R-A through R-E Districts on a parcel of twenty (20) acres or more.

16. Recreation, storage and service structures in a mobile home park.

17. Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation.

18. Signs, as permitted by Article 12.

19. Statues, arbors, trellises, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts.

20. Storage, outside, to include a compost pile, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outside storage does not occupy more than 100 square feet.

21. Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

22. Swimming pool and bathhouse, private.

23. Tennis, basketball or volleyball court, and other similar private outdoor recreation uses.

24. Wayside stands, but subject to the following limitations:

    A. Shall be permitted only in the R-A through R-4 Districts, on a lot containing at least two (2) acres.

    B. Structure shall not exceed 400 square feet in gross floor area.

    C. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.

    D. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this Ordinance, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.

    E. Shall not be subject to the location requirements set forth in Sect. 105 below, but shall be located a minimum distance of twenty-five (25) feet from any lot line.

    F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.

    G. Notwithstanding the provisions of Article 12, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area.

10-103 Accessory Uses Not Permitted

1. Outdoor storage or overnight parking of commercial buses, commercial trucks or other commercial vehicles exceeding one and one-half (1 1/2) ton capacity in any R district.

2. Junk yards, scrap heaps or refuse piles except as specifically permitted in Sect. 102 above.

10-104 Use Limitations

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.

3. All accessory uses and structures combined shall cover no more than thirty (30) per cent of the area of the required minimum rear yard.

4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified by Sect. 2-506.

5. The following use limitations shall apply to fences:

   A. Barbed wire fences are prohibited in all zoning districts except on lots exceeding two (2) acres or more in size in the R-A through R-1 Districts. Barbed wire strands may be used to enclose storage areas, other similar industrial or commercial uses or swimming pools where the strands are restricted to the uppermost portion of the fence and do not extend lower than a height of six (6) feet from the nearest ground level.

   B. It shall be unlawful for any person to construct, install, maintain, or allow or cause to be constructed, installed, or maintained, an electric fence upon any lot of two (2) acres or less in area, located within a subdivision as defined in Chapter 101 of The Code, The Subdivision Ordinance.

10-105 Location Regulations

1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building, except as qualified in Sect. 2-412.

2. Except where such may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the provision of screening measures as may be required by the provisions of Article 13.

   A. A fence or wall which does not exceed four (4) feet in height may be located in any yard.

   B. A fence or wall which does not exceed seven (7) feet in height may be located (a) in any side or rear yard on any lot or (b) in any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts.

   C. A fence or wall which does not exceed eight (8) feet in height may be located in any yard of an industrial use permitted by the provisions of this Ordinance.

3. Trellises, gates and gate posts may be located within any required minimum front yard as follows:

   A. Two (2) trellises, not to exceed eight (8) feet in height nor four (4) feet in width.

   B. Four (4) gate posts without limit as to height or width.

C. Two (2) gates not to exceed eight (8) feet in height.

D. Gates and gate posts exceeding four (4) feet in height shall not exceed in maximum width fifteen (15) per cent of the lot width.

4. Ground-supported antenna structures for the operation of private radio facilities under Parts 95, 97 and/or 99 of the Federal Communications Commission regulations shall not exceed sixty-five (65) feet in height in any R district and shall not be located closer to any lot line than a distance equal to one-fifth (1/5) of their height.

5. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 11.

6. Signs shall be located in accordance with the provisions of Article 12.

7. Wayside stands shall be located in accordance with the provisions of Par. 24 of Sect. 102 above.

8. Barns and other structures used in connection with agriculture, to include structures used for the confining or sheltering of any poultry or livestock, except horses and ponies, shall be located no closer than 100 feet to any lot line.

9. Structures used for the confining or sheltering of horses or ponies, except a riding stable as permitted by the provisions of Part 6 of Article 8, shall be located no closer than twenty (20) feet to any rear lot line or forty (40) feet to any side lot line.

10. The following regulations shall apply to the location of all accessory structures or uses except those specifically set forth in Paragraphs 1-9 above:

A. An accessory structure or use, no part of which exceeds seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.

B. No accessory structure or use shall be located in any required minimum front yard, except a statue or flagpole.

C. No accessory structure or use which exceeds seven (7) feet in height shall be located in any required minimum side yard, except as may be expressly permitted by a variance granted in accordance with the provisions of Part 4 of Article 18.

D. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to any lot line in the rear yard, except as may be expressly permitted by a variance granted in accordance with the provisions of Part 4 of Article 18.

E. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the required minimum side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the required front yard on the lot to the rear.

PART 2 10-200 ACCESSORY SERVICE USES

10-201 Authorization

Accessory service uses, as defined in Article 20, are permitted in connection with certain principal uses as set forth below when expressly authorized in the zoning district regulations.

10-202 Permitted Accessory Service Uses

Accessory service uses shall include, but are not limited to, the following uses; provided that such use shall be in accordance with the definition of Accessory Service Use contained in Article 20.

1. Accessory to a principal use of multiple family dwellings in the R-12, R-16, R-20 and R-30 Districts when such dwelling or dwelling complex has a minimum of 250 dwelling units:

   A. Eating establishments.

   B. Group day care facilities or day care centers.

   C. Personal service establishments.

   D. Quick-service food stores.

   E. Retail sales establishments selling convenience merchandise.

2. Accessory to a principal use of offices, industrial establishments, or institutional buildings in the C-1, C-2, C-3, C-4, I-1, I-2, I-3, I- 4, I-5 and I-6 Districts:

   A. Business service and supply service establishments.

   B. Eating establishments.

   C. Group day care facilities or day care centers.

   D. Health clubs, spas, sauna and steam baths, swimming pools, tennis courts, and other such similar facilities.

   E. Personal service establishments.

   F. Prescription establishments and the selling of pharmaceutical supplies.

   G. Quick-service food stores, limited to the C-3, C-4 and I-4 Districts.

   H. A dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.

   I. Repair service establishments.

   J. Retail sales establishments selling convenience merchandise.

3. Accessory to a principal use of offices or industrial establishments in the I-5 and I-6 Districts, in addition to the uses set forth in Par. 2 above:

   A. Drive-in banks.

   B. Fast food restaurants.

   C. Quick-service food stores.

10-203 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

1. Accessory service uses shall be oriented to cater primarily to the residents or employees of the principal use with which they are associated.

2. With the exception of those uses set forth in Par. 3 and 4 below, all accessory service uses shall be located in the same building as the principal use.

3. Accessory service uses in the C-4 District may be located in a freestanding building separate from the principal use, and an eating establishment in the I-1 through I-5 Districts may also be located in a freestanding building; but such freestanding buildings shall be allowed only in those locations shown on an approved development plan or site plan for an office facility or industrial park.

   In conformance with the provisions of Sect. 12-210, such an accessory service use shall be limited to one (1) identification sign not to exceed fifteen (15) square feet in area.

   Those accessory service uses set forth in Par. 2D of Sect. 202 above, which by their nature must be conducted outside a building, shall be located on the same lot as the principal use.

4. Drive-in banks, fast food restaurants and quick-service food stores in the I-5 and I-6 Districts may be located in a freestanding building; provided, however, that such uses shall not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial, and such uses shall be an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area.

5. The aggregate area of all accessory service uses shall not exceed fifteen (15) per cent of the total permitted gross floor area for the total land area of the office or industrial site or park.

6. No accessory service use shall be located above the second floor of the building in which located, with the exception of:

   A. The residence of a proprietor or owner, which may be located on any floor.

   B. An eating establishment which may be located in a rooftop penthouse.

7. Signs for accessory service uses shall be regulated by the provisions of Article 12.

PART 3 10-300 HOME OCCUPATIONS

10-301 Authorization

Home occupations are permitted in any dwelling unit subject to the approval by the Zoning Administrator and the following provisions.

10-302 Permitted Home Occupations

Home occupations include, but are not necessarily limited to, the following:

1. Artists and sculptors.
2. Authors and composers.
3. Dressmakers, seamstresses and tailors.
4. Family day care homes limited to not more than three (3) children.
5. Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
6. Office facilities, other than home professional offices as defined in Article 20.
7. Schools of special education whose class size does not exceed more than four (4) pupils at any given time and not more than eight (8) pupils in any one day.
8. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.

10-303 Home Occupations Not Permitted

Permitted home occupations shall not in any event be deemed to include the following:

1. Antique shops.
2. Barbershops or beauty parlors.
3. Eating establishments.
4. Gift shops.
5. Repair service or personal service establishments.
6. Riding or boarding stables or kennels.
7. Veterinary clinics or hospitals.

10-304 Use Limitations

In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

1. A home occupation must be conducted within the dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
2. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
3. There shall be no exterior evidence that the property is used in any way other than for a dwelling.
4. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not

conducted for gain or profit.

5. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

6. No employees, whether paid or not for their services, except persons who use the dwelling as their bona fide residence, shall be involved in the home occupation on that property.

7. No sign shall be permitted except in accordance with the provisions of Sect. 12-210.

ARTICLE 11

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ARTICLE 11

OFF-STREET PARKING AND LOADING, PRIVATE STREETS

PART 1 11-100 OFF-STREET PARKING

11-101 Applicability

In any R, C or I district, except the I-I District, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations. In a P district, the provisions of this Part shall have general application as determined by the Director. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion.

The provisions of this Part shall not be deemed to apply to motor vehicle storage or display parking areas associated with a vehicle sale, rental and ancillary service establishment, except as may be qualified elsewhere in this Ordinance.

11-102 General Provisions

1. All required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot contiguous thereto which has the same zoning classification and is under the same ownership; provided that where there are practical difficulties or if the public safety and/or public convenience would be better served by the location other than on the same lot or on a contiguous lot with the use to which it is accessory, the Board, acting upon a specific application, may authorize such alternative location subject to the following conditions:

   A. Such required 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 accessory or, in the case of the cooperative provision of parking spaces, as provided in Par. 4 below, in the ownership of at least one of the participants in the combination, and

   B. Such required space shall be located within 500 feet walking distance of a building entrance to the use that such space serves, or

   C. Such required space shall be accommodated in accordance with the provisions of Par. 7 below.

2. All uses where twenty (20) or more off-street parking spaces are required by the provisions of this Article, except single family detached or attached dwellings, shall be required to provide off-street parking spaces for handicapped persons. Such parking spaces shall be provided in accordance with the following requirements:

   A. The number of handicapped parking spaces shall be included in the required number of parking spaces and shall be in accordance with the following table:

Total Off-Street Parking Required	Parking for Handicapped Required
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

B. Such spaces shall comply with the geometric design standards presented in the Public Facilities Manual; provided, however, that in no instance shall the width of any one space be less than twelve (12) feet. Such spaces shall be identified by a sign indicating parking for the handicapped only.

C. Such spaces shall be the spaces closest to the entrance to the building or use for which they are provided, and shall be connected thereto by a paved surface of which no less than five (5) feet in width is unobstructed and has no point at which the gradient exceeds one (1) foot rise or fall in twenty (20) feet.

3. No off-street parking facilities for a structure or use permitted only in a C or I district shall be located in an R district except upon approval as a special exception by the Board as provided in Part 6 of Article 9.

4. Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

The amount of such combined space shall equal the sum of the amounts required for the separate uses; provided, however, that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses.

5. Within the area in proximity to a WMATA mass transit station, which station either exists or is programmed for completion within the same timeframe as the completion of the subject development; or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, the Board may reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part, by an amount that is in accordance with that projected reduction of automobile trips prompted by the proximity of the transit station or mass transit facility.

6. In those instances where a proposed neighborhood retail commercial use is located within the interior of a residential development, and is designed with an orientation toward pedestrian or bicycle traffic, the Board may reduce the number of off-street parking spaces up to twenty (20) per cent of the number otherwise required by the strict application of the provisions of this Part.

7. Within areas designated as Central Business Districts as provided for in Part 5 of Article 7, the Board may waive the requirement that all required off-street parking spaces be located on the same lot or on a contiguous lot as set forth in Par. 1 above, provided the following conditions are met:

A. The developer shall apply to the Director stating the circumstances which make it impracticable to meet the requirements of this Part, and

B. The developer shall agree to pay to the County a sum for each space so eliminated, such sum to be set by the Board in an annually adopted schedule, and

C. The County has plans for the erection of a public parking facility in the immediate area of the request, and

D. The County has provided for the development of such parking, at a time and in a quantity sufficient to meet the needs of the applicant's proposed use.

8. All required off-street parking spaces and their appurtenant aisles and driveways shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or reduced in any manner except upon approval by the Board in accordance with the provisions of this Ordinance, or except upon approval by the Director in any of the following circumstances. This provision shall not be deemed to negate pipestem lots otherwise allowed under the provisions of Sect. 2-406.

   A. Such space may be reduced by the amount to which other space, conforming to the provisions of this Ordinance, is provided for the use that is involved, or

   B. Such space may be reduced by an amount which is justified by a reduction in the need for such space by reason of a reduction in the size or change in the nature of the use to which such is appurtenant, or

   C. Such space may be reduced by reason of the provision of conveniently available parking space in a parking lot established by a public authority for which the developer has made payment in accordance with the provisions of Par. 7 above, or

   D. Such space may be reduced in area by providing designated parking spaces for bicycles, motor bikes and/or motorcycles; but in no event shall such a reduction in area be allowed on more than five (5) per cent of the total number of required spaces, or

   E. Such space may be reduced in area by providing designated parking spaces for compact cars when twenty (20) square feet per space is provided in landscaped area in addition to that area required by the provisions of Article 13; but in no event shall such a reduction in area be allowed on more than twenty-five (25) per cent of the total number of required spaces.

9. Notwithstanding the provisions of Par. 8 above, if off-street parking spaces are provided in an amount exceeding the minimum number required by this Article, no reduction in said excess spaces as shown on the approved site plan shall be permitted unless the Director expressly finds, in writing, that said excess spaces have proven to be unnecessary to serve the use shown on said approved site plan.

10. In no event shall the required off-street parking spaces be reduced as permitted in Par. 8E above if the additional landscaping is located in a required front yard or floodplain and adjacent slopes in excess of fifteen (15) per cent gradient, based upon the topography prior to any site preparation.

11. Except as may be qualified elsewhere in this Ordinance, off-street parking spaces that are located on the ground and are open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet.

    Except as may be qualified elsewhere in this Ordinance, parking structures and carports shall be subject to the minimum yard requirements applicable in the zoning district in which located; except parking structures that are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

12. All off-street parking facilities shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory.

    No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities.

13. All off-street parking space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the provisions of the Public Facilities Manual.

14. All off-street parking areas, including aisles and driveways, except those required for single family detached dwellings, shall be constructed and maintained with a dustless surface in accordance with construction standards presented in the Public Facilities

Manual.

Off-street parking areas, including their related aisles and driveways, may, upon approval by the Director, be exempted from this provision if such facilities are for a temporary purpose; provided, however, that such areas shall be graveled and maintained in accordance with standards approved by the Director.

15. All off-street parking spaces and areas shall comply with the geometric design standards presented in the Public Facilities Manual.

16. All lighting fixtures used to illuminate off-street parking areas shall be designed to comply with the performance standards relative to glare of the zoning district in which such area is located.

    Such areas shall not be lighted at any time other than during the same hours that the use to which the parking is appurtenant is open for business, except for necessary security lighting.

17. All off-street parking areas shall comply with the provisions for landscaping and screening presented in Article 13.

18. Parking spaces required on an employee/person basis in the Sections that follow shall be based on the maximum number of employees/persons on duty or residing, or both, on the premises at any one time, or the occupancy load of the building, whichever is greater.

19. Where a given use or building contains a combination of uses as set forth in the following Sections, parking shall be provided on the basis of the sum of the required spaces for each use.

20. If there is uncertainty with respect to the amount of parking space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

21. Where the required number of parking spaces is not set forth for a particular use in the following Sections, and where there is no similar general type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

11-103 Minimum Required Spaces for Residential and Lodging Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Dormitory, Fraternity or Sorority House, or Other Residence Hall Located Off Campus:

   One (1) space per two (2) sleeping accommodations based on the occupancy load of the building, plus one (1) additional space for each housemother, manager or employee

2. Dwelling, Single Family Detached:

   Two (2) spaces per unit, provided that only one (1) such space must have convenient access to a street

3. Dwelling, Single Family Attached:

   Two (2) spaces per unit, provided that only one (1) such space must have convenient access to a street

4. Dwelling, Multiple Family:

   One and one-half (1.5) spaces per unit

5. Hotel, Motel:

   One (1) space per rental unit, plus four (4) spaces per fifty (50) rental units,

plus such spaces as are required for eating establishments, assembly rooms and affiliated facilities as determined by the Director

6. Housing for the Elderly:

   One (1) space per four (4) dwelling units, plus one (1) space per one (1) employee or staff member on the major shift, or such greater number as the Board may require

7. Mobile Home:

   One and one-half (1.5) spaces per unit

8. Nursing or Convalescent Facility:

   One (1) space per three (3) residents, plus one (1) additional space for each employee

9. Tourist House, Boarding House, Rooming House:

   One (1) space per guest accommodation

11-104 Minimum Required Spaces for Commercial and Related Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Bowling Alley:

   Four (4) spaces per alley, plus one (1) space per employee, plus such additional spaces as may be required herein for affiliated uses such as eating establishments

2. Business Service and Supply Service Establishment:

   One (1) space per 300 square feet of gross floor area

3. Car Wash:

   Four (4) spaces per bay/stall plus one (1) space per employee for a self-service establishment, or one (1) space per employee, plus sufficient area for ten (10) stacking spaces per bay/stall for an automated establishment

4. Convenience Center:

   One (1) space per 500 square feet of net floor area plus one (1) space per employee, but never to exceed a total number of six (6) spaces

5. Drive-In Bank:

   One (1) space per 250 square feet of net floor area, plus sufficient area for eight (8) stacking spaces for the first drive-in window and two (2) stacking spaces per each additional window

6. Eating Establishment or Fast Food Restaurant:

   One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables,

   and/or

   One (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter

7. Fast Food Restaurant With No Seating Facilities:

   One (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces

8. Financial Institution:

   One (1) space per 250 square feet of net floor area

9. Furniture or Carpet Store:

   One space per 500 square feet of net floor area, plus one (1) space for each employee

10. Home Professional Office:

    As determined by the BZA, a sufficient number of spaces to accommodate all employees plus the largest number of persons that may be expected at any one time

11. Medical or Dental Clinic:

    Four (4) spaces per examination or treatment room, plus one (1) space for each doctor and employee

12. Medical or Dental Practitioner's Office:

    Six (6) spaces per practitioner

13. Office (unless otherwise provided for in this Section):

    Four and one-half (4.5) spaces per 1000 square feet of net floor area plus one (1) space per company vehicle

14. Outdoor Sales/Display Area other than Vehicle Sale, Rental and Ancillary Service Establishment:

    One (1) space per 500 square feet of open sales/display area plus one (1) space per employee

15. Personal Service Establishment:

    One (1) space per 200 square feet of gross floor area

16. Quick-Service Food Store:

    One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet

17. Recreational Facility other than Theatre, Auditorium, Stadium, Bowling Alley or Swimming Pool:

    One (1) space per three (3) persons based on the occupancy load plus one (1) space per employee

18. Repair Service Establishment:

    One (1) space per 200 square feet of gross floor area

19. Retail Sales Establishment except Furniture or Carpet Store:

    One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet

20. Service Station:

    Two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

21. Shopping Center:

    One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet, plus additional spaces, as required herein, for associated offices, theatres and eating establishments

22. Swimming Pool, Commercial:

    One (1) space per four (4) persons lawfully permitted in the pool at one time, plus one (1) space per employee

23. Theatre, Auditorium or Stadium:

    One (1) space per four (4) seats or similar vantage accommodation provided, plus one (1) space per two (2) employees

24. Vehicle Light Service Establishment:

    One (1) space per 200 square feet of net floor area, plus two (2) spaces per service bay, plus one (1) space per employee

25. Vehicle Major Service Establishment:

    Two (2) spaces per service bay, plus one (1) space per employee

26. Vehicle Sale, Rental and Ancillary Service Establishment:

    One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

27. Wholesale Trade Establishment:

    One (1) space per 1.5 employees, plus one (1) space per company vehicle, but with a minimum of one (1) space per 1000 square feet of gross floor area

11-105 Minimum Required Spaces for Industrial and Related Uses

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and business offices accessory thereto:

   One (1) space per 1.5 employees on major shift, plus one (1) space per company vehicle and piece of mobile equipment

2. Heavy Equipment Sale, Rental and Service Establishment:

   One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but never less than five (5) spaces

3. Scientific Research and Development Establishment:

One (1) space per 1.5 employees based on the occupancy load, plus one (1) space per company vehicle

4. Warehousing, Storage Yard, Lumber and Building Material Yard, Motor Freight Terminal or Junk Yard:

One (1) space per 1.5 employees on major shift, plus one (1) space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of one (1) space per 1000 square feet of gross floor area

11-106 Minimum Required Spaces for Other Uses

Minimum off-street spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Airport, Airpark or Airfield:

One (1) space per employee, plus one (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected any one time

2. Ambulance Service or Rescue Squad:

Adequate space to accommodate all motor vehicles operated in connection with such use and two (2) additional parking spaces per each such vehicle

3. Church, Chapel, Temple, Synagogue or Other Such Place of Worship:

One (1) space per four (4) seats in the principal place of worship; provided that the number of spaces thus required may be reduced by not more than fifty (50) per cent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge, during the time of services to make up the additional spaces required

4. College or University:

Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time

5. Cultural Center, Museum or Similar Facility:

One (1) space per 300 square feet of gross floor area

6. Country Club:

One (1) space per four (4) members based on maximum anticipated membership

7. Funeral Chapel, Funeral Home:

One (1) space per four (4) seats in the main chapel or parlor, plus one (1) space per two (2) employees, plus one (1) space for each vehicle used in connection with the business

8. Group Day Care Facility, Day Care Center, Nursery School, School of General Education or School of Special Education:

Two (2) spaces per each three (3) employees, plus a sufficient number of spaces to accommodate all persons who may be at the establishment at any one time under normal operating conditions

9. Heliport:

One (1) space per employee, plus one (1) space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time

10. Helistop:

A minimum of five (5) spaces for commercial helistops and a minimum of two (2) spaces for non-commercial helistops

11. Hospital:

One (1) space per two (2) beds, plus 1.5 spaces per each emergency room examination table or bed, plus one (1) space per employee on the major shift other than doctors, plus one (1) space per doctor assigned to the staff

12. Institution providing Intensive Special Medical/Mental Care or Welfare Institution:

One (1) space per two (2) patients, based on the occupancy load, plus one (1) space per employee or staff member on a major shift

13. Library:

One (1) space per 2.5 patrons based on the occupancy load plus one (1) space per employee on a major shift

14. Private, Civic, Fraternal Club or Lodge:

One (1) space per three (3) members based on maximum anticipated membership

15. Public Utility Establishment:

One (1) space per 1.5 employees on the major shift, plus one (1) space per company vehicle

16. School, Elementary or Intermediate:

Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, proposed special education programs, and student-teacher ratios, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus four (4) spaces for visitors

17. School, Secondary:

Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, proposed special education programs and student-teacher ratios, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus one (1) space per eight (8) students, based on the maximum number of students attending classes at any one time

18. Swimming Pool, Community:

One (1) space for every seven (7) persons lawfully permitted in the pool at one

time, plus one (1) space per employee, subject to a lesser number determined by the Director which is in accordance with that number of members who are within a reasonable walking distance of the pool

19. Tennis Club:

Four (4) spaces per court, plus such additional spaces as may be required herein for affiliated uses such as eating establishments

PART 2 11-200 OFF-STREET LOADING

11-201 Applicability

In an R, C or I district, all structures built and all uses established hereafter shall provide accessory off-street loading spaces in accordance with the following regulations. In a P district, the provisions of this part shall have general application as determined by the Director. When an existing structure or use is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations for the area or capacity of such expansion.

11-202 General Provisions

1. All required off-street loading spaces shall be located on the same lot as the use served; provided that the Director may waive such location requirement in those instances where the provisions of Par. 2 are satisfied.

2. Required off-street loading spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

3. All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or reduced in any manner except upon approval by the Director in either of the following circumstances:

   A. Such space may be reduced by the amount to which other space, conforming to the provisions of this Ordinance, is provided for the use that is involved, or

   B. Such space may be reduced in an amount which is justified by a reduction in the need for such space by reason of a reduction in size or change in the nature of the use to which such is appurtenant.

4. No loading space or berth shall be located within forty (40) feet of the nearest point of intersection of the edges of the travelway or the curbs of any two streets.

5. No loading space or berth shall be located in a required front yard.

6. No required off-street loading area shall be used to satisfy the space requirement for any off-street parking facilities, and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.

7. No motor vehicle repair work, except emergency service, shall be permitted in association with any required off-street loading facility.

8. All off-street loading space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the provisions of the Public Facilities Manual.

9. All off-street loading areas, including aisles and driveways, shall be constructed and maintained with a dustless surface, in accordance with construction standards presented in the Public Facilities Manual.

10. All off-street loading areas shall comply with such geometric design standards as may be defined by the Department of Environmental Management; but in no event shall the required dimensions be less than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet high, except that where one (1) such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve (12) feet.

11. All lighting fixtures used to illuminate off-street loading areas shall be designed to comply with the performance standards relative to glare of the zoning district in which such area is located.

12. Where a given use or building contains a combination of uses as set forth in the following Section, loading facilities shall be provided on the basis of the sum of the required spaces for each use.

13. If there is uncertainty with respect to the amount of loading space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved shall govern.

14. Uses for which off-street loading facilities are required by this Part, but which are located in buildings that have a gross floor area that is less than the minimum above which off-street loading facilities are required, shall be provided with adequate receiving facilities as determined by the Director.

15. Notwithstanding the standards set forth in Sect. 203 below, in no instance shall more than five (5) off-street loading spaces be required for a given use or building except as may be determined by the Director.

16. Where the required number of loading spaces is not set forth for a particular use in the following Section, and where there is no similar general type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

11-203 Minimum Required Spaces

Minimum off-street loading spaces accessory to the uses hereinafter designated shall be provided in accordance with the following schedule:

Standard A: One (1) space for the first 5000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

Standard B: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 15,000 square feet or major fraction thereof.

Standard C: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet or major fraction thereof.

Standard D: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 25,000 square feet or major fraction thereof.

Standard E: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 30,000 square feet or major fraction thereof.

Standard F: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

Standard G: One (1) space for the first 25,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof.

1. Bowling Alley and other Similar Commercial Recreational Establishment: Standard F.

2. Business Service and Supply Service Establishment: Standard C.

3. College or University: Standard F.

4. Dwelling, Multiple Family: Standard G.

5. Eating Establishment or Fast Food Restaurant: Standard D.

6. Financial Institution or Drive-in Bank: Standard C.

7. Funeral Chapel, Funeral Home: Standard F.

8. Heavy Equipment Sale, Rental and Service Establishment: Standard A.

9. Hospital: Standard F.

10. Hotel, Motel: Standard F.

11. Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and business offices accessory thereto: Standard A.

12. Nursing or Convalescent Facility or Housing for the Elderly: Standard F.

13. Office: Standard C.

14. Personal Service Establishment: Standard B.

15. Repair Service Establishment: Standard C.

16. Retail Sales Establishment: Standard B.

17. School: Standard F.

18. Scientific Research and Development Establishment: Standard C.

19. Vehicle Light Service Establishment: Standard B.

20. Vehicle Major Service Establishment: Standard A.

21. Vehicle Sale, Rental and Ancillary Service Establishment: Standard A.

22. Warehousing Establishment: Standard A.

23. Wholesale Trade Establishment: Standard E.

PART 3 11-300 PRIVATE STREETS

11-301 Applicability

Private streets may be allowed in commercial, industrial and multiple family dwelling developments. With the approval of the Director, private streets may be allowed in single family attached, condominium and single family detached dwelling developments in the P districts, R-5, R-8 and R-12 Districts. Single family detached dwelling developments which are not subject to the provisions of Chapter 101 of The Code, The Subdivision Ordinance, may also have private streets, but such shall not have to meet the standards set forth in this Part.

11-302 Limitations

1. Private streets within a development shall be limited to those streets which are not required or designed to provide access to adjacent properties as determined by the Director.

2. The length and geometric design of the street shall be subject to the approval of the Director who shall consider means of access to adjoining properties, traffic movement and volume through the development, access for emergency and maintenance vehicles, parking, economy of development, proposed provisions for maintenance and preservation of natural features of the property; provided, however, no private street in a residential development that is to be owned and maintained by a non-profit organization as provided for in Part 7 of Article 2 shall exceed 600 feet in length unless approved by the Director.

11-303 Standards

Private streets shall be designed and constructed in accordance with the standards presented in the Public Facilities Manual.

11-304 Ingress and Egress Easements

Ingress and egress easements for public emergency and maintenance vehicles shall be granted to the County over all private streets within a development.

11-305 Ownership, Care and Maintenance

In no event shall a private street within a residential development be approved except in strict accordance with the provisions of Part 7 of Article 2, Common Open Space and Common Improvement Regulations.

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SIGNS

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ARTICLE 12

SIGNS

PART 1 12-100 GENERAL PROVISIONS

12-101 Purpose and Intent

The purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County, to protect health, safety and morals, and to further the stated purpose and intent of this Ordinance.

Any sign placed on land, water or a building for the purpose of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.

It is further intended that in proposed commercial and industrial areas all signs within one complex be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

12-102 Permit Required

1. In keeping with the purpose and intent of this Article, all signs shall be regulated in accordance with the provisions that follow and in accordance with the provisions of the zoning district in which the sign is to be located.

2. No sign, except for those signs listed in Sect. 103 below, shall be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of Part 3 below.

3. No permit for any sign shall be issued unless the sign complies with all regulations of this Article 12, and those set forth in Chapter 61 of The Code, Buildings.

12-103 Permit Exceptions

1. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

   A. The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theatre marquee and similar approved signs which are specifically designed for the use of replaceable copy.

   B. Painting, repainting, cleaning and other normal maintenance and repair of a conforming sign or a conforming sign structure, unless a structural change is made.

2. The following enumerated signs shall be exempt from the requirements of this Article:

   A. Signs of a constituted governmental body, including traffic signs and signals or similar regulatory devices, legal devices or warnings at railroad crossings.

   B. Memorial tablets or signs, and historic markers.

   C. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.

   D. Signs which are within a ball park or other similar public or private

recreational use and which cannot be seen from a public street or adjacent properties.

E. Flags, emblems or insignia of the United States, the Commonwealth of Virginia, Fairfax County, other countries and states, the United Nations Organization or similar organizations of which this nation is a member, the President or Vice-President of the United States, religious groups, civic organizations and service clubs. In addition, any commercial or industrial use on a parcel of two (2) acres or more may display its corporate emblem in the form of a flag, provided:

(1) That there is no more than one such flag on any parcel, and

(2) That the area of the flag shall be deducted from the area of the building sign permitted upon the building or buildings upon that lot.

F. Small signs which post or display address numbers as required by Chapter 102 of The Code.

G. Small signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances or the like, with a total area not to exceed two (2) square feet.

H. Small signs, each of which has a total area not exceeding two (2) square feet, placed by a public utility showing the location of underground facilities.

I. Seasonal displays and decorations not advertising a product, service or entertainment.

J. Freestanding signs or signs attached to fences at approximate eye level, no larger than four (4) square feet, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or the like.

K. Signs displayed on any farm by the owner or other operator thereof for the purpose of identifying such farm or advertising solely the products thereof. No single sign shall exceed 60 square feet in area. The total area of all such signs shall not exceed 120 square feet.

L. Any information or directional sign or historical marker erected by a public agency, which may include signs displayed by a public agency for the purpose of giving directions and distances to commercial districts in which are located the following types of commercial facilities for the convenience of the traveling public: restaurants, motels and establishments for the servicing of motor vehicles; provided, that no such sign shall give direction or distance to any specific business establishment.

M. Small signs, each of which has a total area not exceeding one and one-half (1 1/2) square feet, identifying parking for the handicapped as required by the provisions of Sect. 11-102.

3. Except where specifically qualified below, no permit shall be required for any of the following temporary signs:

A. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments; provided, that all such signs shall be removed not later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.

B. Political campaign signs not exceeding thirty-two (32) square feet in area may be erected on any privately owned lot or parcel. No such sign shall be erected more than ninety (90) days prior to the nomination, election or referendum which it purports to advertise, and all such signs shall be removed within

fifteen (15) days after the announced results of that nomination, election or referendum.

C. Temporary signs not exceeding thirty-two (32) square feet in area announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization; provided, that the sponsoring organization shall insure proper and prompt removal of such sign. Such sign may be maintained for a period not to exceed one (1) month.

D. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. Such signs shall not exceed a total area of twelve (12) square feet in an R district, or thirty-two (32) square feet in a C or I district or in an R district on a lot of twenty (20) acres or greater. Such signs, not to exceed one (1) in number, shall be permitted for a period not to exceed four (4) months, and shall be removed in any event within fourteen (14) days of the sale, rental or lease. In the event that a sale or letting has not occurred upon expiration of said four (4) month period, a sign permit shall be obtained for each additional period not to exceed four (4) months.

E. Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction; and, during the construction period, signs announcing the character of the building, enterprise or the purpose for which the building is intended. Such signs shall not include any advertisement of any product and shall be limited to a maximum area of thirty-two (32) square feet for each sign. The signs, not to exceed three (3) in number, shall be confined to the site of the construction and shall be removed within fourteen (14) days following completion of construction; in no case, however, shall such a sign be displayed for a period in excess of two (2) years; except the Zoning Administrator may approve one (1) extension for two (2) years.

F. Temporary signs not exceeding twenty (20) square feet announcing such happenings as 'Grand Opening', 'Under New Management', or 'Going Out of Business', subject to the following conditions:

(1) For a period not to exceed ten (10) days;

(2) Only in a location which has been given written approval by the Zoning Administrator;

(3) On a given property, such temporary sign may be displayed only one (1) time by the same proprietor in a twelve (12) month period; and

(4) Only upon the posting of a $100.00 bond to insure the removal of the sign(s) at the termination of the ten (10) day period.

12-104 Prohibited Signs

The following signs are prohibited in any zoning district and in any area of the County:

1. Any lighting arrangement by exposed tubing or strings of lights outlining any portion of a building or structure or affixed to any ornamental feature thereof.

2. Any portable sign, as defined.

3. Any sign that violates any provision of any law or regulation of the State of Virginia or United States relative to outdoor advertising.

4. Any sign that violates any provision of Chapter 61 of The Code, Buildings.

5. Any signs placed in windows or glass walls that cover an area in excess of twenty (20) per cent of the glass surface to which they are attached.

6. Any sign so located as to obscure all or any portion of a sign or traffic signal erected by a governmental authority.

7. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related; or any sign that does not meet the performance standards for glare set forth in Part 9 of Article 14.

8. Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weathervane.

9. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, except signs indicating time, temperature, barometric pressure, air pollution index or THI, but only when the sign does not constitute a public safety or traffic hazard in the judgment of the Zoning Administrator.

10. Any sign that obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from any building.

11. Any sign that is attached to a tree, whether on public or private property, except official notices or announcements as provided in Par. 3A of Sect. 103 above.

12. Any sign that is attached to a utility pole, whether on public or private property, except official notices or announcements as provided in Par. 3A of Sect. 103 above, and warning signs as provided in Par. 2I of Sect. 103 above.

13. Any sign which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic. To those ends, no sign shall use the words 'Stop', 'Slow', 'Caution', 'Yield', 'Danger', 'Warning', or 'Go' when such sign may be confused with a traffic control sign used or displayed by a public authority.

14. Any sign located in the vision triangle formed by any two intersecting streets, as regulated by the provisions of Sect. 2-505.

12-105 Sign Measurements

The area of a sign shall mean and shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblems or a figure of similar character together with all material, color or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed; provided, that in the case of a sign designed with more than one exterior face, the area shall be computed as including only the maximum single displayed surface which is visible from any ground position.

The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display; except, however, on a sign identifying the name of a residential development as permitted by the provisions of Par. 2 of Sect. 201 below and Par. 2 of Sect. 202 below, where such sign is attached to a wall or fence, the area of the entire wall or fence shall not be computed. The area of lamps, neon tubing or artificial illumination on walls of any structure are to be counted as part of the total allowable sign area.

12-106 Structural Requirements

All signs shall meet the structural requirements for same as set forth in Chapter 61 of The Code, Buildings.

12-107 Inspection, Maintenance and Removal

1. Signs for which a permit is required shall be inspected annually by the Zoning Administrator for compliance with this and other Ordinances of the County.

2. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.

3. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provision of The Code, the owner thereof or the person or firm maintaining same shall, upon reasonable notice in writing from the Zoning Administrator, make such sign conform to the provisions of this Article or shall remove it. If the order is not complied with, the Zoning Administrator may remove such sign at the expense of the owner or lessee thereof as provided in Chapter 61 of The Code, Buildings.

4. The Zoning Administrator may remove a sign immediately and without written notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

5. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises and has not been so conducted for a period of two (2) years. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may remove the sign at the expense of the owner or lessee thereof as provided in Chapter 61 of The Code, Buildings.

12-108 Outdoor Advertising Signs

Outdoor advertising signs, also commonly referred to as billboards or poster panels, which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Ordinance to constitute a separate use. The widespread display of outdoor advertising is deemed to be inappropriate to the character and sound development of the County. Such signs shall be allowed only as follows:

1. Outdoor advertising signs shall be located only in an I-5 or I-6 District as a Category 6 special exception use granted by the Board.

2. Outdoor advertising signs shall be subject to the same minimum yard requirements as set forth for the zoning district in which located, and in addition:

   A. No such sign shall be located within 200 feet of any R district.

   B. No such sign shall be located within 660 feet of the nearest right-of-way line of the airport access road, any interstate highway or federally maintained parkway, or within 75 feet of the nearest right-of-way line of any arterial street.

3. Outdoor advertising signs shall be permitted only on a lot having a street frontage of more than 100 feet, and on such lots only one advertising sign shall be allowed for each 100 feet of street frontage.

4. Outdoor advertising signs shall be located so as to be primarily visible from the airport access road, interstate highways, and arterial streets, and shall not be located along or be primarly visible from any other street.

5. The maximum height of an outdoor advertising sign shall be thirty (30) feet or thirty (30) feet above the center line elevation of the street to which it is adjacent at the nearest point, whichever is greater.

6. Outdoor advertising signs may be single-face or double-face, but no structure may contain more than two (2) signs not exceeding a total area of 825 square feet per facing.

12-109 Nonconforming Signs

1. Signs which do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but which were erected in accordance with all applicable regulations in effect at the time of their erection, may remain erected only so

long as the then existing use which they advertise or identify remains.

2. No nonconforming sign shall be enlarged, reconstructed, structurally altered or changed in any manner, nor shall it be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign.

3. No nonconforming sign shall be moved on the same lot nor to any other lot unless the moving will relocate the sign into a zoning district or an area in which it would conform.

4. Any sign which is not in conformity with the provisions of this Article, and which is not or ceases to be a lawful, nonconforming sign, shall be subject to removal under the provisions of Sect. 107 above.

PART 2 12-200 SIGN REGULATIONS BY USE AND DISTRICT

The following regulations shall apply to all signs which require a permit by the provisions of this Article.

12-201 Residential, Single Family Uses

In addition to regulations which may be presented for a given use in a particular zoning district, the following regulations shall apply to all signs which are located on unused lands or are accessory to single family residential uses in all R districts; to single family residential uses in any P district; and to all areas in an R-MHP District.

1. One (1) sign not exceeding two (2) square feet in area shall be permitted for each dwelling unit. Such sign shall indicate only the name and address of the occupant; however, no permit shall be required for the posting or display of address numbers as required by Chapter 102 of The Code.

2. In addition to the signs permitted by Par. 1 above, twenty (20) square feet of sign may be permitted to identify the name of a single family development at the major entrance thereto.

3. One sign not exceeding sixty (60) square feet in area, advertising a subdivision development and located therein adjacent to any street bounding such development, may be permitted; provided that no such sign shall be displayed for a longer time than two (2) years and shall require a permit from the Zoning Administrator. At the end of any two (2) year period, a renewal of the permit shall be obtained from the Zoning Administrator. Similarly, and subject to State approval, one (1) off-site sign not exceeding six (6) square feet may be permitted subject to the same limitations.

4. Notwithstanding the provisions of Sect. 12-209, a church, chapel, temple, synagogue, or other similiar place of worship, convent, monastery, seminary, nunnery, public school, community center or other public or institutional building may be permitted one (1) identification sign, with or without bulletin board or reader board, not exceeding a total of twelve (12) square feet in area, nor exceeding eight (8) feet in height, and located not less than ten (10) feet from any lot line.

5. Permitted signs may be located anywhere on the premises except as may be qualified in this Section.

6. No sign shall project beyond the property line.

7. All building-mounted signs shall be flush against the building and shall not project above the roof line.

8. No freestanding sign, including any part of the supporting members, shall extend more than five (5) feet above the ground, and the location of such a sign as it relates to lot lines shall be controlled by a 45° angle of bulk plane.

9. Illumination, if used, shall be what is known as white and not colored light, and shall not be blinking, fluctuating, or moving. Light rays shall shine only on the sign or upon the property within the premises and shall not spill over the property line in any direction except by indirect reflection.

12-202 Residential, Multiple Family Uses

In addition to regulations which may be presented for a given use in a particular zoning district, the following regulations shall apply to all signs which are located on unused lands or are accessory to multiple family residential uses in the R-12 through R-30 Districts and to multiple family areas in any P district.

1. One (1) or more signs per building shall be permitted, totaling twelve (12) square feet per building. Such sign shall indicate only the name of the building and the address as required by Chapter 102 of The Code.

2. In addition to the signs permitted by Par. 1 above, thirty (30) square feet of sign may be permitted for each street frontage to identify the name of the development.

3. Notwithstanding the provisions of Sect. 12-209, a church, chapel, temple, synagogue or other similar place of worship, convent, monastery, seminary, nunnery, public school, community center or other public or institutional building may be permitted one (1) identification sign, with or without bulletin board or reader board, not exceeding a total of twelve (12) square feet in area, nor exceeding eight (8) feet in height, and located not less than ten (10) feet from any lot line.

4. Permitted signs may be located anywhere on the premises except as may be qualified in this Section.

5. No sign shall project beyond the property line.

6. All building-mounted signs shall be flush against the building, and shall not project above the roof line nor above the third floor level.

7. No freestanding sign, including any part of the supporting members, shall extend more than twelve (12) feet above the ground, and the location of such a sign as it relates to lot lines shall be controlled by a 45° angle of bulk plane.

8. Illumination, if used, shall be what is known as white and not colored light, and shall not be blinking, fluctuating, or moving. Light rays shall shine only on the sign or upon the property within the premises and shall not spill over the property line in any direction except by indirect reflection.

12-203 Commercial Uses - General

In addition to the regulations which may be presented for a given use in a particular zoning district, the following regulations shall apply to all signs which are accessory to commercial uses located in a C district or the commercial areas of a P or I district.

1. Building-mounted signs on buildings housing only one (1) tenant shall not exceed one and one-half (1 1/2) square feet of area on the building for each of the first 100 linear feet of building frontage plus one (1) square foot of sign area for each linear foot over 100 linear feet of building frontage. No such sign, however, shall exceed 200 square feet in area.

2. Building-mounted signs on buildings housing more than one (1) tenant shall not exceed a total of one and one-half (1 1/2) square feet of area on the building for each linear foot of building frontage occupied by each tenant, to a maximum area for all signs for that respective tenant of 200 square feet.

3. Building-mounted signs may be located anywhere on the surface of the building and may project not more than fifteen (15) inches therefrom; except that signs may be projecting signs if they do not project into any minimum required yard or beyond the street line, and are no closer than two (2) feet to any curb line.

4. No building-mounted sign shall extend more than four (4) feet above the lowest point of the roof.

5. Signs may be on the vertical face of a marquee but shall not project below the lower edge of the marquee. The bottom of the marquee sign shall be no less than ten (10) feet above a walkway or grade at any point. No part of the sign shall extend above the vertical marquee face, and no such sign shall exceed seven (7) feet in height.

6. The location of all freestanding signs, where permitted, as they relate to lot lines shall be controlled by a 45° angle of bulk plane, and in no instance shall project beyond any property line nor be within two (2) feet of the curb line of a service drive, travel lane or adjoining street.

7. Unless further restricted by the provisions that follow, no freestanding sign, including its supports, shall exceed a height of twenty (20) feet above ground level.

8. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway or alley.

9. Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services, or the entertainment available on the same property where the sign is located.

10. Service stations may be allowed one (1) additional square foot of sign on each gasoline pump for the purpose of identifying the specific product dispensed from that pump.

11. Service station freestanding signs, where permitted, shall be limited to the maximum area designated in Sections 204 through 207 below. Of such maximum sign area, twelve (12) square feet may be used to identify the price of gasoline dispensed at that service station.

12. Illumination of signs may be permitted, but only in accordance with the performance standards relative to glare for the zoning district in which located.

12-204 Commercial Uses in Central Business Districts

The following regulations shall supplement the provisions set forth in Sect. 203 above and shall apply to all commercially zoned land and to all commercial uses within those areas designated on the Official Zoning Map as a Central Business District (CBD) Sign Control Overlay District, which district is established by the provisions of Part 5 of Article 7.

1. Building-mounted signs shall be limited to the area designated in Par. 1 and 2 of Sect. 203 above.

2. No more than one (1) freestanding sign shall be permitted for a shopping center, which shall be limited to shopping center identification. No freestanding sign shall be permitted for individual enterprises, whether or not that enterprise is in a shopping center; except that an individual enterprise with frontage on a primary highway shall be permitted one (1) freestanding identification sign.

3. Freestanding signs shall be limited to a maximum area of forty (40) square feet.

12-205 Commercial Uses Adjacent to Primary Highways and Major Thoroughfares

The following regulations shall supplement the provisions set forth in Sect. 203 above and shall apply to all commercially zoned land and to all commercial uses which are not included in a designated CBD and which have direct frontage on a primary highway or on a major thoroughfare as shown on the adopted comprehensive plan.

1. Building-mounted signs shall be limited to the area designated in Par. 1 and 2 of Sect. 203 above.

2. Freestanding signs shall be limited to a maximum area of eighty (80) square feet.

3. No more than one (1) freestanding sign used only as an enterprise sign shall be permitted for a commercial use not located within a shopping center, but a shopping center may be permitted one (1) shopping center identification sign for each frontage on a primary highway with a maximum of two (2) such signs.

12-206 Commercial Uses in Other Commercial Areas

The following regulations shall supplement the provisions set forth in Sect. 203 above and shall apply to all commercially zoned land, except areas zoned C-1, C-2, C-3 and C-4, and to all commercial uses, except offices, not located in CBD's or adjacent to primary highways or major thoroughfares.

1. Building-mounted signs shall be limited to the area designated in Par. 1 and 2 of Sect. 203 above.

2. No more than one (1) freestanding sign used as a shopping center identification sign shall be permitted for a shopping center. An individual enterprise, whether or not located

within a shopping center, shall not be permitted a freestanding sign.

3. Freestanding signs shall be limited to a maximum height of twenty (20) feet and an area of eighty (80) square feet.

12-207 Commercial Office Uses

The following regulations shall supplement the provisions set forth in Sect. 203 above and shall apply to all uses in the C-1, C-2, C-3 and C-4 Districts and to all office uses within those areas not included in CBD's or adjacent to primary highways or major thoroughfares.

1. Building-mounted signs shall be limited to the area designated in Par. 1 and 2 of Sect. 203 above.

2. Freestanding signs shall not be permitted.

12-208 Industrial Uses

In addition to the regulations which may be presented for a given use in a particular zoning district, the following regulations shall apply to all property developed for industrial uses in areas zoned in the I-I through I-6 Districts.

1. Building-mounted signs shall not exceed a total area of one (1) square foot for each linear foot of building frontage with a maximum total area of 300 square feet for all signs permitted for any establishment. Where the frontage is on more than one street, only the sign area computed with the frontage of that street shall face that street.

2. Signs may be flat against the wall and located anywhere on the surface of the building. Signs may be projecting signs only if they do not project into any required minimum yard or beyond the street line, and are no closer than five (5) feet from any curb line.

3. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway or alley.

4. No building-mounted sign shall extend more than four (4) feet above the lowest point of the roof.

5. One (1) freestanding or ground-supported sign may be erected for each use. Such sign shall have a maximum area of eighty (80) square feet.

6. The location of all freestanding signs as they relate to lot lines shall be controlled by a 45° angle of bulk plane, and in no instance shall any part of such a sign project beyond any property line nor be within five (5) feet of any curb line of a service drive, travel lane or adjoining street.

7. Unless otherwise restricted, no freestanding sign, including supports, shall exceed a maximum height of twenty (20) feet.

8. Signs allowed by this Section shall be limited to identifying or advertising the property, the individual enterprises, the products, services, or entertainment available on the same property where the sign is located.

9. Service stations may be allowed one (1) additional square foot of sign on each gasoline pump for the purpose of identifying the specific product dispensed from that pump.

10. Service station freestanding signs, where permitted, shall be limited to the maximum area set forth in Par. 5 above. Of such maximum sign area, twelve (12) square feet may be used to identify the price of gasoline dispensed at that service station.

11. Illumination of signs may be permitted, but only in accordance with the performance standards relative to glare for the zoning district in which located.

12-209 Special Permit, Special Exception Uses

The BZA, in granting a special permit use, and the Board, in granting a special exception use, may specify the height, area, color or illumination of any sign accessory to such a use. In no event, however, shall a sign accessory to a special permit or special exception use exceed the following standards, except as may be qualified for a particular group/category or use:

1. In all R districts and the residential areas of all P districts, notwithstanding the provisions for signs in the zoning district in which the use may be located:

   A. Only one (1) sign per use shall be permitted.

   B. All such signs shall be limited to an area of four (4) square feet.

   C. Freestanding signs shall be permitted for only those uses set forth in Groups 2, 3 and 4 and Categories 1, 2, 3 and 4, and shall be limited to a maximum height of five (5) feet.

   D. The location of freestanding signs as they relate to lot lines shall be controlled by a 45^0 angle of bulk plane.

2. In all C districts, I districts and commercial areas of all P districts, such signs shall be controlled by the regulations of the zoning district in which the use may be located.

12-210 Accessory Service Uses and Home Occupations

1. Signs for accessory service uses, as permitted by the provisions of Part 2 of Article 10, that are visible from the outside of the building shall be limited to one (1) identification sign not to exceed fifteen (15) square feet in area for all such uses in a given building.

2. Signs for home occupations shall be regulated by the sign provisions for the zoning district in which the home occupation is located.

12-211 Nonconforming Uses

1. A sign identifying or advertising a use which is permitted in a C or I district, but which use exists as a nonconforming use in a more restrictive C or I district, shall conform to the sign regulations in the district in which the same is located.

2. A sign identifying or advertising a use which is permitted in a C or I district, but which use exists as a nonconforming use in an R district, shall conform to the sign regulations set forth in Sect. 207 above.

3. If a nonconforming use is discontinued for more than two (2) years, or if that use ceases to be a lawful nonconforming use under the provisions of Article 15 and becomes an unlawful use, then the sign which advertises or identifies it shall become an unlawful sign and the provisions of Sect. 107 above shall be applicable.

4. Signs which are accessory to a nonconforming use shall be deemed a nonconforming sign and shall be subject to the provisions of Sect. 109 above.

PART 3 12-300 ADMINISTRATION

12-301 Permit Requirements

1. Except as otherwise provided herein, no sign shall be erected, altered, or relocated without a permit issued by the Zoning Administrator.

2. Any sign erected under permit shall indicate in the lower right hand corner the number of that permit; the date of issuance in letters legible from the ground; and the name of the person, firm or corporation owning, erecting, maintaining or operating such sign.

12-302 Permit Application

The application for a sign permit shall be filed with the Zoning Administrator on forms furnished by the County. The application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design and location of the sign and such other pertinent information as the Zoning Administrator may require to insure compliance with the ordinances of the County.

12-303 Fees for Sign Permits

1. A fee of twenty (20) dollars shall be charged for each sign permit issued.

2. In addition, for every freestanding sign in the County, an annual inspection fee of ten (10) dollars shall be charged. Payment of this fee shall be the responsibility of the owner of the sign.

12-304 Nullification

1. A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of six (6) months after the date of the permit.

2. In the event that construction cannot be commenced within the six (6) month period, an application for extension of an additional six (6) month period may be made to the Zoning Administrator.

12-305 Variances

1. The BZA may grant a variance in the height of a neighborhood or community shopping center identification sign where, in its opinion, the provisions of this Article would cause a hardship by virtue of topography. No such variance shall be granted that would permit a shopping center identification sign to extend to a height of more than twenty-six (26) feet above the center line elevation of the nearest street.

2. Except for instances relating to signs or sign structures located or proposed to be located on or over public property, any person who has been ordered by the Building Inspector to incur an expense for the alteration or removal of a sign may appeal to the BZA under the provisions of Part 3 of Article 18. The BZA may permit the alteration or permit the sign to remain, provided it finds that the sign is safe, necessary to the occupation which it represents and does not conflict with the intent of this Article.

3. In cases where an individual enterprise located within a shopping center would be so situated as not to have frontage visible from a street, the BZA may grant a building-mounted sign for such a use to be erected at entrances, arcades or interior malls. In granting such a variance, the BZA shall limit the area of such signs to that which in its opinion is reasonably in keeping with the provisions of this Article.

4. The BZA has no power to grant variances from any of the provisions of this Article except those specifically listed in this Section.

12-306 Special Exceptions

1. In accordance with the provisions of Part 6 of Article 9, the Board may grant a special exception to allow additional sign area, additional sign height, or a different arrangement

of sign-area distribution for a regional shopping center or industrial park.

2. In cases where a proposed individual enterprise is to be located adjacent to existing commercial uses that have freestanding signs that do not conform to the provisions of this Ordinance, the Board, in accordance with the provisions of Part 6 of Article 9, may grant a special exception to allow a freestanding sign, and shall limit the area, height and location of such a sign to that which in its opinion is reasonably in keeping with the provisions of this Article.

ARTICLE 13

LANDSCAPING AND SCREENING

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ARTICLE 13

LANDSCAPING AND SCREENING

PART 1 13-100 LANDSCAPING AND SCREENING

13-101 Purpose and Intent

The purpose and intent of this Article is to preserve and promote the health, safety and general welfare of the public; to facilitate the creation of a convenient, attractive and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of land. More specifically this Article is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this Article is intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the blighted appearance of parking lots.

13-102 Applicability

The provisions of this Article shall apply to all development where site plans are filed in accordance with the provisions of Article 17, except the following:

1. Site plans filed pursuant to a special permit, special exception or variance approved prior to December 10, 1977, or

2. Site plans filed pursuant to proffered conditions or a development plan approved by the Board of Supervisors prior to December 10, 1977.

13-103 Administration

The Director shall be responsible for the administration of this Article.

13-104 Standards

The following standards shall apply to the installation and maintenance of all landscaping, screening and barriers required by the provisions of this Article.

1. The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of Section 3-1.9 of Volume III of the Public Facilities Manual.

2. All trees required by the provisions of this Article shall be a minimum of six (6) feet in overall height at the time of planting.

3. Generally, planting required by this Ordinance should be in an irregular line and spaced at random.

4. Existing vegetation which is suitable for use in compliance with the requirements of this Article, and which is protected according to the provisions of Section 3-1.4 of Volume III of the Public Facilities Manual, when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Article, may and should be used as required planting.

13-105 Landscaping Plan and Planting Requirements

1. Except as permitted by the provisions of Sect. 111 below, a landscaping plan shall be submitted as part of every site plan required by the provisions of Article 17.

2. Such landscaping plans shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials in accordance with Section 3-1.5.H of Volume III of the Public Facilities Manual.

3. The landscaping measures as required by this Article shall be shown on such plan, and shall be completed according to specifications prior to approval of any Residential or Non-Residential Use Permit in accordance with the provisions of Sect. 18-704.

13-106 Interior Parking Lot Landscaping

1. Any parking lot of twenty (20) or more spaces shall be provided with interior landscaping covering not less than five (5) per cent of the total area of the parking lot. Such landscaping shall be in addition to any planting or landscaping within six (6) feet of a building, planting or landscaping required as peripheral planting by Sect. 107 below, and transitional screening as may be required by Sections 108 and 109 below.

2. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping.

3. The landscaping areas shall be reasonably dispersed throughout the parking lot.

4. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein in conformance with Section 3-1.4.B of Volume III of the Public Facilities Manual.

5. The Director may waive or modify the requirements of this Section for any use in an I district wherein vehicles are parked or stored, provided the use is screened from view of all adjacent property and all public streets.

13-107 Peripheral Parking Lot Landscaping

If any parking lot contains twenty (20) or more spaces and transitional screening is not required by Sections 108 and 109 below, then peripheral parking lot landscaping shall be required as follows:

1. Where the property line abuts land not in the right-of-way of a street:

   A. A landscaping strip four (4) feet in width shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.

   B. At least one (1) tree for each fifty (50) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on fifty (50) foot centers.

2. Where the property line abuts the right-of-way of a street:

   A. A landscaping strip ten (10) feet in width, which shall not include a sidewalk or trail, shall be located between the parking lot and the property line.

   B. At least one (1) tree for each forty (40) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on forty (40) foot centers.

   C. Where peripheral landscaping required by this Article conflicts with street planting regulations of the Virginia Department of Highways and

Transportation, the regulations of the latter shall govern.

13-108 Transitional Screening and Barriers, General Provisions

1. Transitional screening and barriers shall be provided in accordance with the matrix presented at the end of this Article and in accordance with the provisions of this Section and Sections 109 and 110 below.

2. Transitional screening and barriers shall be provided within the zoning district and on the lot of the use indicated in the left column of the matrix where it abuts land used or zoned for uses indicated across the top of the matrix.

3. Where the structure is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Director may allow the lesser requirements of the matrix upon a finding that the need for the more stringent requirements has been eliminated by the arrangement of the uses.

4. The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.

5. In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Director, using the matrix as a guide, shall determine whether or not and to what extent transitional screening and barriers shall be provided.

6. In addition to the standards set forth in Articles 8 and 9 for a particular use, all uses allowed by special permit or special exception in a given district shall be required to provide transitional screening and barriers as determined by the BZA or Board, as the case may be, using the matrix as a guide.

13-109 Transitional Screening Requirements

1. Transitional screening shall be required only at the outer boundaries of a lot and shall be provided except where driveways or other openings may be required.

2. Transitional screening may be provided within the required minimum yard.

3. There shall be three (3) different transitional screening requirements as identified on the matrix, which shall be provided as follows:

   A. Transitional Screening 1 shall consist of an unbroken strip of open space a minimum of 25 feet wide and planted with:

      (1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet

      OR

      (2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet.

   B. Transitional Screening 2 shall consist of an unbroken strip of open space a minimum of 35 feet wide and planted with:

      (1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one deciduous tree with an ultimate height of 50 feet or greater for each 30 linear feet

OR

(2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one small deciduous tree with an ultimate height of 20 feet or less for each 12 linear feet.

C. Transitional Screening 3 shall consist of an unbroken strip of open space a minimum of 50 feet wide planted with:

(1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one deciduous tree with an ultimate height of 50 feet or greater for each 30 linear feet, plus one evergreen tree with an ultimate height of 40 feet or greater for every 15 linear feet

OR

(2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one small deciduous tree with an ultimate height of 20 feet or less for each 12 linear feet, plus 7 medium evergreen shrubs with an ultimate height of 12 feet or less for each 10 linear feet.

13-110 Barrier Requirements

1. Barriers shall be located between the required transitional screening and the use or activity in connection with which they are required where they will most adequately screen such activities from the existing or proposed first floor level of adjoining development as determined by the Director.

2. Where options are presented on the matrix for a type of barrier, such option shall be available to the developer unless otherwise qualified.

3. In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Director may require the use of an earth berm or more specialized fence material in lieu of, or in combination with, any of the barrier types set forth below.

4. There shall be different barrier requirements as identified on the matrix, which shall be provided as follows:

A. Barrier A shall consist of a 42-48 inch wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.

B. Barrier B shall consist of a 42-48 inch solid wood or otherwise architecturally solid fence.

C. Barrier C shall consist of an evergreen hedge with an ultimate height of at least 42-48 inches and planted size of 36 inches.

D. Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs.

E. Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.

F. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.

G. Barrier G shall consist of a 6 foot chain link fence and may be required by the Director to have inserts in the fence fabric or to be coated.

H. Barrier H shall consist of one row of 6 foot trees averaging 50 feet on centers, such trees being a variety of types. This requirement may be omitted in cases where the building is 6 feet or less from the property line.

13-111 Transitional Screening and Barrier Waivers and Modifications

Transitional screening and barriers may be waived or modified by the Director in any of the following circumstances. The Director may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this Article.

1. Transitional screening and barriers may not be required between uses that are to be developed under a common development plan or series of development plans within a PRC District or a common site plan.

2. Where the strict provisions of this Article would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by the Director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

3. Transitional screening may be waived or modified where any side of a building abuts a street and where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

4. Transitional screening yard width and planting requirements may be reduced by as much as two-thirds (2/3) where the developer chooses to construct a seven (7) foot brick or architectural block wall instead of the lesser barrier indicated by the matrix.

5. Transitional screening and barriers may be waived or modified where the adjoining land is designated in the adopted comprehensive plan for a use which would not require the provision of transitional screening between the land under site plan and the adjoining property.

6. Transitional screening and barriers may be waived or modified when the adjacent property is zoned to allow a use similar to that of the parcel under site plan.

7. Transitional screening and barriers may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.

8. Transitional screening and barriers may be waived or modified when the adjoining land is used for a sawmilling operation or for a wayside stand.

9. Transitional screening and barriers may be waived or modified where adjacent residential property is used for any use permitted by the Board of Zoning Appeals or the Board of Supervisors as a special permit or special exception use except nursery schools, day care centers, schools of general and special education.

10. Transitional screening may be waived or modified when the adjoining land is an R district and is used for off-street parking as permitted by the provisions of Sect. 9-609.

11. Transitional screening and barriers may be waived or modified where the subject property abuts a railroad or interstate highway right-of-way, except the Dulles Airport Access Road.

12. The Director may waive or modify the barrier requirements where the topography of the

lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.

13. The Director may waive or modify the barrier requirements for single family attached dwelling units where a six (6) foot fence has been provided to enclose a privacy yard on all sides, and such fence is architecturally designed and coordinated with landscaping techniques to minimize adverse impact on adjacent properties.

13-112 Maintenance

1. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this Article.

2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

3. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Director for accessibility to an area for necessary maintenance.

13-113 Bond/Cash Escrow Requirements

No landscape plan required by this Ordinance shall be approved until the applicant has posted a bond acceptable to the County conditioned upon satisfactory installation of the landscaping proposed in his landscape plan, in a sum established by the Director. This bond shall be required for non-rental residential projects only.

13-114 Appeals

Any person aggrieved by a decision of the Director may appeal such decision in accordance with the provisions of Sect. 17-110.

Transitional Screening and Barrier Matrix

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1. Dwellings, detached																	
2. Dwellings, attached	1 B,A*																
3. Dwellings, multiple family Dwellings, mobile home	1 D,E or F	1															
4. Churches, chapels Day care centers Nursery schools Private schools	D,E or F	D,E or F	D,E or F	H													
5. Community Uses (Group 4)	1 D,E or F	1 D,E or F	1 D,E or F	A,B or C	H				H								
6. Inst. providing housing, general care for indigent, orphans and the like Medical care facilities	2 D,E or F	2 D,E or F	1 D,E or F														
7. Financial institutions Funeral chapels	1 D,E or F	1 D,E or F	1 B or C	H													
8. Business service & supply estab. Eating estab. Funeral homes Offices Personal service estab. Repair service estab. Retail sales estab. w/out outside display	2 D or F E*	2 D or F E*	1 D or F E*	1 A,B or C	H												
9. Bus, railroad stations Car washes Drive-in banks Fast food restaurants Retail sales estab. with outside display Service stations Theatres, to include drive-in motion picture Vehicle light service estab. Vehicle sale & rental estab.	3 E,F or G	3 E,F or G	2 E,F or G	D,E or F	H												
10. Hotels, motels	2 E,F or G	2 E,F or G	1 E,F or G	H	H												

11. Commercial recreation uses (Group 5)	2 D,E or F	2 D,E or F	1 D,E or F	D,E or F	H												
12. All other public and quasi-public uses (Category 3)	2 D,E or F	2 D,E or F	2 D,E or F	1 A,B or C	D,E or F												
13. Production, processing estab. as permitted in I-3, I-4 Districts Scientific research & development estab. Wholesale trade estab.	2 D,E or F	2 D,E or F	2 D,E or F	D,E or F	H	H		H	H								
14. Light public utility uses (Category 1)	3 D,E or F	2 D,E or F	2 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	D,E or F	D,E or F								
15. Contractor's offices & shops Heavy equip. sales, rental & service estab. Heavy public utility uses (Category 2) Lumber & bldg. material yard Motor freight terminals Storage yards Warehousing facilities	3 D,E or F	3 D,E or F	3 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	D,E or F	D,E or F								
16. Production, processing estab. as permitted in I-5, I-6 Districts Junk yds Motor vehicle storage & impoundment yds Recycling centers Vehicle major service estab.	3 D,E or F	3 D,E or F	2 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	1 A,B or C	D,E or F			1 A,B or C		
17. Heavy industrial uses (Category 5)	3 D,E or F	3 D,E or F	2 D,E or F	1 D,E or F	1 A,B or C	1 D,E or F	1 D,E or F	1 A,B or C	1 A,B or C	1 A,B or C	1 A,B or C	D,E or F			1 D,E or F	1 D,E or F	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

* As may be required by the Director

ARTICLE 14

PERFORMANCE STANDARDS

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ARTICLE 14

PERFORMANCE STANDARDS

PART 1 14-100 GENERAL PROVISIONS

14-101 Applicability

1. No permitted, special permit or special exception use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the applicable performance standards established by this Article, except as qualified in Sect. 102 below.

2. Any existing use that complies with the applicable performance standards of this Article on the effective date of this Ordinance shall continue to so comply. If, at such time, the operations of any lawful existing use violate any of the applicable performance standards of this Article, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

3. Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Article, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the specified standards, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

4. The fact that the operations of a lawful existing use violate the applicable performance standards of this Article shall not of itself make such use subject to the requirements of Article 15 relating to nonconformities.

14-102 Performance Standards Not Applicable

The performance standards presented in this Article shall not apply to Group 1 special permit uses regardless of the zoning district in which such uses may be located. Group 1, Extraction and Excavation Uses, shall be subject to compliance with the performance standards presented in Sect. 8-105.

14-103 Administration of Certain Performance Standards

For the purpose of administering the required performance standards relative to Vibration and Glare, the standards are presented in two (2) basic groups, namely: Group I and Group II. Table IV sets forth the applicable performance standard that must be met in each zoning district.

PART 2 14-200 AIR POLLUTION STANDARD

Any activity, operation or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the State and the Fairfax County Air Pollution Control Ordinance.

PART 3 14-300 FIRE AND EXPLOSION HAZARD STANDARD

All operations, activities and uses shall be conducted so as to comply with the Fire Prevention Code (Chapter 62 of The Code).

PART 4 14-400 RADIATION HAZARD STANDARD

All operations, activities and uses shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 11e., z., and aa. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (z), and (aa)).

No activity, operation or use shall cause radiation emissions which are in violation of the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health established pursuant thereto.

PART 5 14-500 ELECTROMAGNETIC RADIATION AND INTERFERENCE STANDARD

No activity, operation or use shall cause electromagnetic radiation interference that (a) adversely affects persons or the operation of any equipment across lot lines and (b) is not in conformance with the regulations of the Federal Communications Commission.

PART 6 14-600 LIQUID AND SOLID WASTES STANDARD

Any activity, operation or device which causes or tends to cause the discharge or other release of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply with applicable laws, rules and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act; the Virginia Water Control Law; and the Fairfax County Code provisions on sewers and sewage disposal, pollution of state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse, and erosion and sediment control.

PART 7 14-700 NOISE STANDARDS

No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 108 of The Code.

PART 8 14-800 EARTHBORN VIBRATION STANDARDS

14-801 Required Performance Level

No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

14-802 Method of Measurement

1. Measurements shall be made at or beyond the adjacent lot line, nearest R district boundary line, or nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

2. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

3. For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

14-803 Group I Vibration Standards

1. Uses subject to Group I standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table I below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE III

Maximum Intensity of Light Sources

Source	Intensity Group I	Intensity Group II
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 foot candles	30 foot candles
Back lighted or luminous background signs	150 foot lamberts	250 foot lamberts
Outdoor illuminated signs and poster panels	25 foot candles	50 foot candles

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TABLE IV

REQUIRED PERFORMANCE STANDARDS

(GROUP I OR GROUP II)

TOPIC	ZONING DISTRICT				
	All R Districts	C-1 through C-4	C-5 through C-8	I-1 through I-4	I-5 and I-6
VIBRATION	I	I	I	I	II
GLARE	I	I	II	I	II

Note: Required performance standards for uses in P Districts shall equate those standards for uses in the most similar R, C or I District, as determined by the Zoning Administrator.

TABLE I

Maximum Permitted Steady State Vibration Levels

Location (at Lot Line)	Maximum peak particle velocity inches per second
In a residential district	0.02
At or beyond adjacent lot lines, except a residential district	0.05

2. Impact vibrations shall be permitted at twice the values stated above.

3. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above in Table I for R districts shall be reduced to one-half (1/2) the indicated values.

14-804 Group II Vibration Standards

1. Uses subject to Group II standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table II below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

Maximum Permitted Steady State Vibration Levels

Location (at Lot Line)	Maximum peak particle velocity inches per second
In a residential district	0.02
At or beyond adjacent district boundary lines, except a residential district	0.10

2. Impact vibrations shall be permitted at twice the values stated above.

3. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above in Table II for R districts shall be reduced to one-half (1/2) the indicated values.

4. When the frequency of impacts does not exceed one (1) per day, the maximum vibration level, measured across lot lines, shall not exceed 0.4 inches per second.

PART 9 14-900 GLARE STANDARDS

14-901 Required Performance Level

All uses, operations and activities shall be conducted so as to comply with the performance standards governing glare prescribed below.

14-902 Method of Measurement

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

14-903 General Requirements

Uses subject to Group I and Group II standards shall not produce glare so as to cause illumination in R districts in excess of 0.5 foot candles. Flickering or bright sources of illumination shall be controlled so as not to be a nuisance in R districts.

14-904 Group I and Group II Glare Standards

Uses subject to Group I and Group II standards shall limit the use of light sources and illuminated surfaces which are located in or are within 500 feet of and visible within any R district so as to comply with the light intensities indicated in Table III below.

ARTICLE 15

NONCONFORMITIES

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ARTICLE 15

NONCONFORMITIES

PART 1 15-100 NONCONFORMING USES

15-101 Qualification of Nonconforming Uses

1. Notwithstanding the definition of nonconforming building or use presented in Article 20, a building or use shall not be deemed a nonconforming use if such was a conforming building or use prior to the effective date of this Ordinance, and such building or use would otherwise be a conforming use under the provisions of this Ordinance except that it does not meet the minimum district or lot size or minimum yard requirements of the zoning district in which located.

   Such a use may be continued and may be enlarged, provided that such use after enlargement shall comply with all of the regulations of the zoning district in which located except the lot size requirements.

2. Any use 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, shall not be deemed to be a nonconforming use in such district. However, 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.

15-102 Nonconforming Uses Which May be Continued and Enlarged

1. The following nonconforming uses may be continued, and upon obtaining a special exception from the Board in accordance with the provisions of Article 9, such use may be enlarged subject to the conditions set forth in Paragraphs 2 through 4 below.

   A. Single family detached dwelling in a C or I district or an R district where such a dwelling is not permitted by the provisions of this Ordinance.

   B. A commercial use, allowed as a permitted, special permit or special exception use in a C district of one class under the provisions of this Ordinance, but located in a C district of another class where such use is not allowed.

2. Such uses as set forth in Par. 1 may be enlarged to a total aggregate extent not to exceed twenty-five (25) per cent of the area of land occupied by such nonconforming use, and to a total aggregate extent not to exceed twenty-five (25) per cent of the gross floor area of the building in which such nonconforming use is conducted; provided that such enlargement shall never exceed the maximum floor area ratio prescribed for the zoning district in which located.

3. Structural alterations may be made in a building housing a nonconforming use set forth in Par. 1 above, but only to a total aggregate extent not to exceed fifty (50) per cent of its current appraised value according to the records of the Supervisor of Assessments.

4. Whereas a single family detached dwelling may be remodeled, extended, expanded or enlarged in accordance with the provisions of this Section, in no instance shall such structure be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

15-103 Regulations Controlling Other Nonconforming Uses

1. Any nonconforming use, other than those specified in Sect. 102 above, may be continued but shall not be enlarged or extended, nor shall any structural alteration be made in any building in which such use is conducted.

2. Any nonconforming use may be extended to occupy any part of a building that was manifestly arranged or designed for such use at the time of the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such building. Except as provided in Sect. 102 above, no nonconforming use shall be extended to occupy a greater area of land than that occupied by such use prior to the effective date of this Ordinance.

3. Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming building or a building in which a nonconforming use is conducted, but no such building that is declared by any authorized County official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt.

4. If a building in which a nonconforming use is conducted is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the regulations specified by this Ordinance for the zoning district in which such building is located.

5. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of land on which such building was located and the subsequent location and use of any building thereon shall be in conformity with the regulations specified by this Ordinance for the zoning district in which such land is located.

6. A nonconforming building or building in which a nonconforming use is conducted that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) per cent of its current appraised value according to the records of the Supervisor of Assessments, exclusive of foundations, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Sect. 102 above. If any such building is so destroyed or damaged to an extent exceeding fifty (50) per cent of its value as above, it shall not be reconstructed except:

   A. For a conforming use.

   B. If the building is used for agricultural purposes and the floors and foundation walls are of concrete and/or other masonry and are not practical to move.

   C. If the nonconforming location is necessary to meet any requirement or regulation of the Health Department.

   D. If the nonconforming building is a single family detached dwelling, in which event it may be reconstructed within two (2) years after the aforesaid destruction or damage so as to occupy the same space that it occupied prior to such destruction or damage or any part thereof.

7. If any nonconforming use ceases for any reason for a continuous period of two (2) years or more other than for reasons beyond the control of the owner of the property, except for provisions of Par. 6 above, or is changed to or replaced by a conforming use, the land and building theretofore devoted to such nonconforming use shall thereupon be subject to all the regulations as to use for the zoning district in which such land and building are located as if such nonconforming use had never existed.

8. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

9. The rights pertaining to a nonconforming use or building shall be deemed to pertain to the use or building itself, regardless of the ownership of the land or building on or in which such nonconforming use is conducted or of such nonconforming building or the nature of the tenure of the occupancy thereof.

10. All of the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing on the effective date of this Ordinance and to all uses and buildings that become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established or building erected in violation of law, regardless of the time of establishment or erection.

PART 2 15-200 SUBSTANDARD SUBDIVISIONS

15-201 Application

The regulations set forth in this Part shall apply to the resubdivision of any subdivision defined as a substandard subdivision in Article 20; provided, that such resubdivision of such substandard subdivision complies with all provisions of Chapter 101 of The Code, The Subdivision Ordinance.

All other provisions applicable to the zoning district in which the property to be resubdivided hereunder lies, not specifically modified by this Part, shall continue to apply.

15-202 Lot Area Requirement

No structure shall be erected or placed on a lot or building site in the development of a resubdivision of a substandard subdivision unless such lot or building site complies with the following:

1. The average area of the lots in such a resubdivision shall be not less than the average area of the lots in the subdivision heretofore lawfully dedicated and recorded, plus one-half (1/2) the difference between that average and the average area required for a lot in the zoning district in which the subdivision lies.

2. The minimum lot area in such subdivision shall be not less than ten (10) per cent smaller than the above described average lot area, except that no lot proposed for a single family detached dwelling shall in any case contain an area of less than 6500 square feet or such greater minimum area as may be required by the Health Department.

15-203 Lot Width Requirement

The minimum width of any lot shall be not less than the lot width required in the next less restrictive zoning district in which such subdivision lies. In no case shall any interior lot proposed for a single family detached dwelling have a width of less than fifty (50) feet, nor shall any corner lot proposed for a single family detached dwelling have either a width or a depth of less than seventy (70) feet. All such widths or depths shall be measured at the required front yard line.

15-204 Yard Requirements

1. The front yard requirement in resubdivisions of subdivisions developed as substandard subdivisions shall be the same as the front yard requirement of the zoning district in which the property lies.

2. There shall be on each side of every building a side yard not less than that required in the next less restrictive residential zoning district in which the property lies. In no case, however, shall any side yard be less than ten (10) feet in width.

3. No part of a building shall be erected within twenty (20) feet of the rear lot line.

ARTICLE 16

DEVELOPMENT PLANS

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ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

No application shall be approved for a planned development under the provisions of Article 6 unless the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character and intensity of use and public facilities. Residential planned developments shall not exceed the density permitted by the adopted comprehensive plan, except as expressly permitted under applicable density bonus provisions.

2. The planned development shall be of such design that it will result in a development achieving the stated purposes of the planned development district more than would development under a conventional zoning district.

3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish standards by which to evaluate good design. To satisfy this necessity, the following design standards are set forth for general application in all planned developments.

1. In order to complement development on adjacent properties, at all peripheral lot lines the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities.

4. Within planned developments, particular emphasis shall be placed on the provision of recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle paths which shall be carefully coordinated with the provision of open spaces, public

facilities, vehicular access routes and mass transportation facilities.

PART 2 16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

16-201 Comprehensive Plan Approval

1. At the time of or before application for rezoning to a PRC District, the applicant shall prompt a revision to the adopted comprehensive plan to permit a planned community in the area under consideration. Such action shall be initiated by the submission of a recommended comprehensive plan for the subject area, which area shall contain not less than 750 contiguous acres under one ownership or control.

2. Such comprehensive plan shall be presented in at least the same level of detail as that adopted comprehensive plan for the area under consideration. In particular, the comprehensive plan shall be prepared in accordance with the provisions of Sect. 301 below.

3. In conjunction with the submission of a proposed comprehensive plan, the applicant shall submit a general development schedule showing the approximate time frame of the development.

4. Fifteen (15) copies of the proposed comprehensive plan and development schedule shall be submitted to the Zoning Administrator along with a written request for the consideration of an amendment to the adopted comprehensive plan.

5. Upon receipt, the Zoning Administrator shall cause a thorough review of the proposed comprehensive plan amendment by all appropriate agencies, and upon the finding that additional information may be needed to complete the review, the Zoning Adminstrator shall request same of the applicant.

6. As part of the review of the proposed comprehensive plan, the Zoning Administrator shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.

7. Upon the satisfactory completion of the comprehensive plan review, the Zoning Administrator shall notify the Planning Commission to schedule a public hearing for the proposed comprehensive plan amendment.

8. Within thirty (30) days following the Planning Commission public hearing on the amendment, it shall transmit the proposed amendment and the Commission's recommendations to the Board. Within sixty (60) days following the date of transmission from the Planning Commission, the Board shall consider the matter and hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the proposed amendment within thirty (30) days after the public hearing thereon.

9. When approved, the comprehensive plan for a planned community shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time. Any revision to the adopted comprehensive plan shall be subject to the same procedures as the original application and the requirements of Sect. 301 below.

10. Additional land may be added to an adopted planned community if it represents a logical extension of the adopted comprehensive plan, is under the same ownership or control as the adopted planned community and is adjacent thereto. Any addition of land to the adopted comprehensive plan shall be subject to the same requirements and procedures as the original application.

16-202 Establishment of a PRC District

1. Following the Board approval of the comprehensive plan for a planned community, the Board may create within such planned community a PRC District subject to the provisions of Part 2 of Article 18. Such PRC District shall contain a minimum land area of 750 contiguous acres under one ownership or control and shall be zoned in accordance

with the adopted comprehensive plan.

2. Additional land may be added to a PRC District if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, if it is under the same ownership or same control as the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres.

16-203 Development Plan Approval

1. An application for a rezoning to a PRC District shall be accompanied or followed by the owner's submission of a development plan, which plan shall be filed with the Zoning Administrator in fifteen (15) copies. Final action on a development plan filed in conjunction with a rezoning application shall be taken within the one (1) year time frame established for rezoning applications. Final action on a development plan filed after a rezoning application has been filed or a development plan amendment shall be taken within six (6) months from the date the Zoning Administrator has determined such plan is complete; provided, however, that no final action shall be taken unless the subject property has been rezoned to the PRC District.

2. The development plan shall be prepared in accordance with the adopted comprehensive plan for the planned community, in accordance with the standards set forth in Part 1 above and in accordance with the PRC District regulations and objectives. The development plan shall contain that information required by Sect. 302 below.

3. A development plan may be prepared and submitted for the entire area zoned PRC at one time or for the various segments thereof.

4. The Zoning Administrator shall review the development plan for completeness in accordance with the requirements of Sect. 302 below, and such review shall be completed within one (1) week from the date of submission. After such determination, the plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan shall be submitted to the Planning Commission.

5. The Planning Commission shall consider the development plan in accordance with the adopted comprehensive plan and the PRC District regulations and objectives, and shall hold a public hearing thereon.

6. The Planning Commission shall transmit said plan to the Board, together with its recommendations as to approval, approval with modifications, or disapproval of said plan. The Planning Commission transmittal shall contain specific recommendations on the submission requirements set forth in Par. 4 through 10 of Sect. 302 below.

7. The Board shall consider the development plan in accordance with the adopted comprehensive plan and the PRC District regulations and objectives, and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the development plan.

8. In approving a development plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the district; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

9. In the event that a development plan shall be disapproved by the Board, such action shall cause the owner to prepare a revised development plan.

10. Once a development plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed in like manner as the original submission and shall be subject to the requirements of Sect. 302 below.

16-204 Preliminary Site Plan Approval

1. The approval of a development plan by the Board shall constitute authority for the owner to prepare a preliminary site plan; however, a preliminary site plan may be filed with and included in the processing of a development plan submission. All preliminary site plans shall be prepared in accordance with the applicable objectives of the PRC District and in accordance with the provisions of Sect. 303 below. Preliminary site plans shall be prepared in accordance with the development plan and any conditions as may have been adopted by the Board. A preliminary site plan shall not be required for areas designated for single family detached units, provided the general street and lot layout is shown on the approved development plan. In addition, the submission of a preliminary site plan shall not be required if a preliminary subdivision plat or site plan has been filed prior to the effective date of this Ordinance.

2. A preliminary site plan may be prepared and submitted for the entire planned development at one time or for the various segments thereof, and each such plan shall be submitted in fifteen (15) copies to the Director.

3. Any person who submits a preliminary site plan shall, within five (5) days of the date of submission, notify the following that a preliminary site plan has been filed:

   A. Five (5) property owners in the immediate vicinity of the subject property, two (2) of whom shall own adjoining properties. If there are owner occupied dwellings within 500 feet of the subject property, at least one (1) such dwelling owner shall be among those notified.

   B. Any community-wide citizens organization or cluster or condominium association within the PRC District that has indicated in writing to the Director an interest in receiving such notices.

4. Upon determination by the Director that the content of the preliminary site plan is complete in accordance with the requirements of Sect. 303 below, the plan shall be submitted for review and comment to appropriate County departments and agencies. In addition, the Director shall, within five (5) days from receipt of the preliminary site plan, post the following information on the site:

   A. Notice that a preliminary site plan has been submitted for approval.

   B. Location where a copy of the preliminary site plan may be reviewed, indicating the address and the telephone number.

   C. Preliminary site plan number.

   D. Type of use.

   E. Location of property.

   F. Date submitted.

   G. Date posted.

   H. Statement that the preliminary site plan is subject to approval within thirty-five (35) days from date of submission.

5. Any interested party may review said preliminary site plan and if comments are desired to be made, such shall be provided in written form to the Director within thirty-four (34) days following the date of submission.

6. The Director shall review the comments from the appropriate County departments and agencies, and those that may be submitted by any interested party. In addition, the Director shall consider the preliminary site plan in accordance with the approved development plan and the applicable objectives of the PRC District.

7. In the event that the Director finds the preliminary site plan is in accordance with the

approved development plan and the applicable objectives of the PRC District, he shall approve or approve with modification said plan, which approval shall be granted, except under abnormal circumstances, within sixty (60) days from the date when the preliminary site plan was accepted as complete in accordance with the requirements of Sect. 303 below. Approval or approval with modifications shall be deemed to be the final approval, subject only to appeal to the Planning Commission as provided for in Par. 11 below.

8. In approving a preliminary site plan, the Director may establish such conditions and may require such modifications as to assure compliance with the standards, regulations and applicable objectives of the district. Further, the Director may recommend to the Board the waiver of any zoning and subdivision requirements otherwise applicable to the development where it is found that such waiver would be in conformance with the standards, regulations or applicable objectives of the district.

9. In the event that the Director finds the preliminary site plan is not in accordance with the approved development plan or the applicable objectives of the PRC District, he shall disapprove said plan, which action shall be taken, except under abnormal circumstances, within sixty (60) days from the date when the preliminary site plan was accepted as complete in accordance with the requirements of Sect. 303 below.

10. In the event the Director disapproves a preliminary site plan, such action shall be cause for the owner to submit a new revised preliminary site plan, unless the provisions of Par. 11 below are applied.

11. In the event that a party wishes to appeal a decision of the Director for approval, approval with modifications or disapproval of a preliminary site plan, such appeal shall be filed with the Planning Commission no later than ten (10) days after the signature date of the written decision of the Director. The appeal shall be by written petition to the Planning Commission setting forth the reasons for the appeal. The basis for appeal shall be that the preliminary site plan is or is not in substantial conformity with the approved development plan or the applicable objectives of the PRC District.

12. Within ten (10) days following receipt of the appeal, the Planning Commission shall exercise one of the following actions:

    A. Schedule a date within twenty-one (21) days for consideration of the appeal on a finding that the basis for appeal is whether the preliminary site plan is or is not, whichever is applicable, in substantial conformity with the approved development plan or the applicable objectives of the PRC District; or

    B. Dismiss the appeal on a finding that no prima facie basis for an appeal has been made.

13. Upon the finding of the Planning Commission that the preliminary site plan is not in accordance with the approved development plan or the applicable objectives of the PRC District, it shall disapprove said plan, and such action shall be cause for the owner to submit a new revised preliminary site plan.

14. Once a preliminary site plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed in like manner as the original submission.

15. Notwithstanding the above procedures, prior to approval of any preliminary site plan, the Board may review any such plan and may request additional information in order to evaluate the impact of the proposed development on the surrounding area.

16. Preliminary site plans shall be valid for one (1) year, subject to reapproval for one (1) year periods.

16-205 Site Plan/Subdivision Plat Preparation

Approval of a preliminary site plan shall be a prerequisite and shall constitute authority for the applicant to prepare a site plan in accordance with the provisions of Article 17 of this Ordinance, which plan shall be in conformance with the approved preliminary site plan and the

applicable objectives of the PRC District. Approval of a development plan shall be a prerequisite and shall constitute authority for the applicant to prepare a subdivision plat in accordance with the provisions of Chapter 101 of The Code, which plat shall be in conformance with the approved development plan and applicable objectives of the PRC District. Approval of said site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits and Certificates of Completion shall be in accordance with the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, except as follows:

1. Minor deviations from the approved development plan or approved preliminary site plan shall be permitted in the site plan or subdivision plat when the Director determines that such are necessary due to requirements of topography, drainage, structural safety or vehicular circulation, and such deviations will not materially alter the character of the approved preliminary site plan, including the proposed development sequence. In no case shall such deviations include:

   A. The addition of any major building element, which for the purpose of this Paragraph shall not be deemed to include an accessory use or structure; or

   B. An increase in the number of dwelling units greater than seven (7) per cent for single family detached dwelling projects, five (5) per cent for single family attached and low-rise multiple family dwelling projects or three (3) per cent for high-rise multiple family dwelling projects; or

   C. An increase in the floor area greater than ten (10) per cent of the total floor area shown on the preliminary site plan.

   Any changes not authorized by this Paragraph shall require the resubmission and amendment of the preliminary site plan in accordance with the procedures set forth in Sect. 204 above.

2. No Building Permit shall be issued for any construction except for single family detached dwellings unless a site plan has been approved for same in accordance with the procedures established in Article 17 of this Ordinance.

3. Notwithstanding the above procedures, the Board of Supervisors may review any site plan or subdivision plat prior to their approval.

PART 3 16-300 SUBMISSION REQUIREMENTS FOR A PRC DISTRICT

16-301 Comprehensive Plan Amendment

The submission of a proposed amendment to the adopted comprehensive plan of the County to permit a planned community as required by Sect. 201 above shall be filed with the Zoning Administrator in fifteen (15) copies and shall include the information set forth below. All submission requirements shall become the property of the County. Once established, the submission requirements for any amendment to the adopted planned community comprehensive plan shall be only those requirements which pertain to such amendment, as determined by the Zoning Administrator.

1. A certified plat of the subject property showing metes and bounds of all property lines.

2. A statement explaining the relationship of the planned community to the adopted comprehensive plan of the County.

3. The proposed densities of population in low density, medium density and high density residential areas.

4. The general location of the areas planned for industrial uses, and the proposed neighborhood convenience centers, village centers, town centers and convention/ conference centers.

5. The general location of proposed major open space and recreation areas, including the nature of proposed recreational facilities, parks, schools, churches, and other public or community uses.

6. The general location and character of the proposed major roads, public transportation, trails, public utility and storm drainage systems.

7. A statement setting forth the proposed general development schedule.

8. A written statement of the public facilities, roadway improvements, and public utilities that will be required to serve the planned community.

9. Any additional information as deemed necessary by the Zoning Administrator.

16-302 Development Plan

A development plan shall be filed with the Zoning Administrator in fifteen (15) copies and shall include the information set forth below. The Planning Commission and Board of Supervisors, in their review of the development plan, may request additional information in order to evaluate the impact of the proposed development on the surrounding area. All maps or plans submitted as part of a development plan shall be presented on a sheet having a maximum size of 24" x 36". If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. All submission requirements shall become the property of the County. The submission requirements for any amendment to an approved development plan shall be only those requirements which pertain to such amendment, as determined by the Zoning Administrator.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

2. A statement which confirms the ownership or control of the subject property, the nature of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.

3. A topographic map with a maximum contour interval of five (5) feet.

4. A generalized land use plan showing the location of all proposed land uses; the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; and the approximate location of all proposed community and public facilities; and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

5. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

6. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.

7. A statement setting forth the maximum number of dwelling units proposed, to include the approximate number of units by type and general location, and the range of approximate lot sizes for single family detached dwellings.

8. A statement of those special amenities that shall be provided within the planned development.

9. A report setting forth the proposed development schedule, indicating the general sequence of development of the various sections thereof and the approximate starting and completion date for the construction of each section.

10. A statement explaining the relationship of the general sequence of development of the planned community to the adopted Capital Improvement Program of the County.

16-303 Preliminary Site Plan

A preliminary site plan prepared in accordance with the approved development plan and the applicable objectives of the PRC District shall be filed with the Director in fifteen (15) copies, and it shall include the information set forth below. All maps, plans, sketches and illustrations submitted as part of a preliminary site plan shall be presented on a sheet having a size of 24" by 36". If presented on more than one (1) sheet, match lines shall clearly indicate where several sheets join. All submission requirements shall become the property of the County.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

2. A boundary survey of the property, with an error of closure within the limit of one (1) in ten thousand (10,000) related to true meridian, and showing the location and type of boundary evidence. Such boundary may be related to the U.S.C. & G.S., State grid north, if the coordinates of two (2) adjacent corners are shown. Such information may be provided from recorded plats in the case of lots and subdivisions recorded subsequent to September 1, 1947.

   A boundary survey shall include the following data:

   A. Metes and bounds of all exterior property lines.

   B. Total area of the property.

   C. Scale and north arrow.

   D. Names and route numbers of boundary streets and the width of existing right(s)-of-way.

   E. Existing topography with a maximum contour interval of two (2) feet.

3. A land use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing, or indicating in writing on the drawing(s) :

   A. The general location and arrangement of existing or contemplated developments on the site and on adjacent properties, if known.

   B. The approximate height and number of floors of all buildings other than single family dwellings on the site and, if known, on adjacent properties, both above and below or partially below finished grade.

   C. The approximate yard dimensions from the development boundaries and adjacent streets and alleys.

D. The traffic circulation system and the pedestrian circulation system, including the location of all streets, driveways, entrances to parking areas and parking structures, walkways, cycle paths and/or bridle paths.

E. The off-street parking and loading areas and structures, if any.

F. The open space areas, identifying the proposed general treatment or improvement of all such areas and delineating those areas proposed for recreational facilities.

4. A statement of the architectural concepts and typical bulk of the proposed structures, and if available, schematic architectural sketches.

5. A plan or statement indicating the landscaping concepts, including screening measures.

6. When the development is to be constructed in sections, a proposed sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

7. A plan or statement showing how public utilities and storm drainage improvements, including any required on-site retention or detention facilities, will be provided.

8. A final statement in tabular form which sets forth the following data, when such data is applicable to a given preliminary site plan:

A. Total number of dwelling units by type to include the corresponding population totals based on the computation factors set forth in Sect. 6-308.

B. Approximate total floor area for each non-residential or non-residentially related type of use.

C. Approximate total area in open space.

D. General location and anticipated types of recreational facilities.

E. Total number of off-street parking and loading space(s).

PART 4 16-400 PROCEDURES FOR REVIEW AND APPROVAL OF ALL P DISTRICTS EXCEPT THE PRC DISTRICT

All proposed developments of a P district as permitted under Article 6, except for the PRC District, shall be subject to the following procedures for review and approval.

16-401 Conceptual Development Plan Approval

1. An application for rezoning to a P district other than the PRC District shall be accompanied by fifteen (15) copies of a conceptual development plan; provided that the Zoning Administrator may defer the filing of the conceptual development plan until a date not less than sixty (60) days prior to the scheduled date of public hearing befor the Planning Commission. Failure to meet the sixty (60) day requirement shall be due cause to dismiss the application in accordance with the provisions of Sect. 18-208.

2. In addition to the rezoning application requirements presented in Sect. 18-202, the conceptual development plan shall contain the information required by Sect. 501 below, together with such supplementary data for a particular development that may be deemed necessary by the Zoning Administrator.

3. Upon determination by the Zoning Administrator that the content of the conceptual development plan is complete in accordance with the requirements of Sect. 501 below, the plan and the application shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan and application shall be submitted to the Planning Commission.

4. The Planning Commission shall promptly consider the conceptual development plan and the rezoning application in accordance with the applicable zoning district regulations and shall hold a public hearing thereon.

5. Subsequent to the public hearing, the Planning Commission shall transmit the conceptual development plan and application to the Board, together with its recommendations as to approval or disapproval. The Planning Commission transmittal shall contain specific recommendations on the submission requirements set forth in Par. 4 through 15 of Sect. 501 below.

6. The Board shall consider the conceptual development plan and application for rezoning in accordance with the applicable zoning district regulations and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the conceptual development plan.

7. In approving a conceptual development plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the subject district; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

8. In approving a conceptual development plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:

   A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and

   B. Such variation would promote and comply with the standards set forth in Part 1 above.

   In no case, however, shall the maximum density provisions or the land area designated for commercial uses under the PDH District and the maximum floor area ratio provisions under the PDC District, be varied or modified.

9. In the event the Board shall disapprove the rezoning application, the conceptual development plan shall thereby be deemed to be denied.

10. In the event that the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the conceptual development plan.

11. Once a conceptual development plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed as a new submission, except that there shall be no requirement to file an application for rezoning unless the proposed amendment would so dictate, and provided that the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the conceptual development plan amendment application.

12. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

16-402 Final Development Plan Approval

1. The granting of a rezoning application to a P district, and the approval of its accompanying conceptual development plan by the Board, shall constitute authority for the applicant to prepare a final development plan; however, a final development plan may be filed with and included in the processing of the rezoning application and conceptual development plan. All final development plans shall be prepared in accordance with the approved conceptual development plan, any conditions as may have been adopted by the Board, and the provisions of Sect. 502 below.

2. A final development plan may be prepared and submitted for the entire planned development at one time or for sections of the planned development, and each such plan shall be submitted in fifteen (15) copies to the Zoning Administrator.

3. Upon determination by the Zoning Administrator that the content of the final development plan is complete in accordance with the requirements of Sect. 502 below, the plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan shall be submitted to the Planning Commission.

4. The Planning Commission shall hold a public hearing on such final development plan and in no event shall such public hearing be held later than sixty (60) days from the date the Zoning Administrator determined that such plan was complete in accordance with the requirements of Sect. 502 below. The Commission shall consider the development plan in accordance with the approved conceptual development plan, and shall determine if said plan does comply with the applicable zoning district regulations. Upon the determination that the final development plan is in accordance and does comply, the Planning Commission shall approve, or approve with modifications, the final development plan within fifteen (15) days after the public hearing is closed. Such approval shall be deemed to be the final approval, subject only to appeal to the Board as provided for in Par. 9 below.

5. In approving a final development plan, the Planning Commission may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Further, the Planning Commission may recommend to the Board the waiver of any zoning and subdivision requirements otherwise applicable to the development where it is found that such waiver would be in conformance with said standards and regulations.

6. In the event that the Planning Commission finds that the final development plan is not in accordance with the approved conceptual development plan, or does not comply with the applicable zoning district regulations, it shall recommend the disapproval of the final development plan and forward such recommendation to the Board within fifteen (15) days after the public hearing thereon.

7. The Board shall hold a public hearing on the final development plan and shall approve, approve with modifications, or disapprove the final development plan. In approving the final development plan, the Board may establish such conditions and may require such

modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Zoning and subdivision requirements otherwise applicable to the development may be waived by the Board where it finds that such waiver would be in conformance with said standards and regulations.

8. In the event that the Board shall uphold a recommendation of the Planning Commission to disapprove the final development plan, such action shall be cause for the applicant to prepare a revised development plan unless the provisions of Par. 9 below are applied.

9. In the event that an aggrieved party wishes to appeal a Planning Commission decision for approval or approval with modifications of a final development plan, such appeal shall be filed with the Board within ten (10) days after the decision of the Commisson. The appeal shall be by written petition to the Board setting forth the reasons for the appeal. The basis for an appeal shall be that the final development plan is or is not in substantial conformity with the approved conceptual development plan. The Board shall consider the appeal within thirty (30) days following receipt of the written petition.

10. Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:

    A. Upon a determination by the Zoning Administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed in accordance with the provisions of this Section.

    B. Upon a determination by the Zoning Administrator that the amendment will cause the final development plan to be not in accordance with the approved conceptual development plan, then an amendment to the conceptual development plan shall be required in accordance with the provisions of Par. 11 of Sect. 401 above. The amendment to the final development plan shall also be the subject of review by the Planning Commission in accordance with the provisions of this Section.

    C. The Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the final development plan amendment application.

11. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

16-403 Site Plan/Subdivision Plat Preparation

Approval of a final development plan shall be a prerequisite and shall constitute authority for the applicant to prepare a site plan in accordance with the provisions of Article 17, or a subdivision plat in accordance with the provisions of Chapter 101 of The Code, which plan/plat shall be in conformance with the approved final development plan. Approval of said site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits and Certificates of Completion shall be in accordance with the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, except as follows:

1. Separate site plans or subdivision plats shall be submitted for each section of the planned development in accordance with the approved final development plan.

2. When a planned development is to be constructed in sections, the total area of open space provided at any stage of development shall bear substantially the same relationship to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.

3. Minor deviations from the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, may be permitted, but only where such deviations are indicated on the approved final development plan.

4. Minor deviations from the final development plan shall be permitted in the site plan or

subdivision plat when the Director determines that such are necessary due to requirements of topography, drainage, structural safety or vehicular circulation, and such deviations will not materially alter the character of the approved final development plan. In no case shall such deviations include the addition of any building, the increase in number of dwelling units, or an increase in the floor area from that shown on the approved final development plan. Any changes not authorized by this Paragraph shall require the resubmission and amendment of the final development plan in accordance with the procedures set forth in Sect. 402 above.

5. The requirement for a plat as set forth in Par. 2 of Sect. 18-602 shall not apply in any P district, provided the information required by said Par. 2 is shown on the site plan or subdivision plat submitted pursuant to this Section.

PART 5 16-500 SUBMISSION REQUIREMENTS FOR ALL P DISTRICTS EXCEPT THE PRC DISTRICT

16-501 Conceptual Development Plan

In addition to those requirements set forth in Sect. 18-202 that shall accompany an application for rezoning, a conceptual development plan shall be filed with the Zoning Administrator in fifteen (15) copies and shall include the following information. All maps or plans submitted as part of a conceptual development plan shall be presented on a sheet having a maximum size of 24" by 36". If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. All submission requirements shall become the property of the County.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1"=2000').

2. A statement which confirms the ownership of the subject property, the nature of the applicant's interest in same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.

3. A topographic map with a maximum contour interval of five (5) feet.

4. A generalized land use plan showing the location and arrangement of all proposed uses; the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; the approximate location of all proposed community and public facilities; and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

5. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

6. A statement explaining the relationship of the planned development to the adopted comprehensive plan of the County.

7. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.

8. A statement setting forth the maximum height of all proposed buildings and the general location of all those buildings where the height is proposed to exceed forty (40) feet.

9. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.

10. A statement or presentation setting forth the maximum number of dwelling units proposed, to include the density calculations based on the provisions of Sect. 2-308, those units obtained by the use of bonus provisions, and a breakdown of the approximate number of units by type and the range of approximate lot sizes for single family detached dwellings.

11. A statement or presentation of the open space calculations based on the provisions of Sect. 2-309.

12. A statement certifying that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards. Any waiver, exception or variance sought by the applicant from such ordinances, regulations and standards shall be specifically noted on the development plan.

13. A statement of those special amenities that shall be provided within the planned development.

14. A statement setting forth the proposed approximate development schedule.

15. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such

improvements.

16-502 Final Development Plan

A final development plan prepared in accordance with the approved conceptual development plan shall be filed with the Zoning Administrator in fifteen (15) copies, and shall contain the following information. All maps, plans, sketches and illustrations submitted as part of a final development plan shall be presented on a sheet having a maximum size of 24" by 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. All submission requirements shall become the property of the County.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1"=2000').

2. A boundary survey of the property, with an error of closure within the limit of one (1) in ten thousand (10,000) related to true meridian, and showing the location and type of boundary evidence. Such boundary may be related to the U.S.C. & G.S., State grid north, if the coordinates of two (2) adjacent corners are shown. Such information may be provided from recorded plats in the case of lots and subdivisions recorded subsequent to September 1, 1947.

   The boundary survey shall include the following data:

   A. Metes and bounds of all property lines.

   B. Total area of property.

   C. Scale and north arrow.

   D. Names and route numbers of boundary streets and the width of existing right(s)-of-way.

   E. Existing topography with a maximum contour interval of two (2) feet; except where existing ground is on a slope of less than two (2) per cent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

3. A final detailed land use plan showing:

   A. The location and arrangement of all proposed uses, including a preliminary subdivision plan, if subdivision is proposed.

   B. The height and number of floors of all buildings other than single family dwellings, both above and below or partially below finished grade.

   C. The yard dimensions from the development boundaries and adjacent streets and alleys.

   D. The traffic circulation system and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, bicycle paths and/or bridle paths.

   E. The off-street parking and loading areas and structures.

   F. The open space areas, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.

4. Architectural sketches of typical proposed structures, including lighting fixtures, signs and landscaping.

5. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.

6. A plan or statement showing how public utilities are, or will be, provided.

7. A preliminary storm drainage plan, including information with respect to the adequacy of downstream drainage improvements.

8. When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.

9. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

   A. Total number of dwelling units by type.

   B. Residential density in units per acre.

   C. Total floor area and floor area ratio for each type of use, except residential uses.

   D. Total area in open space.

   E. Total area in developed recreational open space.

   F. Total number of off-street parking and loading spaces.

   G. Amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

10. A statement certifying that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards. Any waiver, exception or variance sought by the applicant from such ordinances, regulations and standards shall be specifically noted on the development plan.

ARTICLE 17

SITE PLANS

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ARTICLE 17

SITE PLANS

PART 1 17-100 GENERAL REQUIREMENTS

17-101 Applicability

Site plans, prepared and approved in accordance with the provisions of this Article, shall be required to assist County administrative officials in the review of certain applications for Building Permits, and to assure compliance with all applicable requirements of this Ordinance.

17-102 Developments and Uses Requiring a Site Plan

1. All permitted uses in the R districts, except the following:
   - A. Single family detached dwellings and their related accessory uses and structures.
   - B. Agriculture.
   - C. Privately-owned dwellings for seasonal occupancy.
2. All permitted uses in the C districts.
3. All permitted uses in the I districts.
4. All developments in the P districts except single family detached dwellings and their related accessory uses and structures.
5. Those special permit uses which require a site plan as set forth in Article 8.
6. Those special exception uses which require a site plan as set forth in Article 9.
7. Any development in which any required off-street parking space is to be used by more than one establishment.
8. All other uses, and changes from existing uses, for which a site plan is required pursuant to the provisions of this Ordinance.

17-103 Exceptions and Waivers

1. No formal site plan shall be required for the following uses, when the Director shall have established that the use will not require the improvements set out in Part 2 below, or that such improvements will be made without a formal site plan:
   - A. Additions to existing buildings or uses when such addition does not exceed 2000 square feet or one-third (1/3) of the gross floor area of the existing building or use, whichever is greater.
   - B. Any permitted use on a temporary basis for a period not to exceed two (2) years.
   - C. School uses located in existing church facilities.
2. Any decision of the Director may be modified, reversed or affirmed by the County Executive upon appeal by any person aggrieved by such decision, when such appeal is filed within ten (10) days of such decision.

3. The County Executive may waive any requirements of this Article upon a finding by him, after consideration of a recommendation from the Director, that the waiver of any such requirement will not adversely affect adequacy of provisions for those items set forth in Sect. 105 below or the improvements in Sect. 201 below. The County Executive may require, as a condition of any waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately provide for such items.

4. Any decision of the County Executive may be modified, reversed or affirmed by the Board upon appeal by any person aggrieved by such decision, when such appeal is filed within ten (10) days of such decision.

5. In any PRC District, no final action on an exception or waiver proposed in Neighborhood Convenience, Town or Village Centers shall be taken until notice has been given in accordance with the provisions of Sect. 106 below.

17-104 Procedure for Preparation

1. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect or land surveyor authorized by the State to practice as such.

2. Site plans shall be prepared to a scale of one inch equals fifty feet (1"=50') or larger. The sheet(s) shall be 24" by 36".

3. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this Article and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

4. All lettering on a site plan shall be not less than 1/10" in height.

17-105 Required Information on Site Plans

All site plans shall be submitted to the Director in nine (9) clearly legible blue or black line copies, and each site plan shall be accompanied by a receipt from the Director of Finance evidencing the payment of all required site plan fees for processing and approval as set forth herein, and written proof of notification as required by the provisions of Sect. 106 below.

Where applicable, all site plans 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 (1"=2000'), 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 Districts or other landmarks sufficient to clearly identify the location of the property.

2. Every site plan shall show the name and address of the owner or developer, the District, County, State, north point, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space, three (3) inches wide and five (5) inches high, for the use of the approving authority.

3. A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) 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 (2) adjacent corners are shown; provided, that such information may be provided from recorded plats in case of lots in subdivisions recorded subsequent to September 1, 1947.

4. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one hundredth of a foot (.00), and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

5. 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.

6. All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; watercourses and their names; owners, zoning and present use of all adjoining properties.

7. The delineation of all stream valleys as defined in Article 20.

8. A landscape plan, drawn to scale, including dimensions and distances and the location, size and description of all proposed landscape materials as required by the provisions of Article 13.

9. Existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation, in accordance with the policies and requirements of the Public Facilities Manual.

10. Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of Article 13.

11. All off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

12. The proposed location, general use, number of floors, height and the net and gross floor area for each building, to include outside display areas, and where applicable the number, size and type of dwelling units.

13. The angle of bulk plane for each building and the angle required by the provisions of the zoning district in which located.

14. Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed development of record on adjacent properties.

15. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or to other utility system.

16. Provisions for the adequate disposition of natural and storm water in accordance with the Public Facilities Manual, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage system, and on-site storm water retention where deemed appropriate and necessary by the Director.

17. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction as required by the Public Facilities Manual.

18. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) per cent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

19. Proposed finished grading by contours, supplemented where necessary by spot elevations and in particular at those locations along lot lines where the angle of bulk plane is established.

20. A soil report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for site plans located in potentially injurious areas which are delineated on the official map adopted by the Board of Supervisors, and for such other site plans where special soil or water conditions are deemed by the Director to be potentially injurious and instances where marine clay and/or swelling and shrinking clays are discovered on the project site. The required soil report and associated plans, specifications, and other documentation must be prepared in accordance with the 'Guidelines for the Preparation of Geotechnical Studies' adopted by the Board of Supervisors, and must be accompanied by written proof of notification to a

minimum of five (5) different adjoining property owners.

17-106 Notice Required

1. Any person who submits a site plan for approval under the provisions of this Ordinance shall submit written proof of notification to five (5) property owners in the immediate vicinity of the subject property, two (2) of whom shall own adjoining properties. If there are single family dwellings within 500 feet of the subject property, at least one (1) such dwelling owner shall be among those notified.

2. Notice as hereinafter provided shall be posted on such site by the Director within five (5) days from receipt of a site plan, and no site plan shall be approved within five (5) days of such posting. The notification shall present the following information:

   A. Notice that a site plan has been submitted for approval.

   B. Location where a copy of the site plan may be reviewed, indicating the address and telephone number.

   C. Site plan number.

   D. Type of use.

   E. Location of property.

   F. Date submitted.

   G. Date posted.

   H. Date site plan is subject to approval.

17-107 Procedure for Processing

1. The Director shall check the site plan for general completeness and compliance with such administrative requirements as are established. He shall see that all administrative reviews are completed on time and that action is taken by the approving authority on the site plan within sixty (60) days from the receipt thereof, except under abnormal circumstances.

2. All site plans which are appropriately submitted and conform to standards and requirements set forth in this Article shall be approved by the Director after having been reviewed and recommended for approval by the appropriate departments of the County relative to:

   A. Location and design of vehicular and pedestrian access points, to include concurrence from the Virginia Department of Highways and Transportation on proposed entrances and exits from public streets.

   B. Location and adequacy of automobile parking areas.

   C. Design of traffic circulation and control within the site and with adjoining properties.

   D. Compliance with all of the applicable requirements of this Ordinance.

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

   F. Compliance with applicable established design criteria, construction standards and specifications for all improvements required by the Public Facilities Manual.

   G. Provision of adequate erosion and sedimentation control measures of both a temporary and permanent nature.

3. If a soil report is submitted in accordance with the provisions of Sect. 105 above, the Director shall refer it to the Geotechnical Review Board (GRB) unless it is reasonably apparent to the Director that the proposed project does not create a threat of injury to life or property. The GRB shall analyze soil reports and provide the Director with appropriate recommendations, but these recommendations shall not be binding on the Director. If the Director decides not to refer any report to the GRB, he shall file a statement of his reasons for such determination. Also, if the Director makes a decision contrary to the recommendations of the GRB, he shall file a written statement of his reasons for such decision.

   The Director shall notify those abutting property owners who have requested such notification in writing of the approval of a site plan for which a soil report was required.

   Review and approval of plans, specifications, and reports by the County, with or without recommendations of the GRB, shall in no way relieve the developer of the responsibility for the design, construction, and performance of the structures, pavement, and slopes on the project and damage to surrounding properties.

17-108 Agreement Bond and Fees

1. 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. Such agreement shall be accompanied by 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.

   In addition to the above, the owner or developer shall post those bonds or cash escrows as may be required by the provisions of Article 13.

2. The aforesaid agreement and bonds or conditions shall be provided for guaranteeing completion of all work covered thereby within the time to be approved by the Director, which time may be extended by the Board upon written application by the owner or developer, signed by all parties, including the sureties, to the original agreement.

3. The adequacy, conditions and acceptabilities of any bond hereunder shall be determined by the Board or any official of the County as may be designated by resolution of the Board.

4. In any case where any such official has rejected an agreement or bond, the owner or developer shall have the right to appeal such determination to the Board, provided the owner or developer has paid to the County the required fee for the examination and approval of the site plan and inspection of all required improvements shown on such plans.

5. A schedule of fees for the examination and approval of site plans and the inspection of all required improvements in such plans shall be determined by a Board resolution, which schedule may be changed from time to time. Before approval of any site plan, such fee shall be payable to the Director of Finance and deposited to the credit of the general fund.

17-109 Approval, Extension and Revisions

1. Approval of a site plan submitted under the provisions of this Article shall expire one (1) year after the date of such approval unless a Building Permit(s) has been obtained for construction in accordance therewith.

2. Such approval may be extended by the Director for a single one (1) year period, upon his receipt of a written request for an extension not less than thirty (30) days before the expiration of the approved site plan.

3. The Director shall acknowledge the request for an extension within fifteen (15) days, and shall make a decision regarding the extension within thirty (30) days after receipt of the request.

4. Any site plan may be revised in the same manner as originally approved.

17-110 Appeals

Any person aggrieved by any decision of the Director may, within ten (10) days of such decision, appeal to and have a determination made by the Planning Commission by submitting to the Clerk of the Planning Commission and the Director a written statement setting forth the statute, ordinance, standard or requirement under Article 17 alleged to have been violated by the Director's decision. Any applicant or adjoining property owner who is aggrieved by the decision of the Planning Commission may, within ten (10) days of such decision, appeal to and have a determination made by the Board of Supervisors.

During the period of appeal, no Building Permit shall be issued except in accordance with the provisions of Sect. 18-603.

17-111 Issuance of Permits

No Building Permit, Residential or Non-Residential Use Permit or Certificate of Completion for any structure located in an area covered by a site plan shall be issued except in strict conformance with the provisions of Article 18.

PART 2 17-200 REQUIRED IMPROVEMENTS

17-201 Improvements To Be Provided

In furtherance of the purposes of this Ordinance and to assure the public safety and general welfare, no site plan shall be approved unless the Director is assured that the following improvements will be made:

1. Construction of pedestrian walkways so that occupants/patrons may walk on the same from building to building or store to store within the site and to adjacent sites. Wherever possible, connection shall be made to walkways in adjacent developments.

2. Construction of trails or walkways in accordance with the general location shown on the adopted comprehensive plan together with such other connecting trails or walkways within the limits of the site plan. When such trails or walkways are to be constructed, fee title or easements shall be conveyed to the Board, Fairfax County Park Authority or Northern Virginia Regional Park Authority. The final location and design of trails or walkways is to be determined by the Director after review by the Fairfax County Office of Comprehensive Planning and/or the Fairfax County Park Authority and/or the Northern Virginia Regional Park Authority and/or the Department of Public Works.

3. Construction of vehicular travel lanes, service drives, driveways or other access connections, which will permit vehicular travel on the site and to and from adjacent properties in accordance with the following:

   A. Adjacent to any primary highway, and generally parallel thereto, a service drive shall be constructed, and wherever possible, it shall connect with a service drive on adjacent properties. Such service drive shall be designed to be dedicated to the Virginia Department of Highways and Transportation.

   B. Adjacent to any minor arterial or collector street, a travel lane not less than twenty-two (22) feet in width shall be constructed to afford access to adjoining properties.

   C. The Director may waive the requirement for constructing a travel lane as is set forth in Par. B above when:

      (1) There is no existing or proposed vehicular travel lane abutting the subject property on either side, and

      (2) The adjoining property(s) is used or zoned for single family detached dwellings, or

      (3) The adjoining property(s) is occupied by a given use, which by its nature would suggest that there will be a limited desire for travel between such use and the one proposed.

4. Dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan or as may be required by the Director for a specified purpose; however, proposed roads shown on the adopted comprehensive plan as freeways or expressways need not be constructed.

5. Construction of curb and gutter around all medians that separate travel lanes and service drives from existing streets and which separate off-street parking areas from streets, service drives, and travel lanes; however, the Director may waive the construction of an inside curb and gutter on a travel lane where it would be in keeping with the existing/ proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without such curb and gutter.

6. Dedication of easements or rights-of-way for all facilities to be publicly maintained. Such easement or right-of-way shall be clearly defined for the purposes intended.

7. Installation of adequate 'No Parking' signs along travel lanes or service drives to prohibit parking on same. Such signs shall be located on each curbed side, no more than fifty (50)

feet apart.

8. Installation of an adequate drainage system for the disposition of storm and natural water.

9. Installation of adequate temporary and permanent erosion and sedimentation control measures in accordance with the provisions of Chapter 104 of The Code and the Public Facilities Manual.

10. All utilities provided by the developer shall be installed underground in accordance with adopted County standards and Chapter 63 of The Code. All other utilities shall be installed underground in accordance with standards of utility practice for underground construction, which such standards and any amendments thereto shall be furnished to the County by the utility company, and in accordance with standards furnished to and regulations issued by the applicable regulatory authority; provided, however, that:

    A. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

    B. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

    C. Temporary overhead facilities required for construction purposes shall be permitted;

    D. It shall not be required that utilities to be installed by someone other than the developer or his contractor be shown on plats, plans or profiles, as a prerequisite to the approval of such plats, plans or profiles.

11. Vegetation removal and replacement in conformance with the requirements of Par. 9 above and the policies and requirements of the Public Facilities Manual.

12. All other improvements required by the provisions of this Ordinance to include but not to be limited to off-street parking and loading facilities, driveways, private streets, fences, walls, screening and landscaping.

13. All other improvements as are required by the provisions of other ordinances of the County or as may be required by the Virginia Department of Highways and Transportation.

17-202 Construction Standards, Inspection, and Supervision

1. Unless otherwise specifically provided in this Ordinance, the construction standards for all on-site and off-site improvements required by this Part shall conform to the provisions of the Public Facilities Manual. The Director shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.

2. Inspections during the installation of the required on-site and off-site improvements shall be made by the Director as required to certify compliance with the approved site plan and applicable County standards.

3. The owner shall notify the Director in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan. The submission of cut-streets shall serve to accomplish the purpose of this requirement.

4. The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.

5. Within thirty (30) days following satisfactory completion, inspection, and approval of the

installation of all required improvements, and upon the satisfactory compliance with the provisions of Part 8 of Article 18, a Certificate of Completion shall be issued in accordance with the provisions of said Part 8.

6. The installation of improvements as required in this Part shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

ARTICLE 18

ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

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ARTICLE 18

ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

PART 1 18-100 ADMINISTRATION

18-101 Enforcement of Ordinance

1. Unless otherwise specifically qualified, the provisions of this Ordinance shall be enforced by the Zoning Administrator, who shall serve at the pleasure of the Board of Supervisors.

2. In the administration of the provisions of this Ordinance, the Zoning Administrator shall be assisted by the following officers, departments, committees, agencies and boards:

   A. The Department of Environmental Management.

   B. The boards, commissions, and committees as established in Article 19 or others as may be created by the Board.

   C. Such additional officers, departments, agencies, committees, and boards of the County, State and Federal governments as shall be specified and referred to under the various Sections of this Ordinance.

3. The Zoning Administrator shall have all necessary authority on behalf of the Board to administer and enforce the provisions of this Ordinance. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Ordinance and the ability to bring legal action to insure compliance with the provisions, including injunction, abatement, or other appropriate action or proceeding.

18-102 Duties of the Zoning Administrator

In the administration of the provisions of this Ordinance, the Zoning Administrator shall have the following specific duties and responsibilities:

1. The receipt, review for completeness and substantial compliance, official acceptance, and maintenance of current and permanent files and records for the following:

   A. Proposed and adopted amendments to the Zoning Ordinance, to include the Zoning Map.

   B. Applications for special permits and temporary special permits.

   C. Applications for special exceptions.

   D. Appeals of a decision or interpretation.

   E. Applications for a variance.

   F. Generalized development plans, conceptual development plans and final development plans and amendments thereto.

   G. Applications for Building Permits, Residential and Non-Residential Use Permits and Certificates of Completion.

   H. All other applications required by this Ordinance unless otherwise qualified by specific provisions.

2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

3. Make a periodic report to the Board at intervals of not greater than six (6) months, summarizing for the period since his last previous report all applications approved by him and all complaints of violation and the action taken thereon. A copy of each such report shall be filed with the Planning Commission.

4. Make an annual report to the Planning Commission on the status and effectiveness of the Zoning Ordinance, to include a listing of suggested amendments thereto.

5. Prepare and have available in book, pamphlet and/or map form annually:

   A. The compiled text of the Zoning Ordinance and all amendments adopted through the preceding year, and

   B. A zoning map or maps, showing the zoning districts, divisions and classifications in effect during the preceding year.

6. Ensure that there is a supply of copies for public distribution of the zoning map(s), the compiled text of the Zoning Ordinance, and the rules of the BZA and Planning Commission.

7. Make a determination in the case of an alleged conflict between the requirements of this Ordinance and the specifics of a proffered condition accepted by the Board of Supervisors pursuant to Section 15.1-491(a) of Va. Code Ann. prior to the effective date of this Ordinance. If the Zoning Administrator determines that a conflict exists, the specifics of the proffered condition shall govern; if there is no conflict, the requirements of this Ordinance shall govern. Any such determination shall be appealable as provided in Part 3 of this Article.

8. Provide such technical and consultative assistance as may be required by the BZA, the Planning Commission and the Board, and other boards and agencies of the County, in the exercise of their duties relating to this Ordinance.

9. Perform such other duties and functions as are required by the provisions of this Ordinance.

18-103 Questions of Interpretation

The Zoning Administrator shall administer and interpret the Zoning Ordinance. Every question involving the interpretation of any provision of this Ordinance shall be presented to the Zoning Administrator for decision. An appeal of any decision of the Zoning Administrator may be taken to the BZA as provided for in Part 3 of this Article.

18-104 Forms for Appeals and Applications

All appeals and applications as provided for in this Ordinance shall be submitted in writing on forms prescribed by the responsible official, body or committee and approved by the County Executive. Each appeal or application shall contain that specific information as may be required by the various provisions of this Ordinance.

18-105 Filing of Applications

Every application required under the provisions of this Ordinance shall be filed with the Zoning Administrator. No application shall be officially on file with the County unless and until the application and all required accompanying submissions, with the exception of conceptual or generalized development plans, are submitted to the Zoning Administrator.

If the application is complete, it shall be transmitted to the officer, body or agency having jurisdiction to act on the same, and such official shall promptly notify the Zoning Administrator of the action taken on the application.

18-106 Application Fees

1. All appeals and applications as provided for in this Ordinance shall be accompanied by a filing fee in the amount to be determined by the following schedule; except that no fee

shall be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the application.

		Filing Fee
Application for a variance		$ 30.00
Appeal from an order, requirement, decision or interpretation		$ 30.00
Application for a:	Group 1 special permit	$950.00
	Group 2 special permit	$300.00
	Group 3 special permit	$ 50.00
	Group 4 special permit	$ 50.00
	Group 5 special permit	$300.00
	Group 6 special permit	$300.00
	Group 7 special permit	$300.00
	Group 8 special permit	$ 20.00
	Group 9 special permit	$300.00
Application for a:	Category 1 special exception	$300.00
	Category 2 special exception	$850.00
	Category 3 special exception	$300.00
	Category 4 special exception	$850.00
	Category 5 special exception	
	In R districts	$ 50.00
	In C or I districts except heavy industrial uses	$300.00
	Heavy industrial uses	$950.00
	Category 6 special exception	$ 50.00
Application for an extension of a special permit or special exception		1/5 prevailing fee
Application for renewal of a special permit or special exception		3/5 prevailing fee
Application to change a previously granted special permit or special exception use involving no new construction		1/5 prevailing fee
Application to change a previously granted special permit or special exception use involving new construction		3/5 prevailing fee

Note: Additional fees may be required for certain special permit and special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit or special exception application is granted.

2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
R-A, R-P, R-C, R-E, R-1, R-2, R-3, R-4	$120 up to 5 acres plus $12 per acre over 5 acres
R-5, R-8, R-MHP	$375 plus $12 per acre
R-12, R-16, R-20, R-30	$700 plus $12 per acre
All C Districts	$700 plus $20 per acre
All I Districts	$175 plus $20 per acre
All Overlay Districts	$700 plus $20 per acre
PDH, PRC	$700 plus $5 per acre with maximum of $4000
PDC	$500 plus $5 per acre with maximum of $4000
Additional land area to be included in any P district	$120 plus $5 per acre
Amendment to an application for an amendment to the Zoning Map	$100
Amendment to a proffered condition or a generalized or conceptual development plan	$100 plus $2 per acre
Amendment to a final development plan	$300 plus $2 per acre

18-107 Processing of Applications

1. All applications and appeals shall be heard and considered in the order in which they are filed, except that an application or appeal may be advanced for a hearing by an order of the respective hearing body for a good cause shown. The clerks of the respective hearing bodies shall keep a calendar of cases to be heard in their proper priority.

2. All applications for an amendment to the Zoning Map shall be heard and a decision made within twelve (12) months from the date of filing, unless an extended period is mutually agreed to by the applicant and the County or unless an applicant refuses or neglects to prosecute an application in accordance with the provisions of this Ordinance.

18-108 Limitation on Refiling

With the exception of an application for an amendment to the Zoning Map, which is regulated by the provisions of Sect. 210 below, an appellant or applicant whose appeal or application is denied may not institute a new appeal or application on substantially the same subject within a period less than twelve (12) months from the date of action by the approving body on the

original appeal or application.

18-109 Conduct of Public Hearings

All public hearings as required by this Ordinance, whether they be conducted by an authorized committee, the Board, the BZA or the Planning Commission, shall be conducted in accordance with the following provisions:

1. No public hearing shall be held unless the required notice for same has been satisfied in accordance with the provisions of Sect. 110 below.

2. All hearings shall be open to the public. Any person may appear and testify at such hearing, either in person or by an authorized agent or attorney.

3. The hearing body shall by general rule prescribe procedures for the conduct of hearings.

4. The Chairman, upon a vote of the majority of members, may continue or defer a hearing.
   If a hearing has been opened and public testimony has been received and there is cause for continuation of the hearing, no formal notice as required by Sect. 110 below shall be required if the hearing is continued to a date certain.
   If a hearing on a special exception or an amendment to the Zoning Map has not been opened, and there is cause for deferral of the hearing, written notice to adjacent property owners as required by Par. 4 of Sect. 110 below shall be remailed, except such notice shall be mailed not less than five (5) days in advance of the public hearing.
   If a hearing is concluded, but action is deferred until a future date, no formal notice as set forth in Sect. 110 below shall be required prior to action being taken.

5. Where deemed necessary, it shall be in order to conduct joint public hearings after public notice as set forth in Sect. 110 below. If such joint hearing is held, then public notice need be given by only one (1) hearing body, which shall be the Board in those instances where it is one of the hearing bodies.

6. An action may be reconsidered only upon motion of a member voting with the prevailing side on the original vote. A motion to reconsider must be made at the same or immediately subsequent regular meeting, and may be seconded by any member.

7. When any member of the Board or Planning Commission or any member of his household or immediate family who knows or may reasonably be expected to know that he has, or has had within the five (5) year period prior to such hearing, any business or financial relationship with any entity named in Par. 1 of Sect. 202 below, other than any ordinary depositor or customer relationship with a retail establishment, public utility or bank, either (a) directly; (b) by way of a partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them; (c) through a corporation in which any of them is an officer, director, employee, agent or attorney; (d) by holding outstanding bonds or stock with a value in excess of fifty (50) dollars; or (e) by receipt of any gift or donation having a value of fifty (50) dollars or more, such member shall make public disclosure of such relationship prior to the hearing before the body of which he is a member on any amendment to the text of this Ordinance or to any zoning district boundary excepting a Board or Planning Commission action on its own motion pursuant to a comprehensive rezoning. The provisions of this Paragraph shall also apply to members of the BZA when hearing applications for special permits.

18-110 Required Notice for Public Hearings

No public hearing as required by the provisions of this Ordinance shall be held unless documented evidence can be presented that the following notice requirements have been satisfied.
The subject of the public hearing need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the County where copies of the subject of public hearing may be examined.

1. Publication: Public notice of any hearing held shall be published once a week for two (2) successive weeks in a local newspaper having general circulation in the County. Such notice shall be published not less than six (6) days nor more than twenty-one (21) days before the date of the hearing, and shall specify the time and place of the hearing and the

nature of the matter before the hearing body. Such notice shall be the responsibility of the hearing body.

2. Written Notice to Appellant/Applicant:

   A. With respect to an appeal from an order, requirement, decision or interpretation made by the Zoning Administrator, the Clerk of the BZA shall either (a) send to the appellant by registered mail a notice of a hearing on such appeal, or (b) cause such notice to be served personally on the appellant, in either case at least ten (10) days before the time of said hearing. A copy of such notice shall be sent to the County Attorney.

   B. With respect to an application for a variance, the hearing body shall submit written notice to the applicant by first class mail, such to be postmarked at least twenty (20) days before the day of the hearing.

   C. With respect to an application for amendment to the Zoning Map, when the proposed amendment involves a change in the zoning classification of twenty-five (25) parcels or less of land, the hearing body shall submit written notice to the property owner(s) of each parcel involved, and the applicant if different from the property owner(s), such to be postmarked at least twenty (20) days before the day of the hearing. Such written notice shall be by certified mail, return receipt requested, delivered to the last known address of such owner(s) as shown on the current real estate tax assessment books.

   D. With respect to an application for a special permit or a special exception, the hearing body shall submit written notice to the applicant, and owner(s) of the subject property if different from the applicant, by first class mail, such to be postmarked at least twenty (20) days before the day of the hearing.

3. Posting:

   A. The Zoning Administrator shall, at least fifteen (15) days before the date of the hearing, post on the land or building involved in any application or appeal a notice of the public hearing.

   B. Said notice shall be posted at reasonable intervals along every street abutting the subject property, or, if there is no abutting street, then along the exterior boundary lines of the subject property and within a distance of 300 feet along every street providing access thereto.

   C. Said notice shall contain the date, location and time of the public hearing, the nature of the proposed change, the property affected, such other information as may be necessary to provide adequate identification of the application, and additionally, where futher information on the application may be obtained.

   D. Said notice may be placed on private property if such is necessary to provide adequate posting, and in any instance, all posted notices shall be removed no later than seven (7) days after the conclusion of the hearing to which they pertain.

   E. For the purpose of distinguishing between hearing bodies, said notices shall be printed on posters of differing colors and posted on yellow signboards in accordance with the following schedule:

Color	Hearing Body
Yellow	Board of Supervisors
Orange	Planning Commission - Zoning Map Amendment
Green	Planning Commission - Site Approval for public facility & utility under Sect. 15.1-456 of the Code of Virginia

F. Said notice shall be placed on all parcels of land involved in an application or appeal, unless (a) the hearing involves an application for a comprehensive amendment to the Zoning Map initiated by resolution of intention by the Planning Commission or the Board, or (b) the hearing involves an application for a variance or special permit involving twenty-five (25) or more parcels of land, or (c) unless the hearing body may specifically waive or modify such requirement.

4. Written Notice to Adjacent Property Owners:

A. With respect to an application for amendment to the Zoning Map, the Planning Commission staff or its designee shall send written notice to all owners of property abutting and immediately across the street from the subject property. If such property owners total less than twenty-five (25), then written notice shall be given to other property owners in the immediate vicinity so that notices are sent to not less than twenty-five (25) owners. Such written notice shall state the date, time and place of the public hearing, the present and requested zoning of the property, the location and size of the property, the nature and use of the land proposed, and the name of the applicant. Such written notice shall be sent by certified mail, return receipt requested, and postmarked not less than fifteen (15) days prior to the hearing, to the last known address of the owner(s) as shown on the current real estate assessment books. Notice as required by this Paragraph shall include notice to owners of property abutting and immediately across the street which lies in an adjoining county or city.

B. With respect to an application for a special exception, the applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. If such property owners total less than twenty-five (25), then written notice shall be given to other property owners in the immediate vicinity so that notices are sent to not less than twenty-five (25) owners. Such written notice shall state the date, time, place and subject matter of the hearing, and the name of the applicant. Such written notice shall be sent by certified mail, return receipt requested, and postmarked not less than fifteen (15) days prior to the hearing, to the last known address of the owner(s) as shown on the current real estate assessment books. Notice as required by this Paragraph shall include notice to owners of property abutting and immediately across the street which lies in an adjoining county or city.

C. With respect to an appeal from an order, requirement, decision or interpretation made by the Zoning Administrator, an application for a variance or special permit, the applicant shall send written notice to all owners of property abutting and immediately across the street from the subject property. If such property owners total less than ten (10), then written notice shall be given to other property owners in the immediate vicinity so that notices are sent to not less than ten (10) owners. Such written notice shall state the date, time, place and subject matter of the hearing, and the name of the applicant. Such written notice shall be sent by certified mail, return receipt requested, and postmarked not less than fifteen (15) days before the hearing, to the last known address of the owner(s) as shown on the current real estate assessment books. Notice as required by this Paragraph shall include notice to owners of property abutting and immediately across the street which lies in an adjoining county or city.

5. Additional Notice: The hearing body may by resolution prescribe additional means and forms of notices in connection with any matter falling within its jurisdiction.

PART 2 18-200 AMENDMENTS

18-201 Initiation of Amendments

The text of this Ordinance and any zoning district boundary shown on the Zoning Map may be amended by the Board, provided that proceedings for any amendment shall be initiated only in the following manner:

1. By the adoption by the Planning Commission of a resolution of intention to propose an amendment; or

2. By the adoption by the Board of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission; or

3. By the filing with the Zoning Administrator of an application by the owners or their agents of the land proposed to be rezoned, which application shall be sworn to under oath or affirmation and acknowledged before a notary public.

18-202 Application Requirements

All applications for amendments to the Zoning Map, initiated in the manner prescribed by Par. 3 of Sect. 201 above, shall be filed in four (4) copies with the Zoning Administrator and shall include the following information. No application shall be accepted for filing until all of the information is furnished, unless specific items are authorized by the Zoning Administrator for later submission in accordance with the provisions of this Ordinance.

Applications and supplemental information, unless qualified below, shall be filed on forms provided by the County and shall include the following:

1. A listing of names and last known addresses of all applicants, title owners, contract purchasers, or lessees of the land described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, and all agents who have acted on behalf of any of the foregoing with respect to the application. The application shall also contain a listing of the shareholders of all corporations of the foregoing who own ten (10) per cent or more of any class of stock issued by said corporation and where such corporation has ten (10) or less shareholders, a listing of all the shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership.

2. The applicant shall further make oath or affirmation that no member of the Board or Planning Commission owns or has any interest in the land to be rezoned or has any interest in the outcome of the decision. If any member of the Board or Planning Commission owns or has such an interest in the land or outcome of the decision, the applicant must so state.

3. The applicant shall further make oath or affirmation that to the best of his knowledge within five (5) years prior to the filing of the application, no member of the Board or Planning Commission or any member of their immediate household and family, either directly or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds outstanding bonds or shares of stock with a value in excess of fifty (50) dollars, has or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility or bank, including any gift or donation having a value of fifty (50) dollars or more with any of those listed in Par. 1 above. If there has been any such relationship, it shall be disclosed on the application. Prior to the hearing on the application before the Planning Commission and Board, the applicant shall reaffirm the oath or affirmation required by this Paragraph and shall make such further disclosure as necessary to comply with the disclosure requirements at time of application.

4. Four (4) copies of a certified plat of the subject property with the boundaries outlined in red. The certified plat shall show:

   A. Metes and bounds of all property lines, and bearings and distances of each zoning district.

B. Total area of property presented in acres.

C. Scale and north arrow.

D. Location of all existing buildings and structures.

E. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.

F. Name and certificate number of person preparing the plat.

5. Four (4) copies of a legal description of the property, including metes and bounds of each zoning district proposed.

6. One (1) copy of the Fairfax County Zoning Section Sheet, one inch equals five hundred feet (1"=500'), showing:

A. Boundaries of the subject property outlined in red.

B. Principal highway access to the property and any known plans for future widening as indicated in the adopted comprehensive plan or a plan prepared by the Virginia Department of Highways and Transportation.

If more than one (1) Zoning Section Sheet is required to cover the subject property, such sheets shall be attached so as to create an intelligible map.

7. Six (6) copies of an environmental assessment/impact statement as required by the provisions of Part 5 below.

8. Four (4) copies of a written statement of justification, dated and signed.

9. If the proposed amendment is for a rezoning to an R, C, or I district, fifteen (15) copies of a generalized development plan to be submitted in accordance with the provisions of Sect. 203 below, and to include the information set forth below. However, such development plan need not be submitted where the Zoning Administrator has determined that (a) such plan is not necessary to the adequate review of the rezoning application, and (b) such development as is proposed upon rezoning is of a nature as not to have a significant adverse impact upon the community or upon the public facilities available to the property.

A. Topography with a minimum contour interval of five (5) feet.

B. A schematic land use plan, at an appropriate scale, showing the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; the approximate location of all proposed community and public facilities and the proposed plan for all major sanitary sewer and storm drainage improvements; and a schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.

C. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

D. A statement explaining the relationship of the development to the adopted comprehensive plan of the County.

E. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.

F. A statement setting forth the maximum height of all proposed buildings in the

development, and the general location of all those buildings where the height is proposed to exceed forty (40) feet.

G. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.

H. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations based on the provisions of Sections 2-308 and 2-309.

I. A statement certifying that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards. Any waiver, exception or variance sought by the applicant from such ordinances, regulations and standards shall be specifically noted on the development plan.

J. A statement of those special amenities that are proposed within the development.

K. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

L. A statement setting forth the proposed approximate development schedule.

M. Any additional information that the applicant may desire to proffer in the consideration of the application.

10. If the proposed amendment is for a rezoning to a P district other than the PRC District, fifteen (15) copies of a conceptual development plan as provided for in Sect. 16-401.

11. An application fee as provided for in Sect. 106 above.

18-203 Generalized Development Plan Regulations

Generalized development plans as required by Par. 9 of Sect. 202 above shall be subject to the following regulations:

1. All data shall be submitted in writing or by use of demonstrative materials, and such data shall be filed with the Zoning Administrator not less than sixty (60) days prior to the scheduled date of public hearing before the Planning Commission. Failure to meet the sixty (60) day requirement shall be due cause to dismiss the application in accordance with the provisions of Sect. 208 below.

2. All written statements shall be filed in triplicate, and all plans, profiles, elevations and other illustrative materials shall be filed in fifteen (15) copies, and shall be presented on a sheet having a maximum size of 24" by 36". If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

3. All statements, plans, profiles, elevations, and other demonstrative materials shall become part of the record of the hearing on the application for an amendment to the Zoning Map. Any model must be accompanied by 8" by 10" clear photographs showing a top view, an isometric view and each side view of the model.

4. All statements, plans, profiles, elevations, and other demonstrative materials submitted with an application for rezoning shall be annotated with either one of the following statements signed by the applicant or the applicant and the owner if conditions are proffered; and the same one of the following annotations need not be on every statement, plan, profile, elevation, and other piece of demonstrative material related to one application. The signed statement shall be made available prior to the public hearing before the Board.

> 'I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.'

OR

'The conditions set forth in this submission are not to be construed as to be binding on the development of the subject property of this application.'

5. For the purpose of this Ordinance, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations and/or other demonstrative materials.

6. Once proffered conditions are signed and made available, and the public hearing before the Board has commenced, no change or modification to any condition shall be made except in accordance with the provisions of Par. 7 and 8 below.

7. After the Board public hearing has commenced, should additional or modified conditions be proffered by the applicant, which conditions were discussed at the public hearing before the Planning Commission, then a second public hearing before the Board shall be held before the application and the modified conditions can be approved.

8. Should additional conditions be proffered by the applicant at the time of the public hearing before the Board, which conditions were not addressed at the public hearing before the Planning Commission, or if the proffered conditions are modified beyond the scope of any conditions considered at the public hearing before the Planning Commission, the application shall be the subject of a second public hearing before the Planning Commission and Board.

9. If the amendment to the Zoning Map is adopted subject to the conditions proffered by the applicant as set forth above, then the property in question shall be appropriately annotated on the Zoning Map and all other land records referencing the conditions as adopted.

10. Such conditions shall become a part of the zoning regulations applicable to the property in question, unless subsequently changed by an amendment to the Zoning Map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

11. Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any County official in the absence of said substantial conformity.

12. For the purpose of this Section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

13. Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. If the amendment concerns an approved generalized development plan, such application shall include the submission requirements for a generalized development plan set forth in Sect. 202 above, except the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the generalized development plan amendment application. Such amendment shall be the subject of public hearing in accordance with the provisions of Sect. 204 below.

18-204 Public Hearing Requirement

All applications or resolutions to amend the Zoning Ordinance or the Zoning Map shall be subject to a public hearing before the Planning Commission and Board of Supervisors in accordance with the provisions of Sect. 15.1- 493 of the Code of Virginia.

18-205 Report by Planning Commission

1. After the conclusion of the Planning Commission public hearing, the Planning Commission shall report to the Board its recommendation with respect to the proposed amendment.

2. The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application/resolution. If the proposed amendment consists of a change in the text of the Ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and is in furtherance of the purposes of this Ordinance; provided that before recommending a larger extent of land or a rezoning to a less restrictive classification than was set forth in the application, the Commission shall hold a further hearing on the matter, after notification has been made in accordance with the provisions of Sect. 110 above.

3. In recommending the adoption of any amendment to this Ordinance, the Planning Commission shall state its reasons for such recommendation, describing any changes in conditions, if any, that it believes make the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purposes of this Ordinance.

4. Within thirty (30) days following its public hearing, the Planning Commission shall transmit its recommendation to the Board. Failure to provide a recommendation within such specified time shall be deemed a recommendation for approval.

18-206 Amendment of Applications

1. Any application for an amendment to the Zoning Map may itself be amended if filed prior to thirty (30) days before the Planning Commission public hearing. Such request for amendment shall be made in writing to the Zoning Administrator and shall be accompanied by a fee as provided for in Sect. 106 above.

2. Within thirty (30) days of the public hearing before the Planning Commission, no amendment to an application shall be made except with the consent of the Board.

18-207 Withdrawal of Applications

Any application for an amendment may be withdrawn at any time by the applicant or his agent by giving notice in writing to the Zoning Administrator; provided that if the request for withdrawal is made prior to sixty (60) days preceding the first scheduled public hearing before the Planning Commission, the Zoning Administrator shall refund all except seventy-five (75) dollars of the fee paid for filing the application. No fee or part thereof shall be refunded once the above sixty (60) day period has begun.

18-208 Dismissal of Applications

If an applicant refuses or neglects to prosecute an application or fails to submit information required by the Zoning Ordinance, the Board may, not less than fifteen (15) days after notice of intention to do so, declare an application dismissed. Notice sent by certified mail, return receipt requested, to the applicant at the last known address shall be deemed adequate compliance with this requirement.

18-209 Effective Date of Amendment

An amendment to the Zoning Ordinance or the Zoning Map shall become effective on the date of Board approval. However, if a change to an application prompted by Board action requires additional information to be furnished to the Clerk to the Board by the applicant, the amendment will not be made effective until the required information is received.

18-210 Limitation on Rehearing

1. If an application for an amendment to the Zoning Map is denied or dismissed by the Board, no further application concerning any or all of the same property for amendment to the same general zoning classification as applied for in the original application shall be heard for a period of twelve (12) months from the date of action by the Board on the original application.

2. If an application for an amendment to the Zoning Map is withdrawn prior to sixty (60) days preceding the first scheduled public hearing before the Planning Commission, there shall be no limitation on a rehearing. If an application is withdrawn within said sixty (60) day period, the limitation on rehearing as set forth in Par. 1 above shall apply, unless the Board may waive same.

3. The term 'general zoning classification' as used in this Section shall mean any one of the following classifications:

Classification 1	R-A through R-4 Districts and PDH-1 through PDH-4 Districts
Classification 2	R-5 through R-30 Districts and PDH-5 through PDH-40 Districts
Classification 3	All C Districts and PDC District
Classification 4	All I Districts
Classification 5	PRC District
Classification 6	All Overlay Districts

PART 3 18-300 APPEALS

18-301 Initiation

Any person aggrieved by a decision of the Zoning Administrator, or any officer, department, board, commission or authority of the County affected by a decision of the Zoning Administrator may appeal such decision to the BZA.

18-302 Authorization

The Zoning Administrator shall administer and interpret the Zoning Ordinance. The BZA shall hear and decide all cases of appeal by persons as set forth in Sect. 301 above. The BZA shall also hear and decide applications for interpretation of any district boundary if uncertainty remains after application by the Zoning Administrator of the rules specified in Sect. 2-204.

18-303 Time Limit on Filing

1. Appeals shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall specify the grounds for such appeal, and shall be filed in accordance with the provisions of Part 1 above.

2. Upon receipt of a notice of appeal, the Zoning Administrator shall forward said notice and all of the papers constituting the records upon which the decision being appealed was based, to the BZA for decision within sixty (60) days of receipt.

18-304 Processing

The BZA shall process all notices of appeal in accordance with the provisions of Part 2 of Article 19. No determination shall be made by the BZA on any appeal until a public hearing has been held on same in accordance with the provisions of Sect. 109 above.

18-305 Decision on Appeals

1. The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator, and may issue or direct the issuance of a permit.

2. The concurring vote of three (3) members of the BZA shall be required to reverse any order, decision or determination of the Zoning Administrator under this Ordinance.

3. The BZA shall render a written decision on the appeal within sixty (60) days after receipt of same. In the event said decision shall not be rendered within said time period, the appeal shall be deemed to be denied.

18-306 Stay of Proceedings

An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

PART 4 18-400 VARIANCES

18-401 Initiation

A property owner may apply to the BZA for a variance of the strict application of the terms of this Ordinance.

18-402 Authorization

1. Upon initiation as provided for in Sect. 401 above, the BZA may authorize a variance in the strict application of any specific requirement of this Ordinance except as qualified in Sect. 405 below, in the case of an exceptionally irregular, narrow, shallow or steep lot or other unusual physical condition, including some unusual feature of existing development on adjacent land, as a result of which condition such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building involved.

2. No variance shall be authorized until a public hearing has been held on same in accordance with the provisions of Sect. 109 above.

3. The concurring vote of three (3) members of the BZA shall be required to authorize a variance.

4. The BZA shall render a written decision on the application for a variance within sixty (60) days after receipt of same. In the event said decision shall not be rendered within said time period, the application shall be deemed to be denied.

18-403 Application

1. An application for a variance shall be filed in accordance with and shall be subject to all the provisions of Part 1 above.

2. The application shall contain the following information:

   A. The specific provision or provisions of the Ordinance from which a variance is sought.

   B. The nature and extent of the variance sought.

   C. The special conditions of the property, or the nature of use and/or development of immediately adjacent property, which would make such variance necessary.

   D. A statement indicating why the variance should be granted.

18-404 Standards for Variances

No variance in the strict application of any provision of this Ordinance shall be authorized by the BZA except upon the following findings, made in the following sequence:

1. The BZA shall ascertain whether or not there are unusual circumstances or conditions applying to the land or buildings for which the variance is sought and whether or not such circumstances or conditions do not apply generally to other land or buildings in the same zoning district and the same vicinity, and have not resulted from any act of the applicant subsequent to the effective date of this Ordinance, whether such act be in violation of the provisions thereof or not (other than the act of the applicant in purchasing the land involved in the application).

2. In considering allegations of the existence of unusual circumstances and conditions, the BZA shall take into account only such circumstances and conditions as pertain to the physical situation or condition of the specific land or building involved in the application and shall not consider any allegation or knowledge of financial hardship or any other personal situation or circumstance on the part of the applicant. Property rights that are involved in applications for variances shall be deemed to pertain to the land or building

that is involved, regardless of the ownership thereof or the nature or tenure of its occupancy.

3. The BZA shall ascertain whether or not the aforesaid special circumstances or conditions are such that the strict enforcement of the specific provision of the Ordinance involved in the application would deprive the applicant of the reasonable use of the land or building that is involved, and that the granting of some variance in such strict enforcement is necessary for the reasonable use of such land or building.

4. If an affirmative finding in all respects is not made together with a full statement of the reasons therefor, the BZA shall have no jurisdiction to proceed further and shall deny the application.

5. Upon an affirmative finding, the BZA shall determine what variance, in its opinion, is the minimum that will afford relief; in so doing the BZA shall not be confined to the specific content of the application.

6. In making such a determination, the BZA shall give careful consideration to the relationship of the land or building in question to land and buildings in the neighborhood and to the purpose and intent of this Ordinance, and shall not give favorable consideration to any variance unless it finds that the same is in harmony with such purpose and intent, and will not be injurious to the use of land and buildings in the vicinity or to the neighborhood or otherwise be detrimental to the public welfare. The findings of the BZA in this regard shall also be fully set forth in its records.

7. On the completion of the above steps of the foregoing procedures and after the completion of a written record of its findings, but not otherwise, the BZA shall authorize such variance as it deems to be necessary as aforesaid, in order to afford relief. In so doing, the BZA shall prescribe any conditions applying to the authorization made by it that it may deem to be necessary or desirable in furtherance of the purpose and intent of this Ordinance, and may make such requirements in connection therewith as will give reasonable assurance that such conditions will be met.

18-405 Unauthorized Variances

1. No variance shall be authorized that would modify any definition set forth in Article 20.

2. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in the zoning district under the specific provisions of this Ordinance.

3. No variance shall be authorized that would result in an increase in density from that permitted by the applicable zoning district regulations.

4. No variance shall be authorized that would relate to nonconforming uses.

5. No variance shall be authorized that would reduce the amount of off-street parking space required by Article 11.

6. No variance shall be authorized that would relate to signs, except as specifically qualified by the provisions of Article 12.

7. No variance shall be authorized in cases where the applicant, subsequent to the effective date of this Ordinance, has purchased a portion of a larger parcel, which portion has an area or width less than required by the provisions of this Ordinance at the time of such purchase or which portion has unusual physical characteristics (that are set forth as the basis for the application for a variance), which would not exist if such portion had not been detached by such purchase from the larger parcel of which it was a part.

18-406 Variance of Minimum Yard Requirements Based on Error in Location of Building

1. Notwithstanding the other provisions of this Part, the Zoning Administrator and the BZA shall have the authority, as qualified below, to grant a variance to the minimum yard requirements in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected.

Such a variance may be granted if and only if:

A. It is established that such noncompliance was through no fault of the applicant or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, and

B. Such variance will not impair the purpose and intent of this Ordinance, and

C. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

D. It will not create an unsafe condition with respect to both other property and public streets, and

E. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.

2. Such a variance may be granted:

A. By the Zoning Administrator if the error does not exceed ten (10) per cent of the measurement that is involved.

B. By the BZA if the error is greater than ten (10) per cent of the measurement that is involved.

3. In granting such a variance under the provisions of this Section, the Zoning Administrator and the BZA may prescribe such conditions as deemed advisable to assure compliance with the intent of this Part.

4. Upon the granting of a variance for a particular building, in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

5. The Zoning Administrator or the BZA shall have no power to vary the application of any of the limitations specified in this Section.

18-407 Expiration of Variances

1. Whenever a variance is authorized by the BZA, the activity authorized thereby shall be established, and any construction authorized thereby shall be diligently prosecuted and shall be completed within such time as the BZA may have specified; or if no such time has been specified, then within one (1) year after the effective date of such variance, unless an extension shall be granted by the BZA because of the occurrence of conditions unforeseen at the time of authorizing such variance.

2. If not so acted on and completed within a period of one (1) year, unless the same is extended as aforesaid, such variance shall automatically expire without notice.

PART 5 18-500 ENVIRONMENTAL ASSESSMENT/IMPACT STATEMENTS

Note: **Provisions are not presented for an environmental assessment/impact statement at this time, and until such provisions have been adopted by the Board of Supervisors, the submission of an assessment/impact statement as set forth in Par. 7 of Sect. 202 above will not be required.**

PART 6 18-600 BUILDING PERMITS

18-601 Permit Required for Erection of Buildings and Structures

The erection of all buildings and all structures, additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. However, no building or structure shall be erected until a Building Permit application has been approved by the Zoning Administrator.

18-602 Application for a Permit

Applications for a Building Permit shall be on forms provided by the County and shall be approved by the Zoning Administrator prior to issuance. An application shall be accompanied by one of the following plans/plats:

1. An approved site plan, when the building or structure is in an area covered by a site plan that has been approved under the provisions of Article 17 of this Ordinance, or

2. When the building or structure is not in an area covered by a site plan, four (4) copies of a plat prepared by a certified land surveyor or registered engineer, except that plats submitted for additions to an existing single family dwelling or accessory structures, other than swimming pools, related to an existing single family dwelling may be prepared by other than a certified land surveyor or registered engineer. Each such plat shall indicate the following information:

   A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.

   B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.

   C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest tenth (1/10) of a foot, and where required, spot elevations on the lot lines where the angle of bulk plane is established as well as spot elevations on the effective building height for each separate elevation of the proposed building, structure or addition whose location is controlled by the angle of bulk plane.

   D. The proposed elevation of the first floor level and of the lowest floor level of any proposed new building. Such elevations shall not be required for additions unless the proposed elevation of the lowest floor level of such addition is below the lowest floor elevation of the structure to which it is added.

   E. The lines within which the proposed building, including any porch, carport or overhang, is to be erected.

   F. The lines within which any accessory building or structure is to be erected.

   G. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.

   H. The location, configuration, widths and grades of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas. Widths and grades need not be shown where no additional off-street parking is proposed.

   I. The name and registration number of the surveyor preparing the plat, and where not prepared by a surveyor, the name of the person preparing the plat.

   J. Such other information with regard to the lot, existing and proposed buildings, and existing and proposed uses thereof, and such other information with regard to contiguous lots as may be prescribed by resolution of the Planning Commission and approved by the County Executive as being necessary to the proper enforcement of the provisions of this Ordinance.

18-603 Permits Not To Be Issued

1. No Building Permit shall be issued for the erection of any building or structure on a lot that is in violation of any of the provisions of Chapter 101 of The Code, The Subdivision Ordinance.

2. No Building Permit shall be issued for any structure until a tree removal permit has been issued by the Arborist in accordance with the provisions of the Public Facilities Manual.

3. No Building Permit shall be issued for the erection of any building or structure in any area covered by a site plan that is required by the provisions of Article 17 except in strict conformity to such site plan which has been approved.

4. No Building Permit shall be issued until the eleventh (11th) day following the approval of a site plan, to allow the right of appeal of the site plan as provided for in Sect. 17-110.
   Upon written request, with a recommendation for approval from the Director and from the Supervisor of the District affected, the County Executive may waive said ten (10) day waiting period when he has obtained written agreement from the applicant and the owner that:

   A. All work on the site will cease immediately upon notification by the County that a timely appeal has been filed; and

   B. Cessation of all work will continue until the appeal process to the Planning Commission and the Board has ended in affirmation of the site plan approval; and

   C. Waiver of the ten (10) day waiting period and any work done thereunder will not be used to claim any vested rights.

   In the event the County Executive does not grant the waiver, the applicant may appeal his decision to the Board.

18-604 Enforcement of Performance Standards

In the enforcement of the performance standards set forth in Article 14, before a Building Permit is issued, the Zoning Administrator may require evidence that the applicant is able to conform to such performance standards. Whereas enforcement shall be the responsibility of the County, where a violation has been established, the Zoning Administrator may:

1. Require the applicant to submit, at the expense of the applicant, reports or the certified results of tests with respect to any current or proposed operation of the use that is involved in relation to conformity to such standards, which reports or tests shall be made by a laboratory or other agency of recognized competence.

2. Refer the application to the BZA for a determination of whether or not any operation of the use that is involved conforms to such standards as may call for a conclusion of judgment rather than the application of specified measurement.

PART 7 18-700 RESIDENTIAL AND NON-RESIDENTIAL USE PERMITS

18-701 Permit Required for Occupancy or Use

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part.

18-702 When Required

For the purpose of this Ordinance, and in the furtherance of the provisions of Chapter 61 of The Code, Buildings, a Residential or Non-Residential Use Permit, whichever is applicable, shall be obtained from the Zoning Administrator before any person shall:

1. Occupy or use, or permit or cause to be occupied or used, any building hereafter erected, with the exception of accessory structures as permitted by Article 10 and additions to existing structures which do not require site plan approval.

2. Change the use, or permit or cause a change in the use, of any existing building.

3. Occupy or use any vacant land except for an agricultural use.

4. Make any change in the use of a nonconforming use.

5. Enlarge any use with respect to the unit of measurement specified in this Ordinance as the basis for determining the amount of required off-street parking space, whether the same is specified in terms of floor area, dwelling units, seats or any other element of size of use.

6. Continue any use after a change in the proprietorship of such use, except a single family dwelling or an agricultural use.

18-703 Application For a Permit

1. Written application for a Residential or Non-Residential Use Permit for any building hereafter erected shall be made at the same time as the application for a Building Permit for such building and a written request for issuance of the same shall be made to the Zoning Administrator after the completion of the work covered by the Building Permit.

   If the proposed use is in conformance with the provisions of this Ordinance and all other applicable laws and ordinances, and meets the minimum requirements set forth in Sect. 704 below, the applicable permit shall be issued.

2. Written application for a Residential or Non-Residential Use Permit for the use of vacant land or for a change in the use of land or a building, for a change of a nonconforming use, for the enlargement of a use or for the continuation of a use, shall be made to the Zoning Administrator.

   If the proposed use is in conformance with the provisions of this Ordinance and of all other applicable laws and ordinances, as certified to the Zoning Administrator by the officers, bodies or agencies responsible for the administration thereof, the applicable permit shall be issued.

18-704 Minimum Requirements

The following minimum requirements must be met prior to the issuance of a Residential or Non-Residential Use Permit:

1. The structure must have passed all applicable final inspections such as building, electrical, plumbing, or mechanical inspection.

2. The structure's lot must be final graded. Sodding and/or seeding is required to be complete. An exception may be granted in the winter when seeding, sodding and/or final grading is not possible, or when extraordinarily sustained inclement weather conditions have occurred, and then the lot must be rough graded and completely mulched where disturbed.

When exceptions for final grading, sodding and/or seeding are granted during the winter, such shall be brought into full conformance no later than the first day of the succeeding month of May.

3. The landscaping and screening requirements of Article 13 must be completed; provided, however, that exceptions may be made when the season of the year would make required planting inappropriate.

4. Fire hydrants serving the structure must be operative.

5. All walks between the driveway or parking lot and the structure must be complete. In cases of inclement weather, a substitute, impervious sidewalk may be provided.

6. All streets and driveways necessary to provide access for the structure to a public street, and all parking areas in residential developments, must be complete except for a final surface. Streets must have a minimum of a two shot bituminous surface treatment, as required in applicable specifications. When bituminous concrete is required as pavement, the base asphalt courses must be placed. The surface layer may be applied after a Residential Use Permit is issued.

   With respect to Residential Use Permits during the period November 1 through April 30, when applicable specifications preclude the use of bituminous concrete and/or asphalt, an all-weather surface is acceptable. All-weather surface is defined as six (6) inch crushed stone, properly compacted and maintained. Manholes will be graded so as not to be a hazard to private vehicles and emergency equipment, and to preclude infiltration of surface water. The use of an all-weather surface is considered temporary in nature and should be brought to a properly paved condition as required above as soon as applicable specifications may be met.

   During May 1 through October 31, a properly paved surface is required prior to issuance of a Residential Use Permit; provided, however, in instances where the builder cannot meet the requirements for a properly paved street for reasons beyond his control, the Director may waive this requirement for a period not to exceed forty-five (45) days.

7. All storm and sanitary sewers serving the lots for which a Residential Use Permit is requested must be completed and approved.

8. Curb, gutter and sidewalk in front of the structure must be in place and complete.

9. All trails and walkways required by the provisions of Sect. 17-201 must be clearly delineated by stakes, and the minimum of a gravel surface must be in place.

10. Street name signs must be installed.

11. The provisions of Sect. 604 above, in reference to performance standards, must be satisfied before a Non-Residential Use Permit shall be issued.

18-705 Issuance of Permits When Regulations Change

1. On written request by the owner, the Zoning Administrator shall issue a Residential or Non-Residential Use Permit for any such use of a building or of land existing at the time of the effective date of this Ordinance or at the time of the adoption of any amendment to this Ordinance which changes the regulations applying to such building or land, certifying after inspection and investigation, the extent and kind of such use and whether the same conforms to the provisions of this Ordinance for the zoning district in which it is situated or whether the same is a nonconforming use.

2. The Zoning Administrator may require such proof as may be necessary to enable him to make a determination in the matter, and the furnishing of such proof shall be a condition of his acting on the request.

18-706 Permits Not To Be Issued for Structures Which Would Violate Ordinance

No officer, board, agency or employee of the County shall issue, grant or approve any permit, license, certificate or other authorization for the erection of any building or for any use of any land or building that would not be in full compliance with the provisions of this Ordinance. Any

such permit, license, certificate or other authorization issued, granted or approved in violation of any of the provisions of this Ordinance shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or authorization shall be unlawful. No action shall be taken by any officer, board, agency or employee of the County, including the BZA, purporting to validate any such violation.

18-707 Permit Not To Validate Any Violation

No Residential or Non-Residential Use Permit shall be deemed to validate any violation of any provision of any law or ordinance.

18-708 Permit To Become Void Upon a Violation

1. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect so long as such building or such land and the use thereof is in full conformity with the provisions of this Ordinance and any requirement made pursuant thereto.

2. On the final determination and serving of a notice of any violation of any of such provisions or requirements with respect to any building or land or the use thereof as provided in Part 9 below, the Residential or Non-Residential Use Permit for such use shall thereupon become null and void, and a new Residential or Non-Residential Use Permit shall be required for any further use of such building or land.

PART 8 18-800 CERTIFICATES OF COMPLETION

18-801 Certificate Required Upon Completion

Upon satisfactory completion, inspection and approval of the installation of all required improvements in a given development and the issuance of a Residential or Non-Residential Use Permit(s), the applicant shall request a Certificate of Completion in accordance with the following provisions.

18-802 Application for Certificate for Site Plan Development

1. In the case of a development approved in accordance with the provisions of Article 17, Site Plans, upon satisfactory completion, inspection and approval of the installation of all required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the Zoning Administrator seven (7) copies of an as-built site plan, prepared by a certified surveyor or registered engineer, for the review and approval for conformance with the approved site plan.

   Submission of such as-built site plan shall constitute an application for a Certificate of Completion. Such submission shall contain the following information:

   A. Boundary of the site.

   B. Location of all buildings showing the yard dimensions and house numbers which have been posted.

   C. All storm sewer, sanitary sewer, and fire hydrants, showing pipe sizes, lengths, top and invert elevations and per cent slope of pipe.

   D. Deed book and page number of any dedication and all easements.

   E. Certification by the engineer or surveyor indicating that the as-built conforms with the approved site plan except as shown and represents actual conditions on the site, and bearing his signature and Virginia registration number.

2. A Certificate of Completion may be issued for any appropriately completed building or part of a building located in a part of the total area of an approved site plan, such part to be known as a section, provided that the applicable Residential or Non-Residential Use Permit has been issued, and:

   A. 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 Director, the Director of Public Works, and the County Health Officer.

   B. The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the Director and the Director of Public Works, 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.

18-803 Application for Certificate for Other Development

1. In the case of a development of a single family detached dwelling(s) or any other development wherein a site plan was not required by the provisions of Article 17, upon satisfactory completion, inspection and approval of the installation of all required improvements, the developer shall submit to the Zoning Administrator four (4) copies of an as-built house/building location plan, prepared by a certified surveyor or registered engineer, for the review and approval for conformance with all applicable ordinances.

2. The as-built house/building location plan shall show the exact location of the completed building, all accessory buildings, and final information on all the items enumerated in Par. 2 of Sect. 602 above.

   Submission of such as-built house/building location plan shall constitute an application for a Certificate of Completion.

18-804 Issuance of Certificate of Completion

Upon approval of an application, a Certificate of Completion shall be issued. Such issuance shall constitute acceptance of all required improvements and compliance with all County requirements, and will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

PART 9 18-900 VIOLATIONS AND PENALTIES

1. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.

2. 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 shall be and the same is hereby declared to be unlawful.

3. The Zoning Administrator may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

4. Upon his becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator 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 Zoning Administrator has specified in such notice, and a new Residential or Non-Residential Use Permit obtained as provided in Part 7 above, he shall institute such action as may be necessary to terminate the violation.

5. The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE 19

BOARDS, COMMISSIONS, COMMITTEES

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ARTICLE 19

BOARDS, COMMISSIONS, COMMITTEES

PART 1 19-100 PLANNING COMMISSION

19-101 Purpose

The Planning Commission shall advise the Board of Supervisors on all matters related to the orderly growth and development of Fairfax County, and it shall approve or disapprove the location, character and extent of all public facilities in the County.

More specifically, the Planning Commission, with the advice and assistance of the County staff, shall:

1. Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years.

2. Prepare and recommend amendments to the Zoning Ordinance.

3. Prepare and recommend amendments to the Subdivision Ordinance.

4. Prepare and recommend amendments to a Capital Improvement Program.

5. Prepare and recommend amendments to an Official Map.

6. Review and make recommendations on all amendments to the Zoning Map.

7. Review and make recommendations where deemed necessary on applications for special exceptions filed with the Board, appeals and applications for special permits filed with the BZA.

8. Approve final development plans in accordance with the provisions of Sect. 16-402.

9. Approve or disapprove the general or approximate location, character and extent of streets, parks or other public areas, public buildings, public structures, public utilities, or public service corporations other than railroads, whether publicly or privately owned.

19-102 Authority and Establishment

The Planning Commission was established in conformance with a resolution adopted by the Board of Supervisors on July 6, 1938 pursuant to the provisions of Article 3, Chapter 11, Title 15.1 of the Code of Virginia.

The Planning Commission heretofore established shall continue as the Planning Commission for the purpose of this Ordinance.

The official title of this Commission shall be the 'Fairfax County Planning Commission'.

19-103 Membership

1. The Planning Commission shall consist of not less than five (5) nor more than fifteen (15) members, appointed by the Board, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (1/2) of the members so appointed shall be freeholders. There shall be one (1) member from each District.

2. Members shall be appointed for four (4) years and terms of appointment shall be staggered. Members of the Commission may receive such compensation as may be authorized by the Board.

3. Any vacancy in membership shall be filled by appointment by the Board. It shall be for

an unexpired term only. Any appointed member may be removed by the Board for malfeasance in office.

19-104 Officers

1. The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, a Secretary and a Parliamentarian.

2. The officers of the Planning Commission shall be elected from the members for a one (1) year term by the Commission at its first regular meeting after January 1 each year; provided, however, if an appointment to the membership by the Board is pending, such election shall be held at the first meeting following such an appointment.

3. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.

4. Vacancies in office shall be filled immediately by regular election procedures.

19-105 Meetings

1. Regular meetings of the Planning Commission are held two (2) times each week, as the work of the Commission may require, at a time and place to be designated by resolution by the Commission. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

2. All regular meetings and adjourned meetings shall be open to the public except as provided for in the Freedom of Information Act.

3. Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.

   A. The Secretary shall cause to be mailed to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.

   B. Written notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they filed a written waiver of the required notice.

4. Special meetings may be either open to the public or may be closed, but no official action on any matter shall be taken by the Commission at any closed meeting.

5. All public hearings conducted by the Planning Commission shall be in accordance with the provisions of Sect. 18-109.

6. A majority of the membership of the Commission shall constitute a quorum.

7. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

19-106 Records

The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, the names and addresses of all witnesses giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

19-107 Duties

The Planning Commission shall have the following duties:

1. The election of officers from its own membership.

2. The general supervision of, and the making of regulations for, the administration of its affairs.

3. The adoption of its own bylaws and procedures, consistent with the ordinances of the County and the general laws of the State.

4. The employment or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services within the limits of funds appropriated by the Board.

5. The supervision of its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.

6. The preparation and submission of an annual budget in the manner prescribed by the Board.

7. The conduct of public hearings on specific items.

8. The hearing and decision on all matters referred to and upon which it is required to pass by this Ordinance and the Code of Virginia.

9. The performance of those activities set forth in Sect. 101 above.

10. The preparation, publication and distribution of reports, ordinances, and other material relating to its activities.

11. The preparation and presentation to the Board of an annual report concerning the operation of the Commission and the status of planning within the County.

12. The preparation and presentation to the Board of a report, at intervals of not greater than five (5) years, on whether or not a general revision of this Ordinance should be undertaken. If the Commission should recommend such a revision, it shall describe the conditions which it believes indicate the desirability thereof, outlining in general the respects in which the Ordinance can better be adapted to such conditions. Further, it shall indicate the scope of the revisions that it believes to be advisable.

13. The establishment of advisory committees when it is deemed advisable.

PART 2 19-200 BOARD OF ZONING APPEALS

19-201 Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature, and that they are not perfect and are subject to interpretation, the Board of Zoning Appeals is established to vary specific terms of the Ordinance to the end that the intent of the provisions may be effectuated, but only in a manner that the spirit of the Ordinance is maintained and upheld. In addition, the Board of Zoning Appeals is established to perform those duties as set forth in Article 8, Chapter 11, Title 15.1 of the Code of Virginia and those duties as set forth in the provisions of this Ordinance.

19-202 Authority and Establishment

The Board of Zoning Appeals was established pursuant to the provisions of Article 8, Chapter 11, Title 15.1 of the Code of Virginia. The Board of Zoning Appeals heretofore established shall continue as the Board of Zoning Appeals for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Board of Zoning Appeals', and such body shall also be known by the abbreviation 'BZA'.

19-203 Membership

1. The BZA shall consist of five (5) members appointed by the Circuit Court of Fairfax County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.

2. The terms of office of the membership shall be for five (5) years, except that the five (5) members first appointed shall serve respectively for terms of: one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years.

3. The Clerk of the BZA shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the Court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

4. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

5. Members of the BZA shall hold no other public office in the County, except that one (1) member may be a member of the Planning Commission.

6. Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by the Court which appointed him, after a hearing held on at least fifteen (15) days' notice to the member sought to be removed.

19-204 Officers

At its first meeting in January of each year, the BZA shall elect a Chairman and a Vice-Chairman by a majority vote of the entire membership, and shall appoint a Clerk, whose compensation shall be fixed by the Board of Supervisors.

19-205 Meetings

1. The BZA shall hold at least one (1) meeting each month at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday the meeting shall be held on the day following unless otherwise designated by the BZA.

2. Three (3) members of the BZA shall constitute a quorum, but a lesser number may meet and adjourn.

3. Special meetings may be called by the Chairman provided at least five (5) days' notice of such hearing is given each member in writing.

4. The BZA may adjourn a regular meeting if all applications or appeals cannot be disposed

of in the day set and no further public notice shall be necessary for such a meeting. Such adjournment shall be mandatory ten (10) hours after the start of a meeting.

5. Appeals shall be heard and applications considered in the order in which they are filed, except that an appeal or application may be advanced for a hearing by an order of the BZA for a good cause shown. The Clerk shall keep a calendar of cases to be heard in their proper priority.

6. All public hearings conducted by the BZA shall be in accordance with the provisions of Sect. 18-109. All hearings shall be open to the public, and any person affected may appear and testify at such hearing, either in person or by an authorized agent or attorney.

19-206 Referral to Planning Commission

1. The Clerk of the BZA shall transmit to the Planning Commission a copy of every appeal or application made to the BZA and shall also notify the Commission of the date of the hearing thereon.

2. If, prior to the time of the hearing, the Planning Commission submits to the BZA a recommendation that an application for a special permit be denied, that specified conditions be prescribed in connection with a particular special permit or that specified conditions be prescribed in connection with a particular variance, the BZA shall not act contrary to such recommendation except by a majority vote of all the members of the BZA.

19-207 Records

1. The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question, or if absent or failing to vote, such fact.

2. Every decision of the BZA shall be recorded in accordance with standard forms prescribed by the BZA and approved by the County Executive, and shall fully set forth the circumstances of the case and the findings on which the decision is based. Every decision of the BZA shall be made by resolution adopted by a majority of all the members present.

3. Each such resolution shall be filed by case number under one of the following headings: (a) interpretation, (b) variances, and (c) special permits, together with all documents pertaining thereto.

19-208 Periodic Report

1. The BZA shall report to the Board of Supervisors periodically, at intervals of not greater than six (6) months, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed with the Board, copies thereof shall also be filed with the County Executive, the Planning Commission, the County Attorney, and the Director.

2. At intervals of not greater than twelve (12) months, the County Attorney shall examine the records of the BZA, and shall submit to the BZA a written summary of his observations thereon, including any recommendations that he may deem to be advisable in order to assure full conformity with the requirements and limitations of this Ordinance pertaining to the jurisdiction and functions of the BZA. Copies of such summary and recommendations shall be filed with the Board of Supervisors, the County Executive, the Planning Commission and the Director.

19-209 Powers and Duties

The BZA shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or interpretation made by the Zoning Administrator or his agent in the administration or enforcement of this

Ordinance, all as provided in Part 3 of Article 18.

2. To authorize upon application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, all as provided in Part 4 of Article 18.

3. To hear and decide applications for such special permits as are authorized under Article 8 of this Ordinance.

4. To hear and decide applications for interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the Map in such a way as to carry out the purpose and intent of this Ordinance for the particular district in question. The BZA shall not have the power, however, to rezone property or to change substantially the location of zoning district boundaries as established by this Ordinance.

5. To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.

6. To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.

7. To prescribe procedures for the conduct of public hearings that it is required to hold.

8. To perform those additional activities set forth in this Part.

9. To employ or contract for, within the limits of funds appropriated by the Board of Supervisors, secretaries, clerks, legal counsel, consultants and other technical and clerical services.

19-210 Limitations

All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein. Any action taken by the BZA beyond the authority specifically conferred by the provisions of this Ordinance and the limitations applicable thereto shall ipso facto be of no force and effect.

19-211 Decisions Subject to Judicial Review

All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the manner provided by Article 8, Chapter 11, Title 15.1 of the Code of Virginia.

PART 3 19-300 LAND RESTORATION BOARD

19-301 Purpose

The purpose of the Land Restoration Board shall be to review all applications for Group 1 special permit uses, and make a formal recommendation to the BZA on same, and to review all applications for a Category 2 landfill special exception use (other than a public use), and make a formal recommendation to the Planning Commission and Board of Supervisors on same.

19-302 Authority and Establishment

The Land Restoration Board is to be established in accordance with the provisions of this Part 3 of Article 19 and such board heretofore established shall continue as the Land Restoration Board for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Land Restoration Board'.

19-303 Membership

The Land Restoration Board shall consist of the following members:

1. The County Executive.
2. The Director of Environmental Management.
3. The County Soil Scientist.
4. A delegate selected by the National Sand and Gravel Association.
5. A representative of the Northern Virginia Soil and Water Conservation District.
6. Three (3) staff members from the Department of Environmental Management as selected by the Director with interest and knowledge in:
   - A. Erosion and siltation.
   - B. Land use and zoning.
   - C. Drainage.
7. One (1) citizen member nominated by the Federation of Citizens Associations to be appointed by the Board of Supervisors.
8. One (1) citizen member nominated by the Environmental Quality Advisory Council to be appointed by the Board of Supervisors.
9. A staff representative of the Department of Health Services.
10. A staff representative of the Department of Public Works.
11. A staff representative of the Environmental and Technical Services Branch of the Office of Comprehensive Planning.

19-304 Officers

The County Executive shall serve as Chairman of the Land Restoration Board, and in his absence, the Director shall serve as Chairman.

19-305 Meetings

Meetings of the Land Restoration Board shall be called by the Chairman as needed. Meetings shall be held at a time and place to be designated by the Chairman, and all members shall be notified of such at least five (5) days in advance of the meeting.

A majority of the membership of the Land Restoration Board shall constitute a quorum, and all cases shall be settled by a majority vote of the membership. Each member shall have one

vote.

19-306 Records

The Land Restoration Board shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

19-307 Powers and Duties

The Land Restoration Board shall have the following powers and duties:

1. It shall be the responsibility of the Land Restoration Board to review all applications for Group 1 special permit uses, and make a formal recommendation to the BZA on same, and to review all applications for a Category 2 landfill special exception use (other than a public use), and make a formal recommendation to the Planning Commission and Board of Supervisors on same.

2. The Land Restoration Board shall also be responsible for making an annual inspection of each use permitted under a Group 1 special permit and each landfill permitted under a Category 2 special exception, and reporting to the Director and to the BZA/Board on the status and compliance of each such use. The Land Restoration Board shall inspect each completed restoration of a Group 1 use and landfill, and recommend to the Director whether or not the surety bond should be released.

3. Following its annual inspection, the Land Restoration Board shall prepare a report of its findings and transmit that report to the Director and to the BZA/Board. Such report shall include the following:

   A. A statement of whether or not the operation is in compliance with all of the requirements of the special permit/special exception. Where it is found that an operation is not in compliance with any specific requirement, the report shall indicate whether or not such compliance can administratively be obtained, and if not, the Land Restoration Board shall recommend to the BZA/Board whether or not action should be taken to show cause why the permit/ exception should not be revoked.

   B. A statement of changes which have occurred in the vicinity since the granting of the application, such as new development in the area.

   C. The condition of roads in the area which might indicate the spillage of material from trucks.

4. Where restoration has not been accomplished, or where the restoration done was not in conformance with the approved restoration plan, the Land Restoration Board shall recommend an appropriate course of action to the Director, including demand for performance or payment by the surety on the bond.

5. As a result of its annual inspection, the Land Restoration Board may find it necessary, for the health, safety and welfare of the general public, to recommend additional restrictions and limitations on such use. In such event, the Land Restoration Board shall transmit its findings to the BZA/Board which shall hold a public hearing, following notice in accordance with the provisions of Sect. 18-110, at the conclusion of which such additional requirements may be imposed as a condition of the special permit/exception.

19-308 Report of the Land Restoration Board

Every report of the Land Restoration Board to the Director, the Planning Commission, and the BZA or the Board on an application shall include all of the following information:

1. The uses proposed in the adopted comprehensive plan for the area in which the property contained in the application lies. This segment of the report shall also indicate the existing or planned uses on all contiguous land.

2. A statement indicating the status of any proposals of which the County staff is aware in

the immediate vicinity of the application, including site plans or subdivision plats submitted.

3. A statement concerning access and traffic. This statement shall include the most recently published traffic count on all contiguous streets which could provide access to the site.

4. A statement relating to compatibility of the proposed use with each of the uses of land on adjacent property. This statement may include recommendations as to how this permit/exception might be restricted in order to achieve a greater degree of compatibility.

5. A statement concerning the proposed measures to control drainage, erosion and siltation. Where the proposals are considered by the Land Restoration Board to be inadequate, the report shall include recommendations concerning additional measures needed.

6. A statement concerning the proposed grades after restoration, the proposed depth and type of topsoil planned to be placed thereon, and the proposed planting and/or reforestation planned after completion of the operation. The Land Restoration Board may recommend a different type of surface treatment in order to guarantee the fertility of the finished land.

7. A statement concerning a limitation, if any, that the Land Restoration Board feels should be applied to the size or location of any sign to be erected on the site.

8. A brief statement of the history of similar uses in the vicinity of the application. If active operations are underway in the immediate area, permit/exception expiration dates, if any, shall be indicated.

9. A statement indicating the amount, per acre and total, of surety and escrow bond recommended by the Land Restoration Board as adequate to guarantee the planned restoration.

10. A recommendation of the Land Restoration Board on disposition of the application. This recommendation shall be considered by the BZA/Board in its consideration of the application.

PART 4 19-400 ARCHITECTURAL REVIEW BOARD

19-401 Purpose

The purpose of the Architectural Review Board shall be to administer the provisions of Part 2 of Article 7 and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.

19-402 Authority and Establishment

The Architectural Review Board is to be established in accordance with the provisions of this Part 4 of Article 19. The Architectural Review Board heretofore established shall continue as the Architectural Review Board for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Architectural Review Board' and such body shall also be known by the abbreviation 'ARB'.

19-403 Membership

1. The ARB shall be composed of nine (9) voting members who shall be residents of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks. Membership shall be appointed by the Board of Supervisors as follows:

   A. At least two (2) members shall be certified architects.

   B. One (1) landscape architect.

   C. One (1) lawyer with membership in the Virginia Bar.

   D. The other members shall be drawn from the ranks of related professional groups such as archeologists, historians, lawyers and real estate brokers.

   E. In addition, there shall be one (1) ex officio and nonvoting member from the Fairfax County History Commission.

2. Members shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered such that three (3) members shall be appointed every year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3. Members shall exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.

19-404 Officers

The officers of the ARB shall be established by majority vote of the entire membership.

19-405 Meetings

Meetings of the ARB shall be called by the Chairman as needed. Meetings shall be held at a time and place to be designated by the Chairman, and all members shall be notified of such at least five (5) days in advance of the meeting.

A quorum of five (5) members present is required for consideration of any matter, and any action taken shall require the affirmative vote of a majority of the voting membership.

19-406 Records

The ARB shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

19-407 Powers and Duties

The ARB shall have the following powers and duties:

1. To hear and decide applications for Building Permits for the erection, reconstruction, exterior alteration or restoration of any building or structure in a Historic Overlay District, or for the demolition, razing, moving or relocation of any officially designated historic landmark, building or structure within such district, as provided in Part 2 of Article 7.

2. To review and make recommendations on all applications for special permits and special exceptions in a Historic Overlay District.

3. To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.

4. To assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities, and signs.

5. To advise owners of historic landmarks, buildings, or structures on problems of preservation.

6. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

7. To cooperate with and enlist assistance from the Fairfax County History Commission, the Virginia Historic Landmarks Commission, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic and/or aesthetic landmarks, buildings, sites, or areas in the County.

8. To make available to the Fairfax County Public Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies thereof to be made for permanent keeping in the library's historical collection.

9. To make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities.

10. To employ secretarial assistance and pay salaries, wages, and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

PART 5 19-500 HEALTH CARE ADVISORY BOARD

19-501 Purpose

The Health Care Advisory Board was created to be a citizen group which would develop expertise in all phases of health care and use that expertise to advise and otherwise assist the Board of Supervisors in the development and implementation of a comprehensive plan of health programs and facilities.

19-502 Authority and Establishment

The Health Care Advisory Board was established in conformance with a resolution adopted by the Board of Supervisors on July 11, 1973.

The Health Care Advisory Board heretofore established shall continue as the Health Care Advisory Board for the purpose of this Ordinance. The official title of this Board shall be the 'Fairfax County Health Care Advisory Board'.

19-503 Membership

The Health Care Advisory Board shall consist of nine (9) members serving four (4) year terms with at least one (1) physician or other health care provider appointed at large by the Chairman of the Board of Supervisors and the other eight (8) members appointed one from each District.

19-504 Officers

The Health Care Advisory Board shall establish such rules of procedure as it sees fit, and elect such officers as it deems necessary to the fulfillment of its duties.

19-505 Meetings

The Health Care Advisory Board shall hold such meetings as it deems necessary to the fulfillment of its duties.

19-506 Records

The Health Care Advisory Board is directly responsible to the Board of Supervisors and the records of its actions are maintained in the Office of the County Executive.

19-507 Powers and Duties

The powers and duties of the Health Care Advisory Board shall include, but are not limited to, the following. Such functions shall apply only insofar as they do not contradict with specifically outlined duties of the Fairfax-Falls Church Community Mental Health and Mental Retardation Services Board.

1. Participation in the periodic review of a comprehensive health plan for the County, to include recommendations for the provision of health care facilities, as well as an evaluation of current health resources and an assessment of future program needs.

2. Initiation of an on-going health care information process in coordination with local, regional, state and federal agencies.

3. Annual review of the County Executive's budget priorities for physical health-related County and contributory agencies.

4. Review of proposed health care facilities pursuant to Sections 8-306 and 9-303 of this Ordinance.

5. Evaluation of the specifications and methodology of proposed County third party contracts for health service studies and programs.

6. Review of materials provided the County by the Fairfax Hospital Association pertaining to certain provisions of the Fairfax County/Fairfax Hospital Association Agreement and requiring the review and/or approval of the Board of Supervisors.

7. The undertaking of such other activities as become appropriate as the character of health care delivery evolves.

PART 6 19-600 TREE COMMISSION

19-601 Purpose

The purpose of the Tree Commission shall be to provide advice to the Board of Supervisors, based on an annual reevaluation of the experience of the administration and implementation of the provisions set forth in Chapter 104 relating to Tree Preservation and Planting; to provide leadership in developing an understanding of the objectives and methods of the tree planting program; and to assist the Arborist in the development and maintenance of technical specifications and guidelines.

19-602 Authority and Establishment

The Tree Commission was established in conformance with an action adopted by the Board of Supervisors on June 18, 1973 and amended on July 30, 1973, which action became effective on August 1, 1973. The Tree Commission heretofore established shall continue as the Tree Commission for the purpose of this Ordinance, and the duration of the Commission shall be determinable by the Board of Supervisors.

The official title of this Commission shall be 'The Tree Commission of Fairfax County'.

19-603 Membership

1. The Tree Commission shall be composed of fourteen (14) members. Nine (9) of the members shall be citizens of the County, appointed by the Board of Supervisors, and chosen for their knowledge and experience in the field of arboriculture or related fields. The remaining five (5) members shall be representatives from the following offices and agencies: Fairfax County Environmental Quality Advisory Council; Northern Virginia Soil and Water Conservation District; Fairfax County Park Authority; Cooperative Extension Service of Fairfax County; and Virginia Division of Forestry.

2. Citizen members shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered such that three (3) members shall be appointed every year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3. If a member is absent for three (3) consecutive meetings without sufficient cause, a letter will be sent to the Chairman of the Board of Supervisors asking for replacement of that member.

4. The removal or resignation or withdrawal of any or all members of the Commission shall not result in the dissolution of the Commission.

19-604 Officers

1. The officers of the Commission shall be Chairperson and Vice-Chairperson and such other officers that the Commission shall from time to time elect.

2. The Commission shall elect its officers once each year or on the occasion of withdrawal of an officer from his post. An annual election meeting shall be held as soon as appropriate after regular annual appointments are made.

3. The duties of the officers shall be in general those defined in the Roberts Rules of Order, modified as required to fit the purpose of the Commission.

19-605 Meetings

1. Meetings of the Tree Commission shall be called by the Chairperson as needed or upon the request of three (3) or more members. Meetings shall be held at a time and place to be designated by the Chairperson.

2. Proceedings of the Commission shall be in accordance with the Roberts Rules of Order.

19-606 Records

The Tree Commission shall keep records of all its proceedings, and such records shall be made available upon request for public inspection.

19-607 Powers and Duties

1. The Tree Commission shall have the power to do any lawful acts or things reasonably necessary to carry out its purposes.

2. Leadership in developing understanding of objectives and methods is seen as an educational process, in which the Commission shall develop and disseminate technical information for professional groups and developers, and shall strive to inform the general public and private householder of the provisions of Chapter 104 of The Code. This shall be accomplished by utilizing a variety of media and methods.

3. The Commission shall assist the Arborist in the development and maintenance of the policies, standards and guidelines in the Tree Preservation and Planting section of the Public Facilities Manual and other allied documents, which will provide guidance for persons involved in planting, preserving, protecting or replacing trees.

4. The Commission shall present an annual report to the County Executive and Board of Supervisors, such report to include:

   A. A description of activities conducted.

   B. A report of activities ongoing and forecast.

   C. An evaluation of the experience of the administration and implementation of the provisions set forth in Chapter 104 of The Code, to include: an appraisal of the strength and comprehensiveness of the provisions; recommendations to improve implementation; and judgments as to how it is being interpreted by the public and by those affected by the requirements of the Chapter.

5. The Commission shall be furnished working facilities as provided by the County Executive. Where required, the Commission shall be provided assistance from other County offices.

6. The Commission may divide itself into ad hoc committees as the Chairperson may direct or the Commission may resolve, and such ad hoc committees may acquire additional assistance from any sources as required to perform assignments so long as obligations not authorized by the provisions of Chapter 104 of The Code are not incurred.

7. The Commission may enact bylaws as may be required to aid in its efficient operation and such bylaws shall be incorporated by reference in this Part.

PART 7 19-700 GEOTECHNICAL REVIEW BOARD

19-701 Purpose

The purpose of the Geotechnical Review Board shall be to analyze subdivision construction plans and site plans located within areas of problem soils and to give advice and recommendations to the Director of Environmental Management concerning these areas.

19-702 Authority and Establishment

The Geotechnical Review Board was established in conformance with an action adopted by the Board of Supervisors on August 4, 1975. The Geotechnical Review Board heretofore established shall continue as the Geotechnical Review Board for the purpose of this Ordinance.

The official title of this Board shall be the 'Fairfax County Geotechnical Review Board' and such body shall also be known by the abbreviation 'GRB'.

19-703 Membership

1. The GRB shall consist of three (3) members and three (3) alternates appointed by the Board of Supervisors. The alternates shall serve whenever a member cannot serve due to illness, conflict of interest or other reasons. Members and alternates shall be professional engineers registered in the State of Virginia, specializing in soil and foundation engineering, or engineering geologists.

2. Appointments shall be made for three (3) years and the terms shall be staggered.

3. Members of the GRB shall be compensated at the rate determined by the Board of Supervisors for work performed in connection with the review of projects assigned by the Director.

19-704 Officers

The Director of Design Review shall serve as Secretary and shall be a non-voting member.

19-705 Meetings

Meetings shall be held at the request of the Director of Environmental Management.

19-706 Records

The records and soils reports for all meetings and correspondence for the GRB shall be maintained in the Office of the Director of Design Review.

19-707 Powers and Duties

The GRB shall review reports, plans and specifications submitted to the Director in accordance with the provisions of Par. 20 of Sect. 17-105. The GRB shall recommend approval, approval with modifications or disapproval of said plans and specifications, which recommendations shall not be binding upon the Director. Its review shall be limited to geotechnical aspects and foundation design.

ARTICLE 20

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

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ARTICLE 20

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

PART 1 20-100 ORDINANCE STRUCTURE

20-101 Chapter 112 of County Code

The Zoning Ordinance as presented herein represents Chapter 112 of The Code of the County of Fairfax, Virginia.

20-102 Articles

For purposes of organization, Chapter 112, The Zoning Ordinance, is divided into twenty (20) Articles. The Article designation number represents the first digit (or two as the case may be) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number 2-604, the digit 2 represents the Article.

20-103 Parts

Each Article within the Zoning Ordinance is subdivided into several major headings known as Parts. Part designation numbers represent the second digit; e.g., in the reference number 2-604, the digit 6 represents the Part.

20-104 Sections

Each Part within the Zoning Ordinance is subdivided into Sections. Section designation numbers represent the last one or two digits; e.g., in the reference number 2-604 and 2-612, the digits 4 and 12 represent Section numbers.

20-105 Paragraphs

For purposes of further organization, each Section may be subdivided into Paragraphs which are represented by such numbers as 1,2,3; which may be further subdivided as A,B,C...(1),(2), (3)...and (a),(b),(c).

20-106 Page Numbers

Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

20-107 Referencing

In referencing the various regulations presented in the Zoning Ordinance, the following method is employed:

...as required in Article 18.

...as required in Part 3 of Article 18.

...as required in Sect. 18-302.

...as required in Sect. 302 above (below)*.

...as required in Par. 1A(2) of Sect. 302 below.

*The Article prefix digit is not employed when a reference is made to another regulation within the same Article.

PART 2 20-200 INTERPRETATIONS

For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

1. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

2. The word 'shall' is mandatory.

3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

4. Unless otherwise specified, the term 'day' shall mean calendar day.

5. The word 'building' includes the word structure, and the word 'structure' includes the word building; the word 'lot' includes the word plot; the word 'used' shall be deemed also to include designed, intended, or arranged to be used; the term 'erected' shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.

6. The terms 'land use' and 'use of land' shall be deemed also to include building use and use of building.

7. The word 'adjacent' means nearby and not necessarily contiguous; the word 'contiguous' means touching and sharing a common point or line.

8. The word 'State' means the Commonwealth of Virginia. The word 'County' means the County of Fairfax, Commonwealth of Virginia; and the term 'County boundary' means any exterior boundary of the County or any boundary of unincorporated territory within the County.

9. The terms 'Board of Supervisors', 'Planning Commission', 'Board of Zoning Appeals', 'County Executive', 'Director of Environmental Management', 'Zoning Administrator', 'Arborist', '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; and the use of the term 'Director' shall always mean the Director of the Department of Environmental Management or his duly authorized agent.

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'.

PART 3 20-300 DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Ordinance. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other Chapters of The Code. Terms not defined herein shall be as defined in the most current edition of Webster's Dictionary.

ACCELERATION: See definitions under VIBRATION.

ACCESSORY SERVICE USE: Accessory service uses as permitted by this Ordinance are subject to the provisions of Part 2 of Article 10. An accessory service use is a use which:

1. is subordinate to and serves a principal use; and

2. is subordinate in purpose, area and extent to the principal use served; and

3. contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and

4. is generally located within the building housing the principal use served, except as qualified by the provisions of Sect. 10-203.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are subject to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. is clearly subordinate to, customarily found in association with, and serves a principal use; and

2. is subordinate in purpose, area or extent to the principal use served; and

3. contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and

4. is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use whether or not it is situated on the same lot with the principal building.

ACRE: A measure of land equating to 43,560 square feet.

ADULT BOOK STORE: An establishment having as a substantial and significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' (as defined below), or an establishment trading in such books, magazines, and other periodicals which limits its customers to persons over eighteen (18) years of age.

For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition shall be construed in any way to limit the application

of any State statute relating to obscenity or relating to distribution of materials to juveniles.

ADULT MINI MOTION PICTURE THEATRE: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen (18) years of age.

For the purpose of this definition, 'Specified Sexual Activities' is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition shall be construed in any way to limit the application of any State statute relating to obscenity or relating to distribution of materials to juveniles.

AGRICULTURE: The use of a tract of land not less than five (5) acres for (a) the tilling of the soil; (b) the growing of crops or plant growth of any kind in the open, including forestry; (c) pasturage; (d) horticulture; (e) dairying; (f) floriculture; or (g) raising of poultry and livestock.

The term 'agriculture' shall not include the following uses: (a) the maintenance and operation of commercial greenhouses and hydroponic farms; (b) the feeding of garbage to animals; (c) the raising of fur-bearing animals as a principal use; or (d) the operation or maintenance of a commercial stockyard or feed yard. Furthermore, the definition of agriculture shall not be deemed to preclude: (a) the keeping of livestock on parcels of two (2) acres in size as permitted by Sect. 2-512; or (b) gardening, as permitted as an accessory use in Sect. 10-102.

ALLEY: A narrow strip of land intended for vehicular traffic which has a minimum width of twenty (20) feet, and is designed to give access to the side or rear of properties whose principal frontage is on another street.

AMPLITUDE: See definitions under VIBRATION.

AMUSEMENT ARCADE: Establishments in which a principal use is the operation of mechanical, electronic, and/or coin operated games and/or devices for the amusement of the general public.

AMUSEMENT MACHINES: Any mechanical, electronic, and/or coin operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

ANGLE OF BULK PLANE: See BULK PLANE.

ANIMAL SHELTER: As differentiated from a KENNEL as defined herein, any place designed to provide for the temporary accommodation of five (5) or more common household pets which are stray or not wanted by their owner until appropriate disposition of such pets can be effectuated.

ANIMAL UNIT: A standard unit for comparing actual animal numbers for all types of livestock and poultry. An animal unit is based on the dry-weight quantity of feed consumed by the average milk cow during a base period. A set of factors is developed for each type of livestock and poultry by relating feed consumption for each type of livestock to the feed consumed by the average milk cow.

ARCHITECT: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

AUTOMOBILE LAUNDRY: See CAR WASH.

AUTOMOBILE-ORIENTED USE: Any use of land not otherwise defined which provides a service directly to a motor vehicle, or which provides goods or services to the occupants of a motor vehicle while seated therein.

AUTOMOBILE SERVICE STATION: See SERVICE STATION.

BANK: See FINANCIAL INSTITUTION.

BANK, DRIVE-IN: See DRIVE-IN BANK.

BASEMENT: A portion of a building partly underground, but having less than one-half (1/2) its clear height below the grade plane.

BINGO GAME or RAFFLE: Any activity as defined by Chapter 24 of The Code.

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 FRONT: That one (1) face or wall of a building which is architecturally designed as the front of the building, which normally contains the main entrance(s) for use by the general public.

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.

BULK PLANE: An imaginary inclined plane rising over a lot, drawn at a specified angle from the vertical, the bottom side of which is coincidental with the lot line(s) of the lot, and which, together with other bulk regulations and lot size requirements, delineates the maximum bulk of any improvement which may be constructed on the lot. The angle of bulk plane shall be established in accordance with the provisions of Sect. 2-307. No portion of any structure may extend beyond such a plane, except for those structures set forth in Sections 2-412 and 2-506. (Reference Illustration 1 in Appendix 2)

BULK REGULATIONS: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

BUSINESS SERVICE AND SUPPLY SERVICE ESTABLISHMENT: Any building containing no more than 5000 square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

CAMP OR RECREATION GROUND: An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a MOBILE HOME PARK as defined herein.

CAMPING TRAILER: A vehicular portable structure mounted on wheels constructed with collapsible, partial side walls of fabric, plastic or other pliable materials for folding compactly while being transported.

CAR WASH: A structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

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

CELLAR: The portion of a building partly underground, having one-half (1/2) or more than one-half (1/2) of its clear height below the grade plane.

CENTER LINE: A line lying midway between the side lines of a street or alley right-of-way.

CIRCUS: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows.

CLUSTER SUBDIVISION/DEVELOPMENT: See SUBDIVISION, CLUSTER.

COLLECTOR STREET: See STREET, COLLECTOR.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMPREHENSIVE PLAN: The official document or elements thereof, adopted by the Board, and intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.1-450 of the Code of Virginia.

CONDOMINIUM: Ownership of any real property which includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s) and including the land and its appurtenances.

CONSTRUCTION MATERIALS YARD: Any area accessory to and on the same lot with a construction project used on a temporary basis for the storage or processing of materials and supplies used in the actual construction of buildings within the project.

CONTRACTOR'S OFFICES AND SHOPS: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating.

CONVENIENCE CENTER: A small commercial shopping facility designed as a homogeneous component of a neighborhood, allowed as a Category 5 special exception use under the provisions of Part 5 of Article 9.

CONVENTIONAL SUBDIVISION: See SUBDIVISION, CONVENTIONAL.

CORNER LOT: See LOT, CORNER.

COVERAGE, LOT: See LOT COVERAGE.

CUL DE SAC: A local street, one end of which is closed and consists of a circular turn around.

CURB LINE: The face of a curb along private streets, travelways, service drives and/or parking bays/ lots.

DAY CARE CENTER: A structure, including a private residence, which receives for care, maintenance, and supervision more than ten (10) children for fewer than twenty-four (24) hours per day unattended by parent or legal guardian.

DAY CARE FACILITY, GROUP: A structure, including a private residence, which receives for care, maintenance and supervision at least four (4) children but not more than ten (10) children for fewer than twenty-four (24) hours per day unattended by a parent or guardian.

DAY CARE HOME, FAMILY: A private residence which receives for care, maintenance, and supervision no more than three (3) children for fewer than twenty-four (24) hours per day unattended by a parent or legal guardian.

DEDICATED OPEN SPACE: See OPEN SPACE, DEDICATED.

DENSITY: The number of dwelling units per acre, except in the PRC District where it shall mean the number of persons per acre.

DEVELOPER: The legal or beneficial owner or owners of all of the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforcible proprietary interest in such land shall be deemed to be a developer for the purpose of this Ordinance.

DEVELOPMENT PLAN: A required submission for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-203, which generally characterizes the planned development of the subject lot.

DEVELOPMENT PLAN, CONCEPTUAL: A required submission at the time of filing for an amendment to the Zoning Map for a P district other than the PRC District, prepared and approved in accordance with the provisions of Sect. 16-401, which generally characterizes the planned development of the subject lot.

DEVELOPMENT PLAN, FINAL: A required submission following the approval of a conceptual development plan and rezoning application for a P district other than a PRC District, prepared and approved in accordance with the provisions of Sect. 16-402, which further details the planned development of the subject lot. For the purpose of this Ordinance, a final development plan is not to be construed as a site plan as required by the provisions of Article 17.

DEVELOPMENT PLAN, GENERALIZED: A required submission at the time of filing for an amendment to the Zoning Map for all districts other than a P district, prepared and approved in accordance with the provisions of Sect. 18-203, which generally characterizes the proposed development of the subject lot.

DISPLACEMENT: See definitions under VIBRATION.

DOG KENNEL: See KENNEL.

DRIVE-IN BANK: Any financial institution which offers its services to persons within a motor vehicle.

DRIVEWAY: That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

DUSTLESS SURFACE: A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director, and to be maintained in good condition at all times.

DWELLING: A building or portion thereof, but not a MOBILE HOME, designed or used for residential occupancy. The term 'dwelling' shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for one (1) family, and which include permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, LOW INCOME: Any dwelling unit occupied by a person or persons subsidized directly or indirectly by the Federal, State or County government under any program to assist the construction or occupancy of housing for families of low income, namely those families who meet the eligibility standards for public housing established as of November 17, 1971, by the Fairfax County Redevelopment and Housing Authority under the Federal Low-Rent Public Housing Program authorized by the United States Housing Act of 1937, as amended to said date; or any dwelling unit occupied by a person or persons eligible for but not receiving such a government subsidy, and paying the same rentals or mortgage payments as he or they would pay under such a subsidy program.

DWELLING, MOBILE HOME: A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; (d) designed for removal to and installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this Ordinance, a mobile home shall not be deemed a SINGLE FAMILY DETACHED DWELLING.

DWELLING, MODULAR UNIT: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a SINGLE FAMILY DWELLING and shall not be deemed a MOBILE HOME.

DWELLING, MULTIPLE FAMILY: A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a SINGLE FAMILY ATTACHED DWELLING as defined herein.

DWELLING, SINGLE FAMILY: A residential building containing only one (1) DWELLING UNIT and not occupied by more than one (1) family.

DWELLING, SINGLE FAMILY ATTACHED: A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as a semidetached, garden court dwelling, patio house, zero lot line dwelling and town house shall be deemed a single family attached dwelling.

DWELLING, SINGLE FAMILY DETACHED: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

EASEMENT: A grant by a property owner of the use of his land by another party for a specific purpose.

EATING ESTABLISHMENT: Any restaurant, coffee shop, cafeteria, short-order cafe, lunchroom, luncheonette, hotel dining room, dinner theatre, tavern, soda fountain, eating place or any 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 fast food restaurant shall not be included within the meaning of this definition, 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 patrons of the facility, shall not be deemed to be an eating establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment.

Dancing by patrons shall be considered as entertainment accessory to an eating establishment, 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 27 of The Code.

EFFECTIVE BUILDING HEIGHT: See HEIGHT, EFFECTIVE BUILDING.

ELECTROMAGNETIC RADIATION: Electromagnetic waves propagating at the speed of light utilized in applications of radio, microwave, radar, television, and other means of communication. The term shall not include light, X-ray, or radioactive emissions.

ENGINEER: A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

ENTERPRISE SIGN: See SIGN, ENTERPRISE.

FAMILY DAY CARE HOME: See DAY CARE HOME, FAMILY.

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.

FENCE: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FESTIVAL: Any fair, festival or similar activity where patrons are charged admission or other fees for the privilege of watching or participating in entertainment, including, but not limited to, music shows, concerts and revivals. For the purpose of this Ordinance, a festival shall not be deemed a CARNIVAL or CIRCUS.

FINANCIAL INSTITUTION: Any building wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) shall be deemed a DRIVE-IN BANK as defined herein.

FLOODPLAIN: All land areas subject to continuous or periodic inundation as designated by either the United States Department of Housing and Urban Development, the United States Geological Survey, or the Board of Supervisors.

For the purpose of Sect. 2-308, Maximum Density, a floodplain shall be defined to be any drainageway that drains an area exceeding seventy (70) acres.

FLOOR AREA, GROSS: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term 'gross floor area' shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

The gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be computed by counting each ten (10) feet of height or fraction thereof, as being equal to one (1) floor.

The term 'gross floor area' shall not include cellars, or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

FLOOR AREA, NET: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two (2) or more buildings. The term 'net floor area' shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) per cent of such area is less than six (6) feet, six (6) inches.

FLOOR AREA RATIO: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FOOT CANDLE: See definitions under GLARE.

FOOT LAMBERT: See definitions under GLARE.

FREESTANDING SIGN : See SIGN, FREESTANDING.

FREQUENCY: See definitions under VIBRATION.

FRONT YARD: See YARD, FRONT.

FROZEN FOOD LOCKER: An establishment wherein the principal use is the rental of lockers, compartments or space for the storage of frozen food. A frozen food locker establishment may also include the preparation or dressing of animal carcasses for consumption, but in no instance shall slaughtering of animals be permitted. For the purpose of this Ordinance, a frozen food locker shall be deemed a warehousing establishment.

FUNERAL CHAPEL: A building used primarily for human funeral services, provided that said building shall not contain facilities for (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation, or (d) storage of funeral caskets and funeral urns, except those on display on the premises. Funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage, and the garage or other accessory building shall not be used for other purposes.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns and other related funeral supplies, and (d) the storage of funeral vehicles, but shall not include facilities for cremation. For the purpose of this

Ordinance, where a funeral home is permitted, a FUNERAL CHAPEL shall also be permitted.

GARAGE: An accessory building or part of a principal building used primarily for the storage of passenger vehicles as an accessory use and having no provision for repairing or servicing such vehicles for profit.

GASOLINE STATION: See SERVICE STATION.

GLARE: A sensation of brightness within the visual field which causes annoyance, discomfort, or loss in visual performance and visibility.

The following terms are defined as they relate to the provisions of Part 9 of Article 14.

- FOOT CANDLE: The unit of illumination. The illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one lumen. It equals one lumen per square foot.

- FOOT LAMBERT: A unit of brightness equal to the brightness of a uniform diffusing surface which emits or reflects one (1) lumen per square foot.

- ILLUMINATION: The density of luminous energy falling upon a surface, usually measured in foot candles.

- PHOTOMETER: An instrument for measuring the intensity of light.

GRADE: A reference plane representing the average of finished ground level adjoining a building at all exterior walls.

GRADE PLANE: See definition of GRADE.

GROUP DAY CARE FACILITY: See DAY CARE FACILITY, GROUP.

HEAVY EQUIPMENT SALE, RENTAL AND SERVICE ESTABLISHMENT: Buildings and premises for the sale, rental and servicing of farm and construction machinery or equipment, vehicles with a carrying capacity of more than three-quarter (3/4) ton, or vehicles designed for more than eleven (11) passengers.

HEIGHT, BUILDING: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the GRADE in all other cases. (Reference Illustration 2 in Appendix 2)

HEIGHT, EFFECTIVE BUILDING: The vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building. (Reference Illustration 1 in Appendix 2)

HELIPORT: An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

HELISTOP: An area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

HOME PROFESSIONAL OFFICE: The offices, studios or occupational rooms which are located within the single family detached residence of a physician practicing human medicine, duly licensed practitioner of behavioral sciences, attorney, civil or professional engineer, accountant, architect, real estate appraiser or broker, insurance agent, or similar professional person.

HORSE SHOW: Any aggregation of horses where there occurs the exhibiting, judging, showing or racing of horses.

HOSPITAL: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric cases.

HOTEL, MOTEL: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel.

HOUSING UNIT, MODERATELY-PRICED: See MODERATELY-PRICED HOUSING UNIT.

IDENTIFICATION SIGN: See SIGN, IDENTIFICATION.

ILLUMINATION: See definitions under GLARE.

IMPACT: See definitions under VIBRATION.

INOPERABLE VEHICLE: See VEHICLE, INOPERABLE.

INSTITUTION OF HIGHER LEARNING: For the purpose of this Ordinance, an institution of higher learning shall be deemed to include a proprietary school that is approved, licensed, and bonded by the Proprietary School Service Office of the State Department of Education.

JUNK VEHICLE: Any motor vehicle, trailer, or semi-trailer which is inoperable and which by virtue of its condition cannot be economically feasibly restored. In addition any vehicle may be presumed to be a junk vehicle when:

1. Valid license plates are not displayed, or license plates have been expired for more than sixty (60) days; or

2. Valid State inspection stickers, as required for use of the vehicle, are not displayed, or have been expired for more than ninety (90) days or more; or

3. The vehicle remains in an inoperable condition for more than ninety (90) days.

JUNK YARD: The use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use under the provisions of Sect. 10-102. A junk yard shall also be inclusive of an AUTOMOBILE GRAVEYARD as defined herein.

KENNEL: Any place or establishment in which dogs are kept in numbers greater than permitted by, or under conditions not conforming to, the provisions of Sect. 2-512; or any place or establishment in which dogs are kept, trained, boarded or handled for a fee.

LANDFILL: A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material other than clean dirt; or a disposal site operated by means of compacting and covering solid waste at least once each day with an approved material. This term is intended to include both debris landfills and sanitary landfills as defined in Chapter 104 of The Code.

LANDSCAPE ARCHITECT: A professional who is registered in one (1) or more states as a landscape architect or is a member of the American Society of Landscape Architects.

LANDSCAPED OPEN SPACE: See OPEN SPACE, LANDSCAPED.

LANDSCAPING: The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAND SURVEYOR: An individual who is registered with the State Department of Professional and Occupational Registration as a land surveyor.

LIVESTOCK: Animals, and especially farm animals, raised for use, profit or enjoyment, including horses, ponies, buffalo, cattle, sheep, goats and other similar domesticated animals.

LOADING SPACE: Off-street space, designed in accordance with the provisions of Part 2 of Article 11, for the loading or unloading of goods.

LOCAL STREET: See STREET, LOCAL.

LOT: For the purpose of this Ordinance, a parcel of land that is designated at the time of application for a special permit, a special exception, a building permit, or a residential/non-residential use permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

LOT AREA: The total horizontal area included within the lot lines of a lot.

LOT BOUNDARY: Same as LOT LINE as defined herein.

LOT, CLUSTER SUBDIVISION: See SUBDIVISION, CLUSTER.

LOT, CONVENTIONAL SUBDIVISION: See SUBDIVISION, CONVENTIONAL.

LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees.

LOT COVERAGE: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: Any lot, including a through lot, other than a corner lot.

LOT LINE: Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a STREET LINE. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

LOT LINE, FRONT: A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building. (Reference Illustration 3 in Appendix 2)

LOT LINE, REAR: That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. (Reference Illustration 3 in Appendix 2)

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line as defined herein. (Reference Illustration 3 in Appendix 2)

LOT, PIPESTEM: A lot approved in accordance with the provisions of Sect. 2-406 which does not abut a public street other than by its driveway which affords access to the lot.

LOT, REGULAR-SHAPED: A lot which approximates a rectangle.

LOT, REVERSE FRONTAGE: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

LOT, THROUGH: An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this Ordinance, a through lot shall be subject to the regulations of an INTERIOR LOT.

LOT WIDTH: The distance between side lot lines, measured in one of the following manners, whichever is applicable:

1. In the case of a regular-shaped lot, the width shall be measured along the front lot line; or

2. In the case of an irregular-shaped lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten (10) foot intervals beginning at the front lot line; or

3. In the case of a regular-shaped pipestem lot, the width shall be measured at a distance twenty (20) feet from the inside end of the pipestem driveway; or

4. In the case of an irregular-shaped pipestem lot, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed/located.

5. In the case of a lot which has a curvilinear front lot line, the width shall be measured from a line tangent to the required minimum front yard line at its midpoint in the lot.

6. In the case of a lot which has an area in excess of five (5) acres, the width may be measured at any point where the minimum lot width is at least 200 feet, provided that such point shall also be where the front yard is established.

In addition to the above manners of measurement, in no instance shall the dimension of a lot along a line parallel to the front lot line and lying at a distance therefrom equal to the proposed front yard be less than the minimum lot width required for the zoning district in question.

LOW INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority pursuant to applicable federal, State or local laws and regulations.

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, eating establishments, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

- PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Virginia, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational, and athletic facilities and facilities for the welfare of the residents of the area. This definition shall not include any establishment offering or providing facilities for instruction in controlled exercise, weight lifting, calisthenics, and general physical fitness which is actually occupying the premises of not less than 5000 square feet, of which not more than five (5) per cent is used for massages, and whose gross income from massages is less than fifteen (15) per cent of the total gross business income derived from physical fitness sales contracts at each business location.

MASS TRANSIT FACILITY AND RELATED STREET IMPROVEMENT: For the purpose of Sect. 2-308, Maximum Density, a mass transit facility shall be deemed either a Metrorail or Metrobus facility, and a street improvement related thereto shall be deemed to be the right-of-way for a proposed street, or the additional right-of-way needed for the realignment or the improvement of an existing street. Such street, whether new or improved, is designed for the primary purpose of either:

1. Improving access to Metrorail stations/Metrobus stops/parking lots, in which event no such proposed street or improvement to an existing street shall be located outside the service area for the station/stop/parking lot, such service area being those designated by the Washington Metropolitan Area Transit Authority (WMATA); or

2. Providing exclusive lanes, preferential lanes, or peak period bus priority lanes for Metrobus utilization; or

3. Improvements needed to permit the safe operation of buses, including provision of busbays, bus turnouts, and right-of-way for locating bus shelters. The requirements for safe operation of buses shall be determined by the WMATA.

MEDICAL CARE FACILITY: Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including but not limited to general hospitals, sanatorium, sanitarium, nursing home, intermediate care facility, extended care facility, health maintenance organization, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or non-profit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office or first aid station for emergency medical or surgical treatment or housing for the elderly.

MINOR ARTERIAL STREET: See STREET, MINOR ARTERIAL.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME PARK: Any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term 'mobile home park' shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of inspection and sale.

MODERATE INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority pursuant to applicable federal, State or local laws and regulations.

MODERATELY-PRICED HOUSING UNIT: For the purpose of this Ordinance, as defined by the Fairfax County Redevelopment and Housing Authority, pursuant to applicable federal, State or local laws and regulations.

MODULAR UNIT: See DWELLING, MODULAR UNIT.

MOTEL: See HOTEL.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

MULTIPLE FAMILY DWELLING: See DWELLING, MULTIPLE FAMILY.

NATURAL RESOURCES: Any material naturally occurring beneath the surface of the land which may be removed for the purpose of sale. Natural resources shall include but not be limited to soapstone, granite, sandstone, asbestos, oil, copper, gold, iron, sand and gravel.

NONCONFORMING BUILDING OR USE: A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning district in which it is located, except as may be qualified by Sect. 15-101 of this Ordinance.

NURSERY, PLANT: An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSERY SCHOOL: Any place, however designated, operated for the purpose of providing training, guidance, education, or care for four (4) or more children under six (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, day care centers and group day care facilities.

NURSING FACILITY: Also known as extended care home, rest home or convalescent home. A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the State, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof, or for which the exitway facilities have been designed.

OFF-SITE: Any area outside the boundary of a lot.

OFF-STREET LOADING SPACE: See LOADING SPACE.

OFF-STREET PARKING: See PARKING, OFF-STREET.

OFFICE: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

OFFICE, HOME PROFESSIONAL: See HOME PROFESSIONAL OFFICE.

ONE OWNERSHIP: Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lessee having a term of not less than thirty (30) years.

ON-SITE: That area which is within the boundary of a lot.

OPEN SPACE: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 13; provided, however, that the area required for interior parking lot landscaping shall not comprise more than twenty-five (25) per cent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots. For the purpose of this Ordinance, open space shall include and be qualified as LANDSCAPED OPEN SPACE, COMMON OPEN SPACE, DEDICATED OPEN SPACE, and USABLE OPEN SPACE, all as defined herein.

- OPEN SPACE, COMMON: All open space within the boundaries of a given lot that is designed and set aside for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands, but are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in Part 7 of Article 2.

- OPEN SPACE, DEDICATED: All open space within the boundaries of a given lot which is to be dedicated or conveyed to the County or an appropriate public agency, board or body for public use as open space.

- OPEN SPACE, LANDSCAPED: That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space may be either COMMON or DEDICATED OPEN SPACE as defined herein.

- OPEN SPACE, USABLE: That open space within the boundaries of a given lot that is designed for recreational purposes, to include but not to be limited to such uses as ball fields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, boating docks, walking, bicycle or bridle trails, and shuffleboard courts.

OUTDOOR ADVERTISING SIGN: See SIGN, OUTDOOR ADVERTISING.

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 include automobile and truck display lots, lots for the display of other types of vehicles, lots for the storage of vehicles 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.

PARTICLE VELOCITY: See definitions under VIBRATION.

PERSON: A public or private individual, group, company, firm, corporation, partnership, association, society, joint stock company, or any other combination of human beings whether legal or natural.

PERSONAL SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include but need not be limited to barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business; but not including offices of physicians, dentists, and veterinarians, or dry-cleaning plants or laundries containing more than 3000 square feet of net floor area, or linen or diaper service establishments.

PHOTOMETER: See definitions under GLARE.

PIPESTEM DRIVEWAY: A driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

PIPESTEM LOT: See LOT, PIPESTEM.

PLANNED DEVELOPMENT: Any lot under one ownership to be developed as a single entity and classified as a P district.

PORCH: Any 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 herein. An unenclosed porch is a porch with no side enclosure (except screens) that is more than eighteen (18) inches in height other than the side of the building to which the porch is attached.

PORTABLE SIGN: See SIGN, PORTABLE.

PRIMARY HIGHWAY: See STREET, PRIMARY HIGHWAY.

PRINCIPAL ARTERIAL STREET: See STREET, PRINCIPAL ARTERIAL.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE: The main use of land or structures as distinguished from a secondary or accessory use.

PRIVACY YARD: See YARD, PRIVACY.

PRIVATE CLUB: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

PRIVATE STREET: See STREET, PRIVATE.

PRO RATA SHARE: The payment by a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

PUBLIC BENEFIT ASSOCIATION: An establishment of a private non-profit organization, including fraternal organizations, which provides social, physical, recreational, educational, agricultural or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals; provided, however, that regular employees may be paid reasonable compensation for services rendered.

PUBLIC STREET: See STREET, PUBLIC.

PUBLIC USE: Any area, building or structure held, used, or controlled exclusively for public purposes by any department or branch of the Fairfax County Government, State of Virginia Government, or Federal Government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

PUBLIC UTILITY: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

QUASI-PUBLIC USE: Any use which is essentially public, as in services rendered, although it is under private ownership or control.

QUICK-SERVICE FOOD STORE: Any food store selling convenience items in a retail establishment of less than 5000 square feet of net floor area.

RAFFLE: See BINGO GAME or RAFFLE.

REAL ESTATE SIGN: See SIGN, REAL ESTATE.

REAR YARD: See YARD, REAR.

RECYCLING CENTER: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

REGIONAL SHOPPING CENTER: Notwithstanding the provisions of Part 7 of Article 4, a regional shopping center is a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 400,000 square feet or more of net floor area which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under one common ownership or management, or having one common arrangement for the maintenance of the grounds; (c) are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area.

REPAIR SERVICE ESTABLISHMENT: Any building containing no more than 5000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any building wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

RESTAURANT: See EATING ESTABLISHMENT.

RESTAURANT, FAST FOOD: See FAST FOOD RESTAURANT.

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishment shall not be interpreted to include AUTOMOBILE-ORIENTED USES, QUICK-SERVICE FOOD STORES and VEHICLE LIGHT SERVICE ESTABLISHMENTS.

RETREAT HOUSE: An establishment which provides facilities, generally including food and lodging, for group retreat for religious or other study, meditation or instructional purposes.

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

ROAD: See STREET.

ROOMING HOUSE: Any building or portion thereof containing sleeping accommodations for five (5) to twelve (12) persons who are not members of a family as defined in Sect. 2-502, and wherein normally a charge is paid for such accommodations. The term 'rooming house' shall be deemed to include the term boarding house, but not motel or other accommodations used for transient occupancy.

SCHOOL OF GENERAL EDUCATION: A public, parochial, private school or college, or a school for the mentally or physically handicapped giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, but not including (a) a school of special education as defined herein; or (b) a group day care facility or day care center unless conducted as part of a school of general education; or (c) a riding school, however designated.

SCHOOL OF SPECIAL EDUCATION: A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a group day care facility or day care center; or (b) a riding school, however designated.

SEISMOGRAPH: See definitions under VIBRATION.

SERVICE DRIVE: See STREET, SERVICE DRIVE.

SERVICE STATION: Buildings and premises wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made, but only as accessory and incidental to the primary occupation:

1. Sales and servicing of spark plugs, batteries, and distributors and distributor parts;

2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;

4. Washing and polishing, and sale of automotive washing and polishing materials;

5. Greasing, lubrication and radiator flushing;

6. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;

7. Emergency wiring repairs;

8. Adjusting and repairing brakes;

9. Sales, limited to service station customers, of soft drinks, packaged foods, and tobacco products from machines;

10. Provision of road maps and other information material to customers, and provision of restroom facilities.

Uses permissible at a service station shall not include major mechanical and body work, repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

For the purpose of this Ordinance, any combined service station-car wash facility shall be deemed a CAR WASH.

SETBACK: In this Ordinance the term setback is not used, as such term represents a distance that is established in like manner as that for a YARD.

SHOPPING CENTER: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

SHOPPING CENTER, REGIONAL: See REGIONAL SHOPPING CENTER.

SHOPPING CENTER SIGN: See SIGN, SHOPPING CENTER.

SHRUB: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

SIDE YARD: See YARD, SIDE.

SIGN: Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

1. Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and

2. Is visible from the public right-of-way or from adjoining property.

- SIGN, BUILDING-MOUNTED: Any sign attached to and deriving its major support from a building, and including the following: arcade sign, awning sign, canopy sign, cornice sign, marquee sign, parapet sign, plaque sign, projecting sign, roof sign, wall sign and window sign.

- SIGN, ENTERPRISE: A sign which indicates the name of an individual commercial or industrial business or any corporation with which it is affiliated, but which does not indicate the products, services or entertainment offered by that business.

- SIGN, FREESTANDING: Any sign supported by upright structural members or by braces on or in the ground and not attached to a building, including the following: bulletin board sign, outdoor advertising sign, pole or pylon sign or ground sign.

- SIGN, IDENTIFICATION: A sign that gives the name or the name and address of a building, business, development or establishment. Such a sign may be wholly or partly devoted to a readily recognized symbol or trademark.

- SIGN, OUTDOOR ADVERTISING: Any sign on which is portrayed information which directs attention to a business, commodity, service or entertainment not necessarily related to other uses existing or permitted on the lot upon which the sign is located.

- SIGN, PORTABLE: Any sign not permanently affixed to the ground nor to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

- SIGN, REAL ESTATE: Any sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.

- SIGN, SHOPPING CENTER: A freestanding sign which identifies only the name of the shopping center and does not identify the individual enterprises or their products, services or amusements.

- SIGN, WINDOW: Any sign attached to the glass area of a window or placed behind the glass of a window so that it can be read from out-of-doors.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY.

SITE PLAN: A required submission, prepared and approved in accordance with the provisions of Article 17, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a development plan as required by other provisions of this Ordinance.

SITE PLAN, PRELIMINARY: A required submission, following the approval of a development plan for a PRC District, prepared and approved in accordance with the provisions of Sect. 16-204, which further details the planned development of the subject lot. For the purpose of this Ordinance, a preliminary site plan is not to be construed as a site plan as required by the provisions of Article 17.

SOIL: The surface, or surface covering of the land, not including the minerals beneath it or the vegetation upon it.

STABLE, RIDING/BOARDING: A structure and/or use of land where four (4) or more horses or ponies are kept, maintained and/or boarded for profit, or in connection with which saddle horses or ponies are rented to the general public, made available to members of a private club, or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered uses accessory to the use of the premises of a stable.

STEADY STATE: See definitions under VIBRATION.

STORAGE YARD: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

STORY: That part of any building between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, than that part of the building between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if the ceiling is more than six (6) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or watchman, but no other basement shall be counted as a story.

STREAM VALLEY: Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Board.

STREET: A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

- STREET, ARTERIAL: See STREET, MINOR ARTERIAL and STREET, PRINCIPAL ARTERIAL.

- STREET, COLLECTOR: A street which provides for principal internal movements at

moderate operating speeds within residential developments, neighborhoods and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterials to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement. In line with its dual function, there must be continuity in the pattern of these streets.

- STREET, CUL DE SAC: See CUL DE SAC.

- STREET FREEWAY /EXPRESSWAY: See STREET, PRINCIPAL ARTERIAL.

- STREET LINE: The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street. (Reference Illustration 3 in Appendix 2)

- STREET, LOCAL: A street which primarily provides direct access to residential, commercial, industrial, or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and usually does not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety. Service to through traffic movement is deliberately discouraged.

- STREET, MINOR ARTERIAL: The minor arterial street interconnects and augments the principal arterial street system, and provides service to trips of moderate length at a somewhat lower level of travel mobility than a principal arterial. Such a street also serves intra-urban trips between smaller geographic areas than those associated with the higher system and may carry local bus routes providing intra-community continuity. It may also function as a principal arterial street when sufficient capacity is not provided on the principal arterial system. Ideally, a minor arterial street does not penetrate identifiable neighborhoods, and the facility is designed with greater emphasis on traffic movement or services than on providing access to abutting land.

- STREET, PRIMARY HIGHWAY: Any street so classified by the Virginia Department of Highways and Transportation, bearing a route number less than 600.

- STREET, PRINCIPAL ARTERIAL: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass a central city. Significant intra-area travel and important intra-urban and intercity bus services are served by this class of street. Because of the nature of travel served by a principal arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways and expressways. On a principal arterial street, the concept of service to the abutting land is subordinate to the provision of travel service to major traffic movements.

- STREET, MAJOR THOROUGHFARE: A public street including minor arterial, principal arterial, or primary highway, all as defined herein.

- STREET, PRIVATE: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of Part 3 of Article 11.

- STREET, PUBLIC: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

- STREET, SECONDARY HIGHWAY: Any street so classified by the Virginia Department of Highways and Transportation, bearing a route number of 600 or greater.

- STREET, SERVICE DRIVE: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate County authorities and the Virginia Department of

Highways and 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'.

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-E 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 Sect. 2-408.

- 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.

- SUBDIVISION, SUBSTANDARD: A substandard subdivision, as defined in Chapter 101 of The Code, The Subdivision Ordinance, is a subdivision heretofore lawfully recorded, within which may exist one of the following elements:

1. Fifty (50) per cent or more of the lots therein contain either an area or width less than that area or width required by current provisions of this Ordinance; or

2. Served by a public street providing less than fifty (50) feet of right-of-way width; or

3. Contains lots with a depth three (3) times or more than that of the width thereof; or

4. Contains street alignment or gradients incompatible with existing topography to the extent that such alignment or gradients do not conform to either standards adopted by the County relative thereto or to the provisions of this Ordinance, as the case may be; or

5. Contains entire lots or streets located within a floodplain area; or

6. Contains street elevations which, when related to the elevations of lots adjacent thereto, are such as do not conform to either standards adopted by the County relative thereto or to the provisions of Chapter 101 of The Code, The Subdivision Ordinance, as the case may be.

SURVEYOR: See LAND SURVEYOR.

THEATRE: A building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theatre shall be deemed an EATING ESTABLISHMENT, and a drive-in motion picture theatre and an adult mini motion picture theatre shall be deemed separate and distinct uses.

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.

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.

VEHICLE, INOPERABLE: Any vehicle which requires more than eight (8) hours of labor to make operational.

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 tranmissions 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 SALE, RENTAL AND SERVICE ESTABLISHMENTS.

VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, truck, trailer, ambulance, taxicab, recreational vehicle, mobile home or boat. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include HEAVY EQUIPMENT SALE, RENTAL AND SERVICE ESTABLISHMENTS.

VETERINARY CLINIC: A facility rendering surgical and medical treatment to animals, but having overnight accommodations for no more than (4) small animals. For the purpose of this Ordinance, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence.

VETERINARY HOSPITAL: A facility rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital. For the purpose of this Ordinance, where a veterinary hospital is permitted, a VETERINARY CLINIC shall also be permitted.

VIBRATION: A reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

The following terms are defined as they relate to the provisions of Part 8 of Article 14.

- ACCELERATION: The rate of change of particle velocity.

- AMPLITUDE: The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

- DISPLACEMENT: The amount of motion involved in earthborn vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (1/2) of the total excursion for a steady state vibration. Displacement is usually reported in inches or decimal fractions of an inch.

- FREQUENCY: The number of times that a displacement completely repeats itself in one second of time. Frequency is designated in hertz (Hz).

- IMPACT: An earthborn vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

- PARTICLE VELOCITY: A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor of 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

- SEISMOGRAPH: An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure amplitude and frequency, particle velocity, or acceleration.

- STEADY STATE: A vibration which is continuous, as from a fan, compressor, or motor.

WAYSIDE STAND: A temporary structure and/or use of land designed for the display and sale of agricultural products, with no space for customers within the structure itself, subject to the provisions of Part 1 of Article 10. For the purpose of this Ordinance, a tent may not be used as a wayside stand.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

WHOLESALE TRADE ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

WIDTH, LOT: See LOT, WIDTH.

WINDOW SIGN: See SIGN, WINDOW.

YARD: Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

For the purpose of this Ordinance, there shall be a distinction between 'yard' and 'minimum yard required'. The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

On a lot where a service drive is to be dedicated to the County or to the Virginia Department of Highways and Transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original

lot line, except in no instance shall a building be erected closer than fifteen (15) feet from the nearest street line. This provision shall not apply to a lot(s) which contains a single family detached dwelling unit. (Reference Illustration 3 in Appendix 2)

- YARD, FRONT: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in Sect. 2-413 for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley.

On a pipestem lot, notwithstanding the front yard requirement of the district in which located, the front yard shall be a minimum of twenty-five (25) feet from the lot line formed by the pipestem(s) or the edge of pavement, whichever is greater.

- YARD, PRIVACY: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

- YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

On a corner lot, the rear yard shall be that yard on the opposite side of the building from the front lot line, which extends from the front yard line on the one side to the opposite side lot line. Where corner lots are designed for single family detached dwellings in the R-E through R-8 Districts, the rear yard may be of such minimum dimension as the side yard requirements for that district. (Reference Illustration 3 in Appendix 2)

- YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be . (Reference Illustration 3 in Appendix 2)

APPENDIX 1

HISTORIC OVERLAY DISTRICTS

PART 1 A1-100 POHICK CHURCH HISTORIC OVERLAY DISTRICT

A1-101 Purpose and Intent

The Pohick Church Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-102 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. No multiple family dwelling units shall be permitted.
2. Commercial uses shall be limited to local serving and tourist- oriented uses such as libraries, professional offices, craft shops, eating establishments and antique shops. No service stations, vehicle light service or major service establishments, fast food restaurants or quick- service food stores shall be permitted.
3. No industrial uses shall be permitted.

A1-103 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Pohick Church complex in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.

A1-104 Lot Size Requirements

As specified in the underlying zoning districts

A1-105 Bulk Regulations

1. Maximum building height: 39.5 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-106 Maximum Density

As specified in the underlying zoning districts

A1-107 **Open Space**

As specified in the underlying zoning districts

A1-108 **Additional Regulations**

As specified in the underlying zoning districts

PART 2 A1-200 WOODLAWN HISTORIC OVERLAY DISTRICT

A1-201 Purpose and Intent

The Woodlawn Historic Overlay District is created to protect against destruction of Woodlawn and the George Washington Grist Mill; to encourage uses which will lead to their continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-202 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings south of Route 1 shall be limited to single family detached units.
2. Commercial uses shall be limited to tourist-oriented uses, including but not limited to antique shops, craft shops, eating establishments, hotels and motels. No service stations or fast food restaurants shall be permitted.
3. No industrial uses shall be permitted.

A1-203 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with Woodlawn and George Washington Grist Mill in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.

A1-204 Lot Size Requirements

As specified in the underlying zoning districts

A1-205 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-206 Maximum Density

As specified in the underlying zoning districts

A1-207 Open Space

As specified in the underlying zoning districts

A1-208 Additional Regulations

As specified in the underlying zoning districts

PART 3 A1-300 SULLY HISTORIC OVERLAY DISTRICT

A1-301 Purpose and Intent

The Sully Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-302 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.
2. No commercial uses shall be permitted.
3. Industrial uses shall be limited to those uses permitted by right, special permit or special exception in the I-4 District.

A1-303 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Sully complex in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.
5. A planted buffer having a 200 foot minimum width shall be provided along all lot lines which are contiguous to the Sully property. The minimum planting shall be in accordance with standards established by the ARB.

A1-304 Lot Size Requirements

As specified in the underlying zoning districts

A1-305 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts, except structures developed on land contiguous to the Sully property shall be located no closer than 200 feet to any common lot line, except where such limitation would preclude permitted uses. In such a case, the minimum yard and building location requirements shall be as determined by the ARB.
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-306 **Maximum Density**

As specified in the underlying zoning districts

A1-307 **Open Space**

As specified in the underlying zoning districts

A1-308 **Additional Regulations**

As specified in the underlying zoning districts

PART 4 A1-400 ST. MARY'S CHURCH HISTORIC OVERLAY DISTRICT

A1-401 Purpose and Intent

The Saint Mary's Church Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-402 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Commercial uses shall be developed only as part of a shopping center.
2. Industrial uses shall be developed only as part of a designed industrial park, and shall be limited to those uses permitted by right, special permit or special exception in the I-4 District.

A1-403 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with St. Mary's Church in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.
5. To the extent possible, existing tree cover shall be preserved in that area south of the Southern Railroad.

A1-404 Lot Size Requirements

As specified in the underlying zoning districts

A1-405 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-406 Maximum Density

As specified in the underlying zoning districts

A1-407 Open Space

As specified in the underlying zoning districts

A1-408 Additional Regulations

As specified in the underlying zoning districts

PART 5 A1-500 BULL RUN STONE BRIDGE HISTORIC OVERLAY DISTRICT

A1-501 Purpose and Intent

The Bull Run Stone Bridge Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-502 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit or special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.
2. Commercial uses shall be limited to those uses permitted by right, special permit or special exception in the C-5 District.
3. No industrial uses shall be permitted.

A1-503 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. All development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Bull Run Stone Bridge in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.

A1-504 Lot Size Requirements

As specified in the underlying zoning districts

A1-505 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-506 Maximum Density

As specified in the underlying zoning districts

A1-507 Open Space

As specified in the underlying zoning districts

A1-508 Additional Regulations

As specified in the underlying zoning districts

PART 6 A1-600 COLVIN RUN MILL HISTORIC OVERLAY DISTRICT

A1-601 Purpose and Intent

The Colvin Run Mill Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-602 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.
2. Commercial uses within this district shall be permitted only on the Colvin Run Mill site and shall be limited to those uses deemed appropriate by the ARB.
3. No industrial uses shall be permitted.

A1-603 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Colvin Run Mill Complex in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.

A1-604 Lot Size Requirements

As specified in the underlying zoning districts

A1-605 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-606 Maximum Density

As specified in the underlying zoning districts

A1-607 Open Space

As specified in the underlying zoning districts

A1-608 Additional Regulations

As specified in the underlying zoning districts

PART 7 A1-700 DRANESVILLE TAVERN HISTORIC OVERLAY DISTRICT

A1-701 Purpose and Intent

The Dranesville Tavern Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-702 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit or special exception in the underlying zoning districts, except as follows:

1. Residential dwellings shall be limited to single family detached units.
2. Commercial uses within this district shall be permitted only on the Dranesville Tavern site and shall be limited to those uses deemed appropriate by the ARB.
3. No industrial uses shall be permitted.

A1-703 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with the Dranesville Tavern in terms of mass, scale, color and visual impact.
4. Freestanding signs shall not exceed ten (10) feet in height.

A1-704 Lot Size Requirements

As specified in the underlying zoning districts

A1-705 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-706 Maximum Density

As specified in the underlying zoning districts

A1-707 Open Space

As specified in the underlying zoning districts

A1-708 Additional Regulations

As specified in the underlying zoning districts

PART 8 A1-800 HUNTLEY HISTORIC OVERLAY DISTRICT

A1-801 Purpose and Intent

The Huntley Historic Overlay District is created to protect against destruction of the landmark; to encourage uses which will lead to its continuance, conservation and improvement; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced.

A1-802 Permitted, Special Permit and Special Exception Uses

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

No commercial or industrial uses shall be permitted.

A1-803 Use Limitations

1. The provisions of Part 2 of Article 7 shall apply to all lands within this district.
2. Development within this district shall be in strict accordance with the development policies and recommendations set forth in the adopted comprehensive plan.
3. All improvements, to include structures, signs, fences, street furniture, outdoor graphics, and public and private utilities, shall be designed and installed to be compatible with Huntley in terms of mass, scale, height, color, type of material and visual impact.
4. Freestanding signs shall not exceed five (5) feet in height.

A1-804 Lot Size Requirements

As specified in the underlying zoning districts

A1-805 Bulk Regulations

1. Maximum building height: 35 feet
2. Minimum yard requirements: As specified in the underlying zoning districts
3. Maximum floor area ratio: As specified in the underlying zoning districts

A1-806 Maximum Density

As specified in the underlying zoning districts

A1-807 Open Space

As specified in the underlying zoning districts

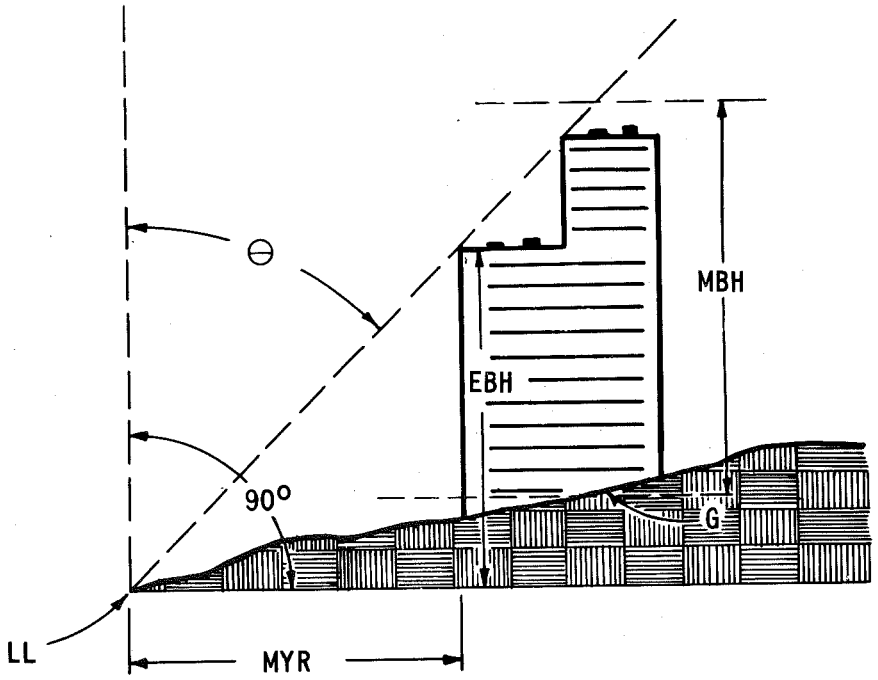
A1-808 Additional Regulations

As specified in the underlying zoning districts

ILLUSTRATION I

ANGLE OF BULK PLANE

Plate I



⊖ : Angle of bulk plane

LL : Lot line

MYR : Minimum yard requirement

EBH : Effective building height

MBH : Maximum building height

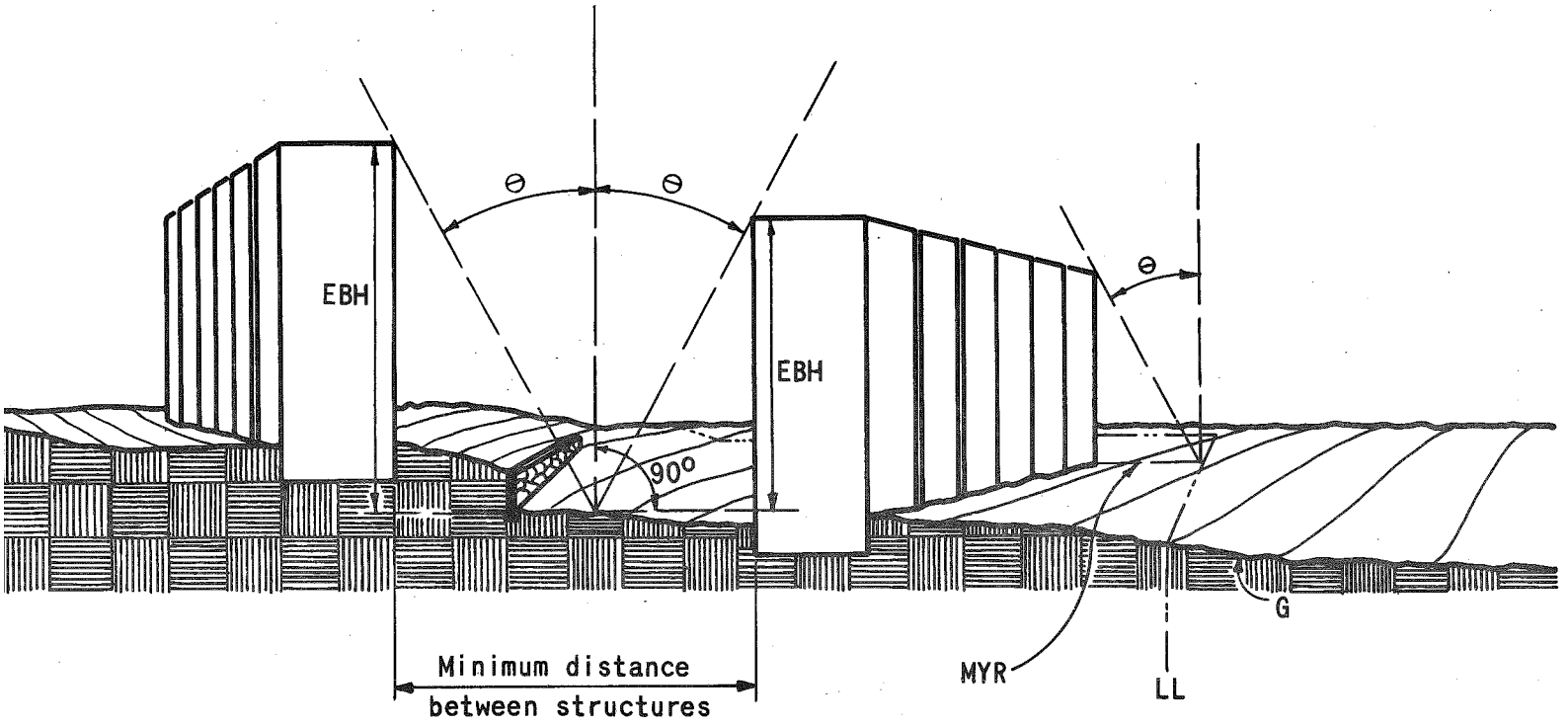
G : Grade (finished)

$$MYR = EBH \tan \ominus$$

$$EBH = \frac{MYR}{\tan \ominus}$$

ILLUSTRATION I

ANGLE OF BULK PLANE
Plate 2



Θ : Angle of bulk plane

LL : Lot line

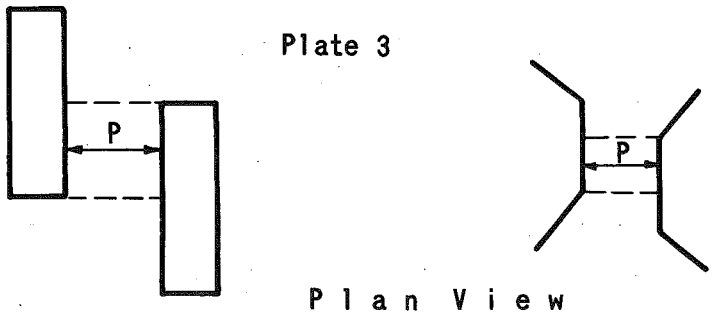
MYR : Minimum yard requirement

EBH : Effective building height

G : Grade (finished)

PLANE OF MEASUREMENT (P) OF Θ FOR STRUCTURES
WITH PARALLEL EXTERIOR WALLS

Plate 3



Plan View

Note: For the convenience of the reader, Table I, presented on the following page, sets forth the minimum yard requirements for given effective building heights at varying prescribed angles.

TABLE 1

MINIMUM YARD REQUIREMENTS

Effective Building Height *(feet)*

Angle of Bulk Plane *(degrees)*

	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
5	1	1	2	2	3	3	3	4	4	5	5	6	6	7	7	7	8	8	9	9	10	10	10	11	11	12	12	13	13	14	14	14	15	15	16	16	17	17	17
10	2	3	4	4	5	6	7	8	9	10	11	11	12	13	14	15	16	17	18	19	19	20	21	22	23	24	25	26	26	27	28	29	30	31	32	33	34	34	35
15	3	4	5	7	8	9	11	12	13	15	16	17	19	20	21	23	24	25	27	28	29	31	32	33	35	36	38	39	40	42	43	44	46	47	48	50	51	52	54
20	4	5	7	9	11	13	15	16	18	20	22	24	25	27	29	31	33	35	36	38	40	42	44	45	47	49	51	53	55	56	58	60	62	64	66	67	69	71	73
25	5	7	9	12	14	16	19	21	23	26	28	30	33	35	37	40	42	44	47	49	51	54	56	58	61	63	65	68	70	72	75	77	79	82	84	86	89	91	93
30	6	9	12	14	17	20	23	26	29	32	35	38	40	43	46	49	52	55	58	61	64	66	69	72	75	78	81	84	87	89	92	95	98	101	104	107	110	113	115
35	7	11	14	18	21	25	28	32	35	39	42	46	49	53	56	60	63	67	70	74	77	81	84	88	91	95	98	102	105	109	112	116	119	123	126	130	133	137	140
40	8	13	17	21	25	29	34	38	42	46	50	55	59	63	67	71	76	80	84	88	92	96	101	105	109	113	117	122	126	130	134	138	143	147	151	155	159	164	168
45	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
50	12	18	24	30	36	42	48	54	60	66	72	77	83	89	95	101	107	113	119	125	131	137	143	149	155	161	167	173	179	185	191	197	203	209	215	220	226	232	238
55	14	21	29	36	43	50	57	64	71	79	86	93	100	107	114	121	129	136	143	150	157	164	171	179	186	193	200	207	214	221	228	236	243	250	257	264	271	278	286
60	17	26	35	43	52	61	69	78	87	95	104	113	121	130	139	147	156	165	173	182	191	199	208	217	225	234	242	251	260	268	277	286	294	303	312	320	329	338	346
65	21	32	43	54	64	75	86	97	107	118	129	139	150	161	172	182	193	204	214	225	236	247	257	268	279	290	300	311	322	332	343	354	365	375	386	397	407	418	429

ILLUSTRATION 2

BUILDING HEIGHT

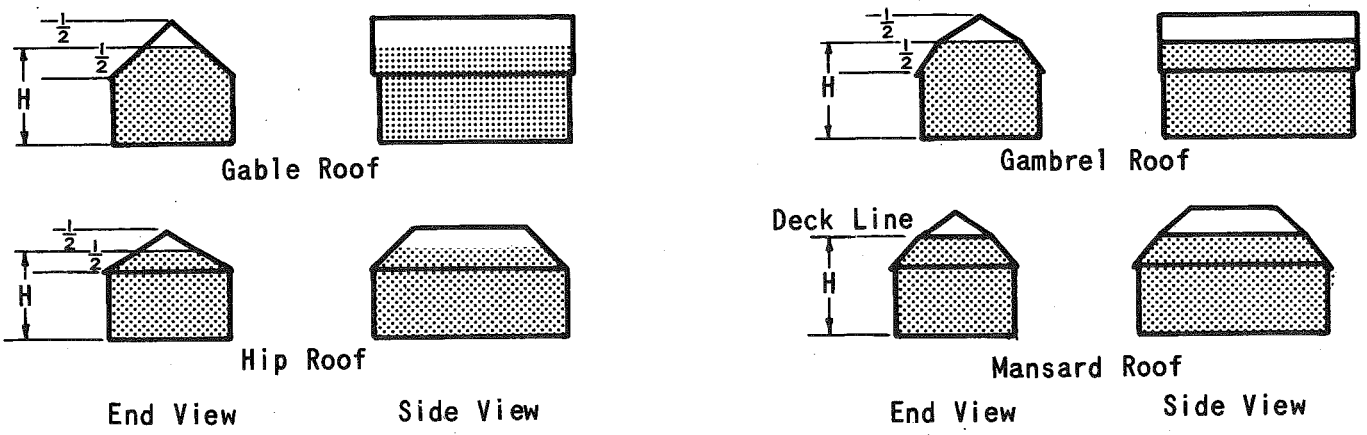
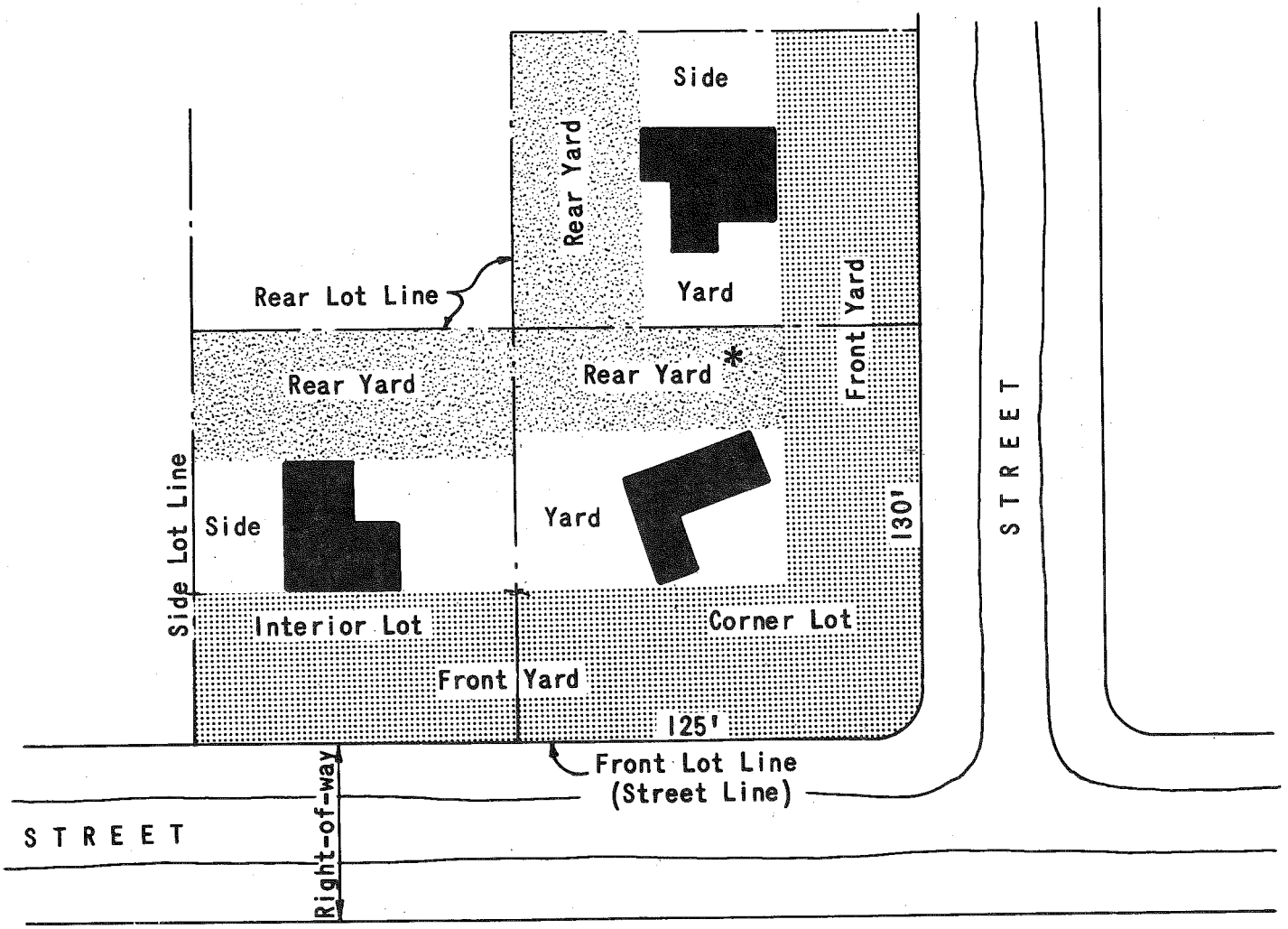


ILLUSTRATION 3

LOT LINES AND YARDS



* For single family detached dwellings in the R-E through R-8 districts the minimum required rear yard on a corner lot may equal but shall not be less than the minimum side yard requirement for the district.

APPENDIX 3

Enabling Legislation

Zoning is a legislative power residing in the State, which has been delegated to cities, towns and counties. Article 8, Chapter 11, Title 15.1 of the Code of Virginia sets forth the legislation which enables Fairfax County to legislate zoning.

For the convenience of the reader, Article 8, Zoning, as well as other pertinent Articles of Title 15.1, Chapter 11, entitled Planning, Subdivision of Land and Zoning, are presented herein. The legislation presented is as amended through the 1977 Session of the General Assembly.

TITLE 15.1

CHAPTER 11
Planning, Subdivision of Land and Zoning

ARTICLE 1
General Provisions

Sec. 15.1-427. Declaration of legislative intent. - This chapter is intended to encourage local governments to improve public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surrounding for family life; and that the growth of the community be consonant with the efficient and economical use of public funds.

Sec. 15.1-427.1 Creation of local planning commissions; participation in planning district commissions or joint local commissions. - The governing body of every county and municipality shall by resolution or ordinance create a local planning commission by July one, nineteen hundred seventy- six, in order to promote the orderly development of such political subdivision and its environs. In accomplishing the objectives of Sec. 15.1-427 such planning commissions shall serve primarily in an advisory capacity to the governing bodies.

The governing body of any county or municipality may participate in a planning district commission in accordance with Title 15.1, chapter 34 (Sec. 15.1-1400 et seq.) of the Code or a joint local commission in accordance with Sec. 15.1-443.

Sec. 15.1-428. Cooperation of planning commissions and other agencies. - The planning commission of any county or municipality may cooperate with other planning commissions or legislative and administrative bodies and officials of other counties and municipalities within or without such areas, so as to coordinate the planning and development of such county or municipality with the plans of such other counties or municipalities. Such commissions may appoint such committees and may adopt such rules as needed to effect such cooperation. Such planning commissions may also cooperate with State and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the State shall furnish, such reasonable information which may affect the planning and development of the county or municipality.

Sec. 15.1-429. Existing planning commissions and boards of zoning appeals; validation of plans previously adopted. - Upon the effective date of this chapter, planning commissions, by whatever name designated, and boards of zoning appeals heretofore established shall continue to operate as though created under the terms of this chapter. All actions lawfully taken by such commissions and boards are hereby validated and continued in effect until amended or repealed in accordance with this chapter.

The adoption of a comprehensive or master plan or any general development plans under the authority of prior acts is hereby validated and shall continue in effect until amended under the provisions of this chapter.

Sec. 15.1-430. Definitions. - As used in this chapter the words listed below shall have the meaning given:

(a) 'Governing body' means the board of supervisors of a county or the council of a city or town.

(b) 'Historic area' means an area containing buildings or places in which historic events occurred or having special public value because of notable architectual or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

(c) 'Local planning commission' or 'local commission' means a municipal planning commission or a county planning commission.

(d) 'Municipality' means a city or town incorporated under the laws of Virginia.

(e) 'Official map' means a map of legally established and proposed public streets, waterways, and public areas adopted by the governing body of a county or municipality in accordance with the provisions of article 5 (Sec. 15.1-458 et seq.) hereof.

(f) 'Person' means individual, firm, corporation or association.

(g) (Repealed.)

(h) 'Street' means highway, street, avenue, boulevard, road, lane, alley, or any public way.

(i) 'Special exception' means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

(j) 'Planning district commission' means a regional planning agency chartered under the provisions of Title 15.1, chapter 34 (Sec. 15.1-1400 et seq.) of the Code.

(k) 'Zoning' or 'to zone' means the process of classifying land within a governmental entity into areas and districts, such areas and districts being generally referred to as 'zones,' by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

(l) 'Subdivision' unless otherwise defined in a local ordinance adopted pursuant to Sec. 15.1-465, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with Sec. 15.1-475.

(m) 'Development' means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three or more residential dwelling units. The term 'development' shall not be construed to include any property which will be principally devoted to agricultural production.

(n) 'Plat of subdivision' means the schematic representation of land divided or to be divided.

(o) 'Site plan' means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

(p) 'Variance' means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

Sec. 15.1-431. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments. - Plans or ordinances or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the county or municipality where copies of the proposed plans, ordinances or amendments may be examined.

The local commission shall not recommend nor the governing body adopt any plan, ordinance or amendment until notice of intention so to do has been published once a week for two successive weeks in some newspaper published or having general circulation in such county or municipality; provided, that such notice for both the local commission and the governing body may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement shall appear in such newspaper. The local commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held, then public notice as set forth above need be given only by the governing body. The term two successive weeks as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication.

When a proposed amendment of the zoning ordinance involves a change in the zoning classification of twenty-five or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local commission at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved, and to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected. In any county or municipality where notice is required under the provisions of this section, notice shall also be given to the owner, their agent or the occupant, of all abutting property and property immediately across the street from the property affected which lies in an adjoining county or municipality of the Commonwealth. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant. Whenever the notices required hereby are sent by an agency, department or division of the local governing body such notices may be sent by first class mail provided, however,

a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

The adoption or amendment prior to January one, nineteen hundred seventy- four, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Provided, however, that any litigation pending prior to January one, nineteen hundred seventy-six, shall not be affected by the nineteen hundred seventy-four, nineteen hundred seventy-five and nineteen hundred seventy- six amendments to this section.

After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.

TITLE 15.1

CHAPTER 11
Planning, Subdivision of Land and Zoning

ARTICLE 3
Local Planning

Sec. 15.1-437. Qualifications, appointment, removal, terms, compensation, etc., of members of local planning commissions. - A local planning commission, hereinafter sometimes referred to as local commission shall consist of not less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the county or municipality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one half of the members so appointed shall be freeholders. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the county or municipality, and one member may be a member of the administrative branch of government of the county or municipality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish different terms of office for initial and subsequent appointments. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

The local governing body may provide for: (1) reimbursement of actual expenses incurred by members of the commission; or (2) compensation to such members, or any of them, for their services; or (3) both.

Sec. 15.1-438. Advisory members. - In cases where a municipality is situated within or is completely surrounded by a county, or adjoins a county or another municipality and such localities have local commissions, a representative of the local commission of such county or municipality, designated by it, may be, with the consent of the governing bodies of both localities, an advisory member of the local commission of such other county or municipality, as the case may be.

Sec. 15.1-439. Meetings. - The local commission shall fix the time for holding regular meetings, but it shall meet at least every two months.

Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Writen notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

Sec. 15.1-440. Quorum majority vote. - A majority of the members shall constitute a quorum and no action of the local commission shall be valid unless authorized by a majority vote of those present and voting.

Sec. 15.1-441. Facilities for holding of meetings and preservation of documents; appropriations for expenses. - The governing body may provide the local commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission.

Sec. 15.1-442. Officers, employees and consultants; expenditures; rules and records; special surveys. - The local commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (1) create and fill such other offices as it deems necessary; (2) appoint such employees and staff as it deems necessary for its work; and (3) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions

which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.

Sec. 15.1-443. County planning commission serving as commission of town; joint local commissions. - The governing body of any town located within a county having a local commission, may designate, with the consent of the governing body of such county, by ordinance, such commission as the local commission of such town.

A county commission designated as a town commission shall have all the powers and duties granted under this chapter to a local commission.

Any municipality designating a county commission as its local commission may contract annually to pay the county a proportionate part of the expenses properly chargeable for the planning service rendered such municipality, and any such payments may be appropriated to such county commission in addition to any funds budgeted for planning purposes.

Any one or more adjoining or adjacent counties or municipalities including any municipality within any such county may by agreement provide for a joint local commission for any two or more of such counties and municipalities. Such agreement shall provide for the number of members of such commission and how they shall be appointed, in what proportion the expenses of such commission shall be borne by the participating political subdivisions, any any other matters pertinent to the operation of the commission as the joint local commission for such political subdivisions. Any commission so created shall have, as to each participating political subdivision, the powers and duties granted to and imposed upon local commissions under this chapter.

Sec. 15.1-444. Duties of commissions. - To effectuate this chapter, the local commission shall:

(a) Exercise general supervision of, and make regulations for, the administration of its affairs;

(b) Prescribe rules pertaining to its investigations and hearings;

(c) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

(d) Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

(e) Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;

(f) Prepare, publish and distribute reports, ordinances and other material relating to its activities;

(g) Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and

(h) If deemed advisable, establish an advisory committee or committees.

Sec. 15.1-445. Expenditures; gifts and donations. - The local commission may expend, under regular county or municipal procedure as provided by law, sums appropriated to it for its purposes and activities.

The governing body of a county or municipality may accept gifts and donations for local commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting local commission fund to be available for expenditure by the local commission for the purpose designated by the donor. The disbursing officer of the county or municipality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the local commission.

TITLE 15.1

CHAPTER 11
Planning, Subdivision of Land and Zoning

ARTICLE 8
Zoning

Sec. 15.1-486. Zoning ordinances generally; jurisdiction of counties and municipalities respectively. - The governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;

(b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

(c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

(d) The excavation or mining of soil or other natural resources.
(e) (Repealed.)
For the purpose of zoning, the governing body of a county shall have jurisdiction over all the unincorporated territory in the county, and the governing body of a municipality shall have jurisdiction over the incorporated area of the municipality.

Sec. 15.1-486.1. Certain counties may provide by ordinance for disclosure of real parties in interest. - In addition to the powers granted by this chapter, the governing body of any county having a population in excess of one hundred fifty thousand may provide by ordinance that the planning commission, governing body or zoning appeals board may require any applicant for amendment to the zoning ordinance or variance complete disclosure of the equitable ownership of the real estate to the affected including, in the case of corporate ownership, the names of stockholders, officers and directors and in any case the names and addresses of all of the real parties in interest; provided that the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than five hundred shareholders.

Sec. 15.1-486.2. Zoning of ordinances relating to homes for mentally retarded and other developmentally disabled persons; policy; permitted use of property. - A. It is the policy of this State that mentally retarded and other developmentally disabled persons should not be excluded by county or municipal zoning ordinances from the benefits of normal residential surroundings. Furthermore, it is the policy of this State to encourage and promote the dispersion of residences for the mentally retarded and other developmentally disabled persons to achieve optimal assimilation and mainstreaming into the community. Toward this end it is the policy of this State that the number of such group homes and their location throughout the State and within any given political subdivision should be proportional, insofar as possible, to the population and population density within the State and local political subdivisions.

B. Notwithstanding any other provision of law, pursuant to the policy set out in subsection A, locally adopted zoning regulations shall provide for family care homes, foster homes or group homes serving mentally retarded or other developmentally disabled persons, not related by blood or marriage, in appropriate residential zoning districts.

C. Conditions may be imposed on such homes to assure their compatibility with other permitted uses, but such conditions shall not be more restrictive than those imposed on other dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents of such homes.

Sec. 15.1-488. Regulations to be uniform. - All such regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts.

Sec. 15.1-489. Purpose of zoning ordinances. - Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Sec. 15.1-427. To these ends, such ordinances shall be designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; and (7) to encourage economic development activities that provide desirable employment and enlarge the tax base.

Sec. 15.1-490. Matters to be considered in drawing zoning ordinances and districts. - Zoning ordinances and districts shall be drawn with reasonable consideration for the existing use and character of property, the existing land use plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the requirements for housing, schools, parks, playgrounds, recreation areas, and other public services; for the conservation of natural resources; and preservation of flood planes (plains) and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county or municipality.

Sec. 15.1-491. Permitted provisions in ordinances; amendments. - A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

(a) For variations in or exceptions to the general regulations in any district in cases of unusual situations or to ease the transition from one district to another or for buildings, structures or uses having special requirements, and for the adoption, in counties, or towns therein which have planning commissions, wherein the urban county executive form of government is in effect, or in a city completely surrounded by such a county, or in a county contiguous to any such county, and in the counties east of the Chesapeake Bay as a part of an amendment to the

zoning map of reasonable conditions, in addition to the regulations provided for the zoning district by the ordinance, when such conditions shall have been proffered in writing, in advance of the public hearing before the governing body required by Sec. 15.1-493 by the owner of the property which is the subject of the proposed zoning map amendment. Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

(c) For the granting of special exceptions under suitable regulations and safeguards; and notwithstanding any other provisions of this article, the governing body of any city, county or town may reserve unto itself the right to issue such special exception or use permit.

(d) For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the county or municipality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including the ordering in writing of the remedying of any condition found in violation of the ordinance, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

(e) For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars nor more than one thousand dollars.

(f) For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

(g) For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the governing body may by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by resolution of the governing body, or by motion of the local commission, or by petition of any property owner addressed to the governing body or the local commission, who shall forward such petition to the governing body; provided, that the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petitioner will not be reconsidered within a specific period, not exceeding one year.

In any county having adopted such zoning ordinance all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map, pending on July one, nineteen hundred seventy-four, shall be acted upon and a decision made on or before December thirty-one, nineteen hundred seventy- five; all of such motions, resolutions or petitions accepted for filing after July one, nineteen hundred seventy-four but prior to July one, nineteen hundred seventy-five shall be acted upon and a decision made on or before June thirtieth, nineteen hundred seventy-six; all such motions, resolutions or petitions accepted for filing after July one, nineteen hundred seventy- five, shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months, unless accepted for filing prior to December thirty-one, nineteen hundred seventy-five, in which case they shall be acted upon and a decision made on or before December thirty-one, nineteen hundred seventy-six.

(h) For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

The ordinance may also provide that petitions brought by property owners or their agents shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local commission or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, or partnership, or whether a member of the immediate household of any member of the commission or governing body has any such interest.

Sec. 15.1-492. Vested rights not impaired; nonconforming uses. - Nothing in this article shall be construed to authorize the impairment of any vested right, except that a zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered and may further provide that no 'nonconforming' building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such 'nonconforming' use.

Sec. 15.1-493. Preparation and adoption of zoning ordinance and map and amendments thereto. - The planning commission of each county or municipality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on

such proposed ordinance or any amendment of an ordinance, after notice as required by Sec. 15.1-431, and may make appropriate changes in the proposed ordinance or amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local commission for its recommendations. Failure of the commission to report ninety days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval.

Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Sec. 15.1-431, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Sec. 15.1-431. Such ordinances shall be enacted in the same manner as all other ordinances.

The governing body of any county which has adopted an urban county form of government provided for under chapter 15 (Sec. 15.1-722 et seq.) of this title may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

The adoption or amendment prior to March first, nineteen hundred sixty- eight, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment.

The adoption of a zoning ordinance prior to July one, nineteen hundred sixty-eight, by the board of supervisors of a county having the county executive form of organization and government shall not be declared invalid by reason of a failure by said board to call for and hold an election in said county for approval of said ordinance, provided that the provisions of this section for advertisement and public hearings were complied with. Nothing herein contained shall be construed so as to affect any litigation pending on March twenty, nineteen hundred seventy.

Sec. 15.1-494. Boards of zoning appeals to be created; membership, organization, etc. - In and for any county or municipality which has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, there shall be created a board of zoning appeals, which shall consist of no more than seven and no less than five residents of the county or municipality but shall always be an odd number, appointed by the circuit court of the county or city. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or municipality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

Counties and municipalities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals, which shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court of each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired term. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

The board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the county or municipality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least fifteen days' notice.

Sec. 15.1-495. Powers and duties of board of zoning appeals. - Boards of zoning appeals shall have the following powers and duties:

(a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

(b) To authorize upon appeal or original application in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.

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

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

No such variance shall be authorized except after notice and hearing as required by Sect. 15.1-431.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

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

(c) To hear and decide appeals from the decision of the zoning administrator.

No such appeal shall be heard except after notice and hearing as provided by Sec. 15.1-431.

(d) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Sec. 15.1-431, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(e) No provision of Sec. 15.1-495 shall be construed as granting any board the power to rezone property.

(f) To hear and decide applications for such special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

No such special exception may be granted except after notice and hearing as provided by Sec. 15.1-431.

Sec. 15.1-496. Applications for special exceptions and variances. - Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No such special exceptions or variances shall be authorized except after notice and hearing as required by Sec. 15.1-431. The zoning administrator shall also transmit a copy of the application to the local commission which may send a recommendation to the board or appear as a party at the hearing.

Sec. 15.1-496.1 Appeals to board. - An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

Sec. 15.1-496.2. Procedure on appeal. - The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty days. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to

reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

Sec. 15.1-496.3. Proceedings to prevent construction of building in violation of zoning ordinance. - Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

The 1975 amendments to Sec. 15.1-495 and 15.1-496 shall not be taken into consideration nor be interpreted to have any effect on any litigation instituted prior to January twenty-one, nineteen hundred seventy-five.

Sec. 15.1-497. Certiorari to review decision of board. - Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county or municipality, may present to the circuit court of the county or city a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

Sec. 15.1-498. Conflict with statutes, local ordinances or regulations. - Whenever the regulations made under authority of this article require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

TITLE 15.1

CHAPTER 11
Planning, Subdivision of Land and Zoning

ARTICLE 9
Miscellaneous Provisions

Sec. 15.1-499. Restraining, etc., violations of chapter. - Any violation or attempted violation of this chapter, or of any regulation adopted hereunder may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding.

Sec. 15.1-500. Effect on existing resolutions and ordinances. - This chapter shall not affect any resolution or ordinance enacted under any other law heretofore (prior to June twenty-ninth, nineteen hundred and sixty-two) adopted except as specifically provided.

Sec. 15.1-501. Effect of chapter on municipal charters. - No provision in any municipal chapter in conflict with this chapter shall be affected hereby. Furthermore, any city exercising zoning authority within the corporate limits of such city pursuant to power expressly set out in the charter of such city may exercise, in addition to those powers so provided in such charter, any or all of the powers and authority granted in article 8 (Sec. 15.1-486 et seq.) of this chapter to municipalities in relation to the zoning of territory under the jurisdiction of such city, to the end that any of the purposes set out in such charter and in Sec 15.1-489, as from time to time amended, be accomplished.

Sec. 15.1-502. Existing ordinances ratified. - All zoning ordinances adopted prior to June twenty-ninth, nineteen hundred and sixty-two, by any county or municipality authorized to adopt the same under any provision of chapter 24 (Sec. 15-819 et seq.) of Title 15 of the Code of Virginia or any municipal charter are hereby validated, ratified and confirmed notwithstanding noncompliance with any technical requirement of such chapter.

Sec. 15.1-503. Validation of zoning ordinances prior to 1962. - All proceedings had in the preparation, certification and adoption of zoning ordinances after December thirty-first, nineteen hundred fifty-nine, and in counties prior to January one, nineteen hundred sixty-two, which shall have been in substantial compliance with the provisions of this article are validated and confirmed, and all such zoning ordinances adopted or attempted to be adopted pursuant to the provisions of this article are declared to be validly adopted and enacted, notwithstanding any defects or irregularities in the adoption thereof.

Sec. 15.1-503.1: Repealed by Acts 1973, c. 270.

Sec. 15.1-503.2. Preservation of historical sites and areas in counties and municipalities. - (a) The governing body of any county or municipality may adopt an ordinance setting forth the historic landmarks within the county or municipality as established by the Virginia Historic Landmarks Commission, and any other buildings or structures within the county or municipality having an important historic, architectural or cultural interest, and any historic areas within the county or municipality as defined by Sec. 15.1-430(b) of the Code of Virginia, amending the existing zoning ordinance and delineating one or more historic districts adjacent to such landmarks, buildings and structures, or encompassing such historic areas; provided, that such amendment of the zoning ordinance and the establishment of such district or districts shall be in accordance with the provisions of article 8 (Sec. 15.1-486 et seq.), chapter 11, of Title 15.1 of the Code of Virginia. The governing body may provide for an architectural review board to administer such ordinance. Such ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such historic district unless the same is approved by the architectural review board or, on appeal, by the governing body of such county or municipality as being architecturally compatible with the historic landmarks, buildings or structures therein.

(b) Subject to the provisions of subsection (c) hereof, the governing body may provide in such ordinance that no historic landmark, building or structure within any such historic district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the architectural review board, or, on appeal, by the governing body after consultation with such architectural review board.

(c) The governing body shall provide by ordinance for appeals to the circuit court for such county or municipality from any final decision of the governing body pursuant to subsections (a) and (b) hereof and shall specify therein the parties entitled to appeal such decisions, which such parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subsection (b) hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) He has applied to the governing body for such right, (2) the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to such county or municipality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, 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 year after

a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: Three months when the offering price is less than twenty-five thousand dollars; four months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars; five months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars; six months when the offering price is fifty-five thousand dollars or more but less than seventy- five thousand dollars; seven months when the offering price is seventy- five thousand dollars or more but less than ninety thousand dollars; and twelve months when the offering price is ninety thousand dollars or more.

(d) The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the county or municipal government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; provided, the county or municipal government shall not use the right of condemnation under this paragraph unless the historic value of such areas, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

APPENDIX 4

FAIRFAX COUNTY BOARD OF SUPERVISORS' POLICY ON HOUSING LOW AND MODERATE INCOME FAMILIES

I Preface

The following facts derived from Fairfax County and Metropolitan Washington Council of Governments documents demonstrate the need for improved housing opportunities for low and moderate income families in Fairfax County:

A. More than 9,640 of the 10,560 Fairfax County rental households earning under $7,000 annually pay more than 25% of their income for housing.

B. More than 2,820 of the 8,720 Fairfax County rental households earning $7,000 to $10,000 annually pay more than 25% of their income for housing.

C. More than 7,850 of the 19,280 Fairfax County households earning under $10,000 pay more than 35% of their income for housing.

D. Currently, some 350 units are condemned by the Health Department and vacated. Currently, there are 345 occupied units that are in the active housing case files of the Health Department.

E. Metropolitan Washington Council of Governments estimates that over 17,000 units are needed to adequately house families living or working in Fairfax County earning less than $10,000.

F. The Fairfax County Redevelopment and Housing Authority (FCRHA) estimates that on the basis of purchasing power, a low income family of four (4) should be defined as earning less than $9,200, and a moderate income family of four (4), less than $17,572.

II. Purposes

There are two basic purposes to which the Board of Supervisors commits itself:

A. Every person who lives or works, or desires to live or work in Fairfax County will have the opportunity to live in a safe, decent, sanitary home, with a suitable living environment within the County regardless of race, color, creed, religion, national origin, sex, age, economic or marital status.

B. The Board of Supervisors will encourage the production of moderately- priced housing units for housing low and moderate income families. The desired results will be the scattering of moderately-priced housing units throughout the County thereby creating economically mixed communities.

III. Objectives

A. To provide a full range of housing choices, conveniently located in a suitable living environment, for all incomes, ages and family sizes.

B. To provide for low and moderate income housing to meet existing and anticipated future employment needs in the County.

C. To assure that moderately-priced housing is dispersed within the County consistent with the adopted comprehensive plan.

D. To encourage the construction of moderately-priced housing by providing for optional increases in density in order to reduce land costs for such housing.

E. To encourage developers of all housing developments to include approximately fifteen (15) per cent moderately-priced housing units of varying sizes with regard to family needs, compatibility of design and types of units.

F. To insure that private developers constructing moderately-priced housing units, to enable

the County to attain its housing goals, incur no loss or penalty as a result.

IV. **An incentive program is hereby adopted for encouraging the development of Moderately-Priced Housing (MPH) units. The purpose of this program is to define those people for whom MPH units will be provided; to specify the procedures which an applicant must follow; to outline incentives to encourage MPH unit production; to develop methods by which the developer can receive County financial assistance prior to development; to promote the establishment of a series of options by which the MPH units may be marketed and retained in the limited income housing supply at the time of the second sale; and to provide options whereby sites or cash payments may be made in lieu of providing MPH units.**

A. Definitions

1. Low Income Family: As defined periodically by the Fairfax County Redevelopment and Housing Authority (FCRHA), pursuant to applicable federal, state or local laws and regulations.

2. Moderate Income Family: As defined periodically by the Fairfax County Redevelopment and Housing Authority (FCRHA), pursuant to applicable federal, state or local laws and regulations.

3. Moderately-Priced Housing unit (MPH): As defined periodically by the Fairfax County Redevelopment and Housing Authority (FCRHA), pursuant to applicable federal, state or local laws and regulations.

B. The Program

1. Applicants may be eligible to receive housing incentives for producing MPH units. The following formulae apply:

a. Provision of 0-9% Moderately-Priced Housing Units

Bedrooms	Housing Incentive Provision Per Unit Provided
0 - 1	0.5 unit
2	0.75 unit
3 - 4	1.00 unit

b. Provision of 10-25% Moderately-Priced Housing Units

Bedrooms	Housing Incentive Provision Per Unit Provided
0 - 1	0.5 unit
2	1.00 unit
3 - 4	1.25 unit

2. In order to receive consideration for the housing incentive provisions, the developer must indicate, prior to the time of zoning, on his development plan how many MPH units will be provided. If the zoning is approved, and the proffered number of MPH units accepted, the developer shall enter into an agreement with the FCRHA.

3. Additional incentives to the developer to produce MPH units are that the developer of the units may be eligible to receive County financial assistance to offset the costs of sewer and water tap fees, various permits and bonds and on-site and off-site improvements for each of the MPH units. The developer must make appropriate application for this assistance to the Department of Housing and Community Development (DHCH).

4. According to provisions developed by the DHCD and FCRHA and approved by the Board of Supervisors, applicants may lease or sell units to the appropriate individual or agency; provide land in lieu of MPH units; or make payments to a County housing assistance fund.

V. **Methods of preserving the moderately-priced housing unit stock, preventing windfall profits and marketing MPH units.**

The Department of Housing and Community Development in consultation with the County Attorney and Fairfax County Redevelopment and Housing Authority will develop mechanisms to be approved by the Board of Supervisors which will:

1. Insure the maintenance of MPH units in the housing stock.

2. Prevent windfall profits at the time of resale at County expense.

3. Allow for the sale or lease of MPH units to eligible families (including the development of cooperative housing units)

Interpretation Number 1

Subject Provision: Submission Requirements

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 15, 1978

Background/Issue:

The following sections set forth submission requirements for the various types of applications provided for in the Zoning Ordinance which became effective on August 14, 1978. Many applications were filed with the County prior to August 14 but were not scheduled for public hearing until a subsequent date. The question is posed whether the applicants are required to amend their submission requirements in accordance with the provisions of the new Zoning Ordinance.

The subject provisions of the Zoning Ordinance are as follows: Sect. 8-011, 9-011, 18-104, 18-202, 18-403, 18-602, 18-703, 18-802.

Zoning Administrator Interpretation:

If an application was complete, in accordance with the applicable provisions at the time of filing, and filed prior to August 14, 1978, there will be no requirement to amend the submission requirements in accordance with the above referenced provisions. All applications filed on August 14 or on a later date shall be filed in accordance with the above referenced provisions.

Philip G. Yates

Zoning Administrator

Interpretation Number 2

Subject Provision: Par. 1 of Sect. 2-308

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 17, 1978

Background/Issue:

In many instances a parcel can be subdivided into lots which exceed the average lot area and/or the minimum lot area, whichever may be applicable, of the zoning district in which located and result in a total lot yield which exceeds the maximum density provision of the district. For example, a 2.98 acre parcel zoned R-3 could easily be subdivided into nine (9) lots which satisfy the lot size requirements, however, since the parcel size is less than three (3) acres, the maximum density provision would be exceeded.

Zoning Administrator Interpretation:

In all instances, the maximum density provision will govern. Unless there are other applicable provisions which would dictate to the contrary, in no instance will a subdivision be approved where the lot yield exceeds the maximum density provision of the district in which located.

Philip G. Yates

Zoning Administrator

Interpretation Number 3

Subject Provision: Sects. 2-501 and 10-102

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Date: August 22, 1978

Background/Issue:

On many of the large estates in the County there is a principal dwelling and a detached quarters with cooking facilities for live-in domestic servants. This second quarters by definition could be deemed a dwelling unit and if located on the same lot with the principal dwelling would constitute a violation of Sect. 2-501. Whereas such quarters are not specifically listed as a permitted accessory use in Sect. 10-102, the question is posed whether such a quarters can be permitted.

Zoning Administrator Interpretation:

The list of accessory uses presented in Sect. 10-102 is not intended to be all inclusive, and so states in the opening paragraph. On the other hand, the definition of accessory use found in Part 3 of Article 20 is broad, and clearly covers the kind of use considered here. Based on the definition, servants' quarters with separate cooking facilities will be permitted as an accessory use on estates in the R-A through R-4 Districts but only on lots of two acres or more, as such size lot equates to that lot permitted in the R-E Residential Estate District. If the domestic servants quarters are in a structure detached from the primary dwelling unit, it shall be so located as to comply with the bulk regulations for single family dwellings.

This interpretation will govern unless and until the subject provisions of the Zoning Ordinance are amended accordingly.

Philip G. Yates

Zoning Administrator

Interpretation Number 4

Subject Provision: Par. 2 of Sect. 8-301

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 24, 1978

Background/Issue:

In many zoning districts, churches, chapels, temples, synagogues and other such places of worship are permitted by right or as a Group 3 special permit use. Very often, these uses have associated programs such as Vacation Bible Schools, Mother's Day Out Programs or Day Care Facilities. The question is posed as to whether these programs are considered accessory to the principle use of worship, or do they require separate special permits under the provisions of Par. 5 and/or 8 of Sect. 8-301.

Zoning Administrator Interpretation:

Such programs as Vacation Bible Schools, Mother's Day Out Programs and Day Care Facilities will be deemed an accessory use to a place of worship when such a use meets all of the following conditions:

1. The day care facility must be sponsored and operated by the church on a non-profit basis.

2. The facility shall not include any instruction beyond kindergarten.

3. All necessary State, and County Inspection Services and Health Department approvals must be obtained.

4. In no event shall the number of students exceed sixty (60).

5. The facility shall have no salaried employees, except that persons otherwise salaried by the church may participate, i.e. the minister, church secretary, associate pastor, etc.

Philip G. Yates

Zoning Administrator

Interpretation Number 5

Subject Provision: Sect. 9-004

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 25, 1978

Background/Issue:

Mr. Dick Miller, representative of the Mobil Oil Corp., has posed a question relative to whether or not a Special Exception for a service station is required in order to replace an oil rack on a pump island with a new and additional pump. In this case there would be no additional construction, but the one pump would be placed on an existing island.

In this connection, it would be well to answer this question by a broad interpretation that would serve in a number of cases which will be brought to our attention. How much change in a service station, quick-service food store, fast food restaurant, or drive-in bank may be made without the necessity of obtaining a new or amended special exception?

Zoning Administrator Interpretation:

A new or amended Special Exception will be required in those instances where the intensity, coverage, traffic, or other factors of impact are changed. Unless a condition of a previous granting would be violated, no new or amended special exception will be required where all of the following criteria are met:

1. No additional floor area, seating capacity, or new service is provided.

2. No additional pump islands, relocated pump islands, canopies, drive-up or drive-through windows are provided.

3. Entrances, exits and traffic patterns are not being changed.

4. The anticipated level of intensity and/or impact is unchanged.

In Mr. Miller's case, no new or amended special exception would be required.

Philip G. Yates

Zoning Administrator

Interpretation Number 6

Subject Provision: Par. 5 of Sect. 10-303

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 22, 1978

Background/Issue:

Can a piano tuner and repairman repair pianos or piano parts in a garage on the property of his dwelling as a home occupation?

Zoning Administrator Interpretation:

By definition piano repair is deemed a repair service establishment. Par. 5 of Sect. 10-303 specifically lists repair service as a home occupation which is not permitted. Based on this provision, piano repairs cannot be performed on the premises of a dwelling used for a home occupation.

Philip G. Yates

Zoning Administrator

Interpretation Number 7

Subject Provision: Par. 1 of Sect. 2-302

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: August 22, 1978

Background/Issue:

Photographic studios and portrait studios are uses not specifically listed or defined. Which use listed in the Zoning Ordinance has the most similar characteristics?

Zoning Administrator Interpretation:

Photographic studios and portrait studios are both in business to sell a product. They retail personalized photographs and portraits. Both uses will be deemed RETAIL SALES ESTABLISHMENTS.

Philip G. Yates

Zoning Administrator

Interpretation Number 8

Subject Provision: Par. 1 of Sect. 2-302

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Date: August 22, 1978

Background/Issue:

Television rental establishments are uses not specifically listed or defined. Which use listed in the Zoning Ordinance has the most similar characteristics?

Zoning Administrator Interpretation:

Television rental establishments have the same general characteristics and similar impact and appearance as a store selling televisions. A television rental establishment will be deemed a RETAIL SALES ESTABLISHMENT.

Philip G. Yates

Zoning Administrator

Interpretation Number 10

Subject Provision: Definition of Lot Width

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: December 8, 1978

Background/Issue: From the day, August 14, 1978 when the new Zoning Ordinance became effective, the definition of Lot Width as presented in Part 3 of Article 20 has proven to be unworkable and indeed impossible to administer on a uniform basis in keeping with the spirit and intent of the provision. To enunciate the several inherent problems with the definition as presented is not necessary for the purpose of this written interpretation. Suffice it to say, the definition as presented does not accomplish the underlying and very basic intent of a minimum lot width requirement.

Consequently, until an amendment to the Zoning Ordinance can be duly adopted by the Board of Supervisors, under the authority presented in Part 1 of Article 18 of the Zoning Ordinance, I rule that the following definition of Lot Width will govern the administration of the applicable provisions.

Zoning Administrator Interpretation: In lieu of the method(s) prescribed in the definition of Lot Width presented in Part 3 of Article 20, required minimum lot widths shall be established in accordance with the following:

> The width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

Philip G. Yates

Zoning Administrator

Interpretation Number 11

Subject Provision: Sect. 2-502

ZONING ORDINANCE
CHAPTER 112 OF THE 1976 CODE OF THE
COUNTY OF FAIRFAX, VIRGINIA

Date: February 9, 1979

Background/Issue: The Department of Social Services has asked whether community homes for adults must obtain Group Residential Facility Permits under the terms of Par. 3 of Sect. 2-502 of the Zoning Ordinance. These community homes consist of up to three physically or mentally handicapped adults living with a family which provides supervision but no treatment. The handicapped adults pay room and board. The Department of Social Services pays for the supervision.

Zoning Administrator Interpretation: Under Par. 1 of Sect. 2-502, two (2) roomers or boarders may, as a matter of right, live with and be considered part of a family. Under the facts given above, the handicapped adults who reside in the community homes may be considered roomers or boarders. Consequently, the community homes would not have to obtain Group Residential Facility Permits so long as the homes contain no more than two (2) such adults.

Any community home having more than two (2) such adults must obtain a Group Residential Facility Permit.

Philip G. Yates
Zoning Administrator