

# FAIRFAX COUNTY



## ZONING ORDINANCE MODERNIZATION PROJECT

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DRAFT

SUMMARY OF PROPOSED CHANGES TO USE REGULATIONS

JULY 1, 2019

### Introduction

This document summarizes the significant changes that are being proposed to the consolidated draft of use regulations that was presented to the Board's Development Process Committee on May 14, 2019. These are incorporated into a revised consolidated draft now dated July 1, 2019. More detailed descriptions of the proposed changes can be found in the footnotes embedded in the attached revised draft.

The consolidated draft was developed over the past 18 months through the combined work of the County's consultant, Clarion Associates, and the Fairfax County zMOD staff, with the input gained through extensive public outreach and engagement.

The updated use regulations were developed and released in four installments, leading to a consolidated draft of use regulations:

- [Industrial uses](#) (draft dated September 24, 2018)
- [Public, Institutional, and Community uses](#) (draft dated November 30, 2018)
- [Agricultural and Commercial uses](#) (draft dated January 31, 2019)
- [Residential, Accessory, and Temporary uses](#) (draft dated April 9, 2019)
- [Consolidated Draft of Use Regulations](#) (draft dated May 1, 2019)

Based on the feedback received on the consolidated draft released in May, additional revisions have been incorporated into the attached revised consolidated draft. Below is a summary of the notable changes incorporated into this draft as compared to the May 1 draft. Additional background and information about the specific changes being proposed for each of the use classifications are contained in the summary included in each of the installments which are posted on the zMOD website.

Notable changes are grouped by the various use classifications.

### Residential Uses

- ❖ The maximum length of a contiguous building group for **Single Family Attached Dwelling** and **Stacked Townhouse Dwelling** has been extended from 240 feet to 250 feet, excluding any utility closet. This

change is based on feedback from the Industry and Builders Work Group in order to accommodate the width of brick and bay windows for a standard building group.

- ❖ Based on feedback received during outreach, the permissions for **Live-Work Development** have been expanded to include the PRC District (Village Center, Town Center, and Convention/Conference Center areas) if shown on an approved development plan. It was noted that the PRC District is appropriate for this type of mixed use, in addition to the previously-proposed PDC, PRM, and PTC Districts.

## Public, Institutional, and Community Uses

- ❖ **Child Care Center** has been added to the PCC District to accommodate existing and proposed developments that include both assisted living facilities or other housing for older adults and a child care center.
- ❖ A new definition has been added for **Person with a Disability**, which results in editorial changes that substitute this defined term in place of descriptions of persons who are disabled or handicapped in the standards and definitions for several uses, including Accessory Dwelling Unit, Adult Day Care Center, Congregate Living Facility, Group Residential Facility, Home Day Care Facility, Independent Living Facility, and Medical Care Facility.

## Commercial Uses

- ❖ The permissions for a **Retreat Center** have been expanded to allow the use with special exception approval in the R-E and R-1 Districts. This change is based on feedback from the Citizens Work Group noting that the use has similar impacts to other special exception uses in those districts, such as a Bed and Breakfast or Congregate Living Facility. A retreat center may benefit from a location on a larger lot, and the special exception review will ensure protection of surrounding residential neighborhoods. The standard requiring a setback for a retreat center of 100 feet from all lot lines that abut the R-2 through R-4 Districts has been expanded to apply to the R-E and R-1 Districts as well.
- ❖ **Smoking Lounge** has been added as a new use that would be allowed by right in the C-5 through C-8 Districts; in the I-2 through I-6 Districts with special permit approval or with special exception approval if the application is in conjunction with a rezoning or other action before the Board of Supervisors; and, in the PRC (Town Center area), PDC, and PTC Districts if shown on the approved development plan or with special exception approval. This new use is proposed based on feedback to clarify the distinctions between the Public Entertainment and Restaurant uses, and the operation of a Smoking Lounge as a principal use. The standards have been revised to clarify that hookah and other smoking activities are allowed as accessory uses to a Restaurant or Public Entertainment use. For a Restaurant, accessory smoking is only allowed while food service is available. The previously-proposed time limit of 10:00 p.m. for hookah to be permitted as an accessory use has been deleted, as it was found to be unnecessary. As part of these revisions, the definition for **Public Entertainment** has been further clarified to delete the specific references to hookah and karaoke, and instead to focus on an establishment similar to a nightclub or bar with music, dancing, and entertainment activities predominantly catering to adults.

## Industrial Uses

- ❖ The permissions for a **Goods Distribution Hub** have been expanded to allow the use by right in the C-3 District, subject to the maximum size of 6,000 square feet of gross floor area, consistent with the limitations in the C-4 and C-5 Districts.

## Accessory Uses

- ❖ The May 1 draft included revisions to the height and location standards for **Freestanding Accessory Structures**. Based on a review of the heights of accessory storage structures approved with special permit applications, the heights of available sheds and other accessory structures such as children's play sets, and the size of dimensional lumber that is often used for construction, a new standard was proposed to allow accessory structures between eight and one-half feet and 12 feet in height to be located five feet from any side and rear lot lines. Feedback on this proposed standard was mixed. Therefore, the attached draft includes a recommended advertising range of 10 to 12 feet in height (with staff continuing to recommend 12 feet) for a structure to be located five feet from any side and rear lot lines to allow flexibility during the adoption process. The standards have also been revised to require that freestanding accessory structures on single family attached lots comply with the height and location regulations, but if the structure is located underneath a deck, it can be up to 12 feet in height.
- ❖ During outreach on the May 1 draft, positive feedback was received on the proposed streamlined process of administrative approval for **Accessory Dwelling Units** if the unit is located within the principal dwelling. However, concerns were expressed that the proposed maximum size for a detached accessory dwelling unit of 1,500 square feet was too large. Based on this feedback and additional research, the attached draft includes a staff recommendation of a reduced maximum size of 1,200 square feet for both interior and detached units, along with a provision that allows a larger size for an interior unit with special permit approval. To allow flexibility during adoption, staff recommends a range of 700 to 1,200 square feet be advertised for interior units and 700 to 1,500 square feet be advertised for detached units. Consideration of additional changes to the standards, such as reducing the minimum lot size for a detached accessory dwelling unit, are not proposed as part of the zMOD project, but should be reviewed in the context of other affordable housing initiatives.

The accessory dwelling unit standards include occupancy limitations for the principal dwelling unit. These standards have been updated to add the option for occupancy by two persons with their children functioning as a single household, and to include references to kinship care. The draft also includes a new definition for this term.

- ❖ For consistency with the requirements for an Accessory Dwelling Unit, the standards for **Caretaker Quarters** have been revised to include a maximum size of 1,200 square feet and a five-year time limit for the special permit, with the allowance for five-year administrative extensions of the permit.
- ❖ Based on feedback received during the May outreach meetings, the standards for employees and the number of customers allowed at a time for the **Home-based Business** use have been revised to

differentiate based on the type of unit, recognizing that parking is typically more limited with townhouse and multifamily dwellings than for single family detached dwellings. For equity, however, the same cumulative number of customers would be allowed in a day for all types of units. The following changes are included in the attached draft:

- Allow only one nonresident employee per lot with a single family dwelling;
  - Delete the ability to have a nonresident employee with all other types of dwellings;
  - Delete the option to have any customers at the home-based business if a home day care facility is operated on the lot;
  - Allow up to four customers at a time in a single family dwelling;
  - Allow only two customers at a time for all other types of dwellings; and
  - Continue to allow a cumulative of eight customers in a day for all types of units.
- ❖ The standards for **Electric Vehicle Charging (EVC)** are under review and staff plans to bring the use for discussion at a Development Process Committee in the fall. The types of charging facilities are evolving and some include large advertising screens and ancillary equipment. A consistent set of standards should be developed to address concerns about size, lighting, signage, and screening. The proposed draft allows an EVC space to be counted toward the minimum required parking only if the space is not reserved exclusively for charging. The standards include a maximum height of eight and one-half feet if the EVC is not located in a parking structure or mounted on a wall, a maximum size of one square foot for the display screen, and requirements for screening of equipment cabinets and other related structures.
- ❖ The allowance for a roof-mounted **Solar Collection System** to extend up to five feet above the maximum building height has been applied to the applicable maximum height for other structures that have a principal purpose other than supporting the solar panels, such as a light pole. A solar collection system mounted on a structure whose purpose is to support the solar panels would be required to comply with the height and yard requirements for other freestanding accessory structures.

## Other Uses

- ❖ The May 1 draft included a proposed new use, **Alternative Use of Historic Buildings**, to replace the existing special permit use “older structures.” The proposed use would allow the Board to approve a special exception for nonresidential uses within any structure listed on the Fairfax County Inventory of Historic Sites, with the intent being to incentivize the preservation of historically significant sites through the allowance of appropriate adaptive reuse. During outreach on this use, feedback was received that the range of allowable uses should be better defined. Although not all buildings on the Inventory are residential, many are, and the proposed uses must be compatible with the surrounding neighborhoods. Therefore, a new standard has been added to exclude uses in the animal-related category (e.g., kennel), vehicle-related category (e.g., vehicle repair, vehicle fueling station), and the entire industrial classification. Within the industrial classification, exceptions have been included for craft beverage production and small-scale production establishments.

## Next Steps

- Work will continue throughout 2019 to develop a complete draft of the reorganized Zoning Ordinance with drafts released in installments and continued outreach along the way. The next release is planned for July which will include the new articles containing the zoning districts.
- Clarion Associates will return in October 2019 for another round of public meetings to present additional installments and to answer additional questions.
- Fairfax County staff members are available to answer questions and receive feedback on all released documents ([DPDZMODComments@fairfaxcounty.gov](mailto:DPDZMODComments@fairfaxcounty.gov)).

## Questions?

If you have questions or comments about any aspect of the zMOD project, please e-mail zMOD staff at [dpdzmodcomments@fairfaxcounty.gov](mailto:dpdzmodcomments@fairfaxcounty.gov) or visit the project website at [www.fairfaxcounty.gov/planning-development/zmod](http://www.fairfaxcounty.gov/planning-development/zmod).

If you would like to receive e-mail updates about the project, please visit that website and click “Add Me to the zMOD E-Mail List.” You may also follow us at <https://www.facebook.com/fairfaxcounty zoning/>



# Article 4: Use Regulations<sup>1</sup>

## 4100. General Provisions

1. All land uses are listed in the two tables in Sect. 4101, Use Tables. Table 4101.3 addresses the land uses allowed in the conventional zoning districts (the Residential, Commercial, and Industrial Districts) and Table 4101.4 addresses the land uses allowed in the Planned Districts (PDH, PDC, PRC, PRM, PCC, and PTC Districts). The land uses allowed in each zoning district are identified in those tables as permitted (i.e. by right), special exception, special permit, accessory, associated service, or administrative permit uses. Each use is subject to the applicable general and use-specific standards that are referenced in the right-most column of the tables, and to all other applicable requirements of this Ordinance.
2. When a proposed land use is not listed in Tables 4101.3 and 4101.4 below and is not otherwise prohibited by law, the Zoning Administrator will determine its appropriate use category, and the most similar listed use. The proposed use will be treated the same as the most similar use.<sup>2</sup>
3. No structure or use of land may be built, moved, remodeled, established, altered, or enlarged unless it complies with all regulations of this Ordinance.<sup>3</sup>

## 4101. Use Tables

### 1. Use Table Instructions and Abbreviations<sup>4</sup>

- A. A “P” in a cell of Table 4101.3 indicates that the use can be established by right in that zoning district, subject to compliance with applicable use standards.
- B. A “✓” in a cell of Table 4101.4 indicates that the use can be established only when identified on an approved final development plan in the PDH, PDC, PRM, PCC, or PTC Districts, or when identified on an approved development plan and PRC plan in the PRC District, in accordance with [reference relocated current Article 16 provisions]. All uses must comply with applicable use standards. If the cell containing the “✓” is in a column under the subheading “Secondary,” the use is allowed to be established only with one or more principal uses.
- C. A “✓/SE” in a cell of Table 4101.4 indicates that the use can be established only when it complies with [reference to relocated current Article 16 provisions] and applicable use standards as follows:
  - (1) The use must be identified on an approved development plan and, if applicable, a PRC plan in the PRC District, or on an approved final development plan in any other P district; or
  - (2) The use may be established with approval of a special exception by the Board when the use is not specifically identified on a final development plan, development plan, or PRC plan, as

<sup>1</sup> Most of the text has been edited for readability; however, content changes are footnoted throughout.

<sup>2</sup> This language carries forward and condenses Par. 1 of Sect. 2-302, adding in reference to the use category.

<sup>3</sup> This combines Paragraphs 4 through 8 of Sect. 2-302.

<sup>4</sup> Description of table abbreviations draw on materials from the current articles for the zoning districts, and Articles 8 (Special Permits) and 9 (Special Exceptions).

- applicable. When a use is being considered for approval as a special exception, the applicable special exception or special permit use standards and the standards for the specific use apply.
- (3)** However, when a use is being considered for approval on a development plan in the PRC District or a final development plan in any other P district, the applicable special exception or special permit use standards are used as a guide.<sup>5</sup>
  - (4)** When a standard is identified as applicable to all instances of a particular use, it is a required standard rather than used as a guide.
- D.** An “SE” in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with Board approval of a special exception in accordance with [reference to relocated current Article 9 procedures] and applicable use standards.<sup>6</sup>
  - E.** An “SP” in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with BZA approval of a special permit in accordance with [reference to relocated current Article 8 procedures] and the applicable use standards.<sup>7</sup>
  - F.** An “A” in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only as accessory to, in connection with, incidental to, and on the same lot with a principal use or structure that has been established in a district.<sup>8</sup> In addition, the Zoning Administrator may allow any use as an accessory use, provided that it meets the definition of an accessory use.
  - G.** An “AP” in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only with approval of an administrative permit by the Zoning Administrator.<sup>9</sup>
  - H.** An “A+” in a cell of Table 4-101.3 or 4-101.4 indicates that the use can be established as an associated service use if it conforms to the applicable use standards.<sup>10</sup>
  - I.** If a cell in Table 4101.3 or 4101.4 contains more than one approval type, there is more than one possible way to establish the use, as referenced in the applicable use standards for the specific use. For example, when a cell contains a “P” as well as an “SE” or “SP,” if the use does not meet the standards when permitted by right, it may be established with BZA or Board approval in accordance with the applicable special exception or special permit standards and procedures.
  - J.** A blank cell in Table 4101.3 or 4101.4 indicates that the use cannot be established in that zoning district.
  - K.** The right-most column in Table 4101.3 and Table 4101.4 references standards that are specific to individual uses. It does not include references to other standards governing uses that may apply to a particular use, including standards in Sect. 4102.1, General Standards, Article 2: Zoning Districts, and Article 3: Overlay Districts.

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<sup>5</sup> Subsections (2) and (3) carry forward provisions from Par. 3 of Sections 6-106, 6-206, 6-305, Par. 5 of Sect. 6-406, and Par. 4 of Sect. 6-505.

<sup>6</sup> This provision is based on Par. 1 of Sect. 2-304.

<sup>7</sup> This provision is based on Par. 1 of Sect. 2-303.

<sup>8</sup> This provision is based on Sect. 10-101.

<sup>9</sup> Temporary Special Permits are now referred to as administrative permits. They are approved by the Zoning Administrator (see Sect. 8-010).

<sup>10</sup> “Associated service use” is a new name for “accessory service use.”

## 2. Structure of the Use Classification System<sup>11</sup>

Allowable uses are organized according to a three-tiered hierarchy consisting of use classifications, use categories, and uses. This classification system is intended to provide a structure that groups similar uses together for ease in locating or identifying a use and to simplify the classification of new uses.

### A. Use Classifications

Each use is grouped under one of these seven broad use classifications: Agricultural and Related Uses; Residential; Public, Institutional, and Community; Commercial; Industrial; Accessory; and Temporary.

### B. Use Categories

Use categories are subgroups of uses in each use classification that have common functional or physical characteristics, such as the type and amount of activity, types of goods, services, occupants or users/customers, or operational characteristics. For example, the Commercial classification is divided into multiple use categories, including Food and Lodging, Office and Financial Institutions, and Retail Sales.

### C. Uses

Uses are the specific land uses that can be established in a zoning district, such as restaurant, hotel or motel, or catering uses.

## 3. Use Table for Residential, Commercial, and Industrial Districts

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6		
<b>AGRICULTURAL AND RELATED USES</b>																														
<b>Agricultural and Related Uses:</b> activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																														
Agricultural Operation <sup>13</sup>	P	P	P	P																										4102.2.A
Agritourism, Other <sup>14</sup>																														4102.2.B
Farm Winery, Limited Brewery, or Limited Distillery	P SE	P SE	P SE	P SE																									4102.2.C	

<sup>11</sup> This new section explains the three-tiered organization of uses in the use table.

<sup>12</sup> The R-P and I-1 Districts are deleted because there is no land zoned to either district.

<sup>13</sup> Removing Agricultural Operation as a permitted use in the R-1 District will be reviewed as part of the separate agritourism Zoning Ordinance amendment.

<sup>14</sup> This use will be finalized with a pending amendment.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts													Commercial Districts								Industrial Districts						Use-Specific Standards			
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply		
Stable, Riding or Boarding <sup>15</sup>	SE SP	SE SP	SE SP	SE SP																									4102.2.D		
<b>RESIDENTIAL USES</b>																															
<b>Household Living:</b> uses characterized by residential occupancy of a dwelling unit that functions as a single household																															
Dwelling, Multifamily														P	P	P	P														
Dwelling, Single Family Attached									P	P	P	P	P																	4102.3.A	
Dwelling, Single Family Detached	P	P	P	P	P	P	P	P	P					P																4102.3.B	
Dwelling, Stacked Townhouse <sup>16</sup>											P	P	P	P																4102.3.A	
Group Residential Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P																	
Live-Work Development <sup>17</sup>																														4102.3.C	
Manufactured Home <sup>18</sup>	P													P																4102.3.D	
<b>Group Living:</b> uses characterized by residential occupancy by a group of persons who do not constitute a household																															
Congregate Living Facility		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE													4102.3.E
Group Household <sup>19</sup>			SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP																	
Religious Group Living <sup>20</sup>			SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP					SP	SP	SP	SP		SP	SP						4102.3.F
Residence Hall <sup>21</sup>			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE					4102.3.G

<sup>15</sup> These permissions carry forward and consolidate the current permissions for “riding/boarding stables” and “veterinary hospital, ancillary to riding or boarding stables.” An SE option was also added for those applications that may be in conjunction with other SE uses. An ancillary veterinary hospital is changed from not allowed in the R-A District to allowed as part of a special permit for a riding or boarding stable.

<sup>16</sup> This is a new use.

<sup>17</sup> This is a new use.

<sup>18</sup> This consolidates the permissions for manufactured homes and mobile homes, which have been consolidated into the use “manufactured home.”

<sup>19</sup> This carries forward the current permissions for “group housekeeping unit.”

<sup>20</sup> This carries forward the current permissions for “convent, monastery, seminary, nunnery.”

<sup>21</sup> This carries forward the current permissions for “dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls,” except it is changed from SE to not allowed in the R-C District and from not allowed to SE in the I-4 District.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply	
<b>PUBLIC, INSTITUTIONAL, AND COMMUNITY USES</b>																														
<b>Community, Cultural, and Educational Facilities:</b> uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community																														
Alternate Uses of Public Facilities <sup>22</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.4.A									
Child Care Center <sup>23</sup>				SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4102.4.B 4102.1.G							
Club, Service Organization, or Community Center <sup>24</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P		SE	SE	SE	SE	SE	4102.4.C									
College or University <sup>25</sup>			SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P		SE	SE	SE			4102.4.D								
Community Swim, Tennis, and Recreation Club <sup>26</sup>		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			SP	SP	SP	SP	SP	4102.4.E								
Convention or Conference Center <sup>27</sup>																													4102.4.F	

<sup>22</sup> This carries forward the current permissions for alternate uses of public facilities, except in the R-A District it is changed from an SE use to not allowed.

<sup>23</sup> This carries forward permissions for “child care centers” and “nursery schools,” except a child care center has been changed from an SE use to not allowed in the R-E District, and a nursery school has been changed from an SE use to not allowed in the R-A, R-C, and R-E Districts, except in conjunction with a religious assembly use. The use has been changed from SE to P in the C-5 through C-8 Districts. Additionally, while the uses are currently allowed as an accessory service use in the C-1 through C-4 Districts and in industrial districts, this use is not listed as an A+ use in those districts because it is permitted by right. Associated service uses are removed from R-12 and R-16 due to density.

<sup>24</sup> This use consolidates Category 3 SE uses “private clubs” and “public benefit associations” and Group 4 SP uses “community clubs, centers, meeting halls, swimming pool, archery ranges” and “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas.” The permissions for “private clubs and public benefit associations” are carried forward. In order to reconcile the permissions, the following changes are made: (1) “community clubs, centers, meeting halls, swimming pool, archery ranges” and “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas” are changed from not allowed to SE in C-1 through C-4 and I-5 and I-6, and from SP to SE in R-C through R-MHP and I-2 through I-4; (2) “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas” is changed from SP to P in C-5 and C-6 and from not allowed to P in C-7 and C-8; and (3) swimming pools and archery ranges are changed from not allowed in C-7 and C-8 to P, and from SP to P in C-5 and C-6.

<sup>25</sup> This changes the permissions from SE to permitted in the C-1, C-2, and C-3 Districts, subject to use standards.

<sup>26</sup> This carries forward permissions for “swimming club and tennis club/courts.”

<sup>27</sup> This carries forward the permissions for “exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations.”

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply	
Cultural Facility or Museum <sup>28</sup>		SE	SE	P	P	P	P	P	P		SE	SE	SE																	
Public Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly <sup>29</sup>		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4102.4.G													
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center <sup>30</sup>		SP SE	P	P	P	P	P	P	P	P	P	SE SE	SE SE	SE SE	SE SE	SE SE	SE SE	4102.4.H												
School, Private <sup>31</sup>		SE	P	P	P	P	P	P	P	P	P	SE SE	SE SE	SE SE	SE SE	SE SE	SE SE	4102.4.I												
Specialized Instruction Center <sup>32</sup>				SE	P	P	P	P	P	P	P	P		P	P	P	P													
<b>Funeral and Mortuary Services:</b> establishments that provide services related to the death of a human being or an animal																														
Cemetery <sup>33</sup>			SP	SP	SP	SP	SP																						4102.4.J	
Crematory			SP	SP	SP	SP	SP																			P	P	P	4102.4.K	
Funeral Home <sup>34</sup>			SP			P	P	P	P	P	P		P	P	P	P	P	4102.4.L												
<b>Health Care:</b> uses providing health care services, including surgical or other intensive care and treatment, various types of medical treatment, and nursing care																														
Adult Day Care Center			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.4.M												
Continuing Care Facility																													4102.4.M	
Independent Living Facility			SE	SE	SE	SE											4102.4.O													

<sup>28</sup> This carries forward the permissions for “cultural centers, museums, and similar facilities.” The provisions in Sect. 9-313 are not included for this use in this article, but are proposed to be located in the general standards for approval of a special exception and in the regulations for the Water Supply Protection Overlay District.

<sup>29</sup> This carries forward the permissions for “churches, chapels, temples, synagogues and other places of worship.”

<sup>30</sup> This carries forward the permissions for “churches, chapels, temples, synagogues and other places of worship with a child care center, nursery school or private school of general or special education.” The permissions have been revised to reflect the change in permissions to child care center, which is proposed to be permitted by right in the C-5 through C-8 Districts.

<sup>31</sup> This carries forward permissions for “private schools of general education.” This use is changed from SE to not allowed in R-A.

<sup>32</sup> This carries forward permissions for “private schools of special education,” but no longer allows it as an SE use in the R-E District. Standards in Sect. 9-310 are not carried forward.

<sup>33</sup> This carries forward the permissions for “cemetery for human or animal interment,” “columbarium and mausoleum when used in conjunction with a cemetery,” and “funeral home, if located in an already existing cemetery of more than 75 acres.”

<sup>34</sup> This consolidates permissions for the uses “funeral home” and “funeral chapel.” With this consolidation, “funeral chapel” is changed from an SE to an SP use in the R-E through R-MHP Districts. Aside from this change, differences in permissions for the uses are addressed in the use-specific standards.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply	
Medical Care Facility <sup>35</sup>			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.4.P								
<b>Transportation:</b> uses associated with the operation of airplanes, trains, and buses																														
Airport <sup>36</sup>				SE																	SE		SE	SE	SE	SE	SE	SE	4102.4.Q 4102.4.R	
Helipad <sup>37</sup>			SE	SE													SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.4.Q	
Transit Facilities <sup>38</sup>			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P SE	4102.4.Q 4102.4.S								
<b>Utilities:</b> uses including heavy utilities (infrastructure services that provide regional or community-wide service), light utilities (infrastructure services that need to be located in or near where the service is provided), solar power facilities, and telecommunications facilities																														
Solar Power Facility <sup>39</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	4102.4.T	
Utility Facility, Heavy <sup>40</sup>		SE	SE	SE	SE																		SE	SE	SE	SE	P SE	P	4102.4.U	
Utility Facility, Light <sup>41</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	SE	P SE	P	P	P	P	4102.4.V	
Wireless Facility <sup>42</sup>																													4102.4.W	

<sup>35</sup> This use includes nursing facilities and assisted living facilities.

<sup>36</sup> This carries forward and consolidates current permissions for “airports” and “heliports,” except they are changed from SE to not allowed in the R-E District. Use-specific standards limit this use to heliports in the C-7 and I-I Districts, consistent with current permissions for this use.

<sup>37</sup> This carries forward the permissions for “helistop,” except it changes the permissions from not allowed in C-5 to SE. Standards for enclosures and engineering are not carried forward because they are addressed by the building code or were otherwise determined unnecessary.

<sup>38</sup> This consolidates permissions for “electrically powered regional rail transit facilities,” “accessory electrically powered regional rail transit facilities,” “bus or railroad station,” “regional non-rail transit facilities,” and “bus or railroad terminals, car barns, garages, storage and inspection yards, railroad switching and classification yards, and railroad car and locomotive repair shops, but specifically excluding electrically-powered regional rail transit facilities or regional non-rail transit facilities set forth as a Category 4 special exception use.” Current differences in permissions among these uses are carried forward in use-specific standards, except as noted.

<sup>39</sup> This is a new use for utility-scale facilities, such as a solar farm. Solar panels that are accessory to an individual use are addressed separately.

<sup>40</sup> This consolidates permissions for the current Category 2 heavy public utility uses (except current uses #3 and #4, “solid waste disposal and treatment facilities” and “storage facilities for natural gas, oil and other petroleum products,” which are separate uses). Distinctions in permissions are carried forward in the use-specific standards. A supply yard for a public utility and incidental office and maintenance facilities are changed from SE to allowed in the I-5 District.

<sup>41</sup> This carries forward the permissions for multiple uses currently grouped under Category 1 Light Public Utility Uses.

<sup>42</sup> This is a placeholder for a recently adopted Zoning Ordinance amendment on Wireless Facilities. All associated permissions and standards will be integrated. The adopted text can be found here:



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards		
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply		
Restaurant, Carryout <sup>50</sup>															A+	SE A+	P	P	P	P	P	P	P			A+	A+	A+	SE A+	SE A+	4102.5.H 4102.1.G
Restaurant with Drive-through																			SE	SE	SE	SE	SE					SE	SE	4102.5.I	
Retreat Center <sup>51</sup>				SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE			SE	SE	SE			4102.5.J								
<b>Office and Financial Institutions:</b> buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services																															
Alternative Lending Institution																							P	P						4102.5.K	
Drive-through Financial Institution <sup>52</sup>																SE	SE	SE	P SE	P SE	P SE	P SE				SE	SE	SE	SE	4102.5.L	
Financial Institution <sup>53</sup>															P	P	P	P	P	P	P	P			P	P	P	P	P		
Office <sup>54</sup>															P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE			P	P	P	P	P	P	4102.5.M
Office in a Residential District <sup>55</sup>				SE	SE	SE	SE	SE	SE				SE																4102.5.N		

those districts. See also the footnote for the general standards for associated service uses. “Commercial recreation restaurants” are being deleted as a separate use because the use has been accommodated as both a restaurant and amusement arcade (indoor commercial recreation).

<sup>50</sup> This carries forward the permissions for “carryout restaurants.” Associated service use permissions are not carried forward in the C-3 and C-4 Districts because the use is permitted by right in those districts. Standards pertaining to carryout restaurants as accessory service uses in Sections 10-202 and 10-203 are carried forward as general standards for associated service uses in Sect. 4102.1G.

<sup>51</sup> This carries forward the current permissions for “conference centers and retreat houses, operated by a religious or nonprofit organization,” except the use is changed from SE to not allowed in the R-MHP District and from not allowed to SE in the R-E and R-1 Districts.

<sup>52</sup> This carries forward the current permissions for “drive-in financial institutions,” except the use is changed from allowed as an accessory service use and SE use to only SE use the I-5 and I-6 Districts. Standards pertaining to drive-in financial institutions as accessory service uses in Sections 10-202 and 10-203 are not carried forward, except as general standards for associated service uses in Sect. 4102.1G.

<sup>53</sup> This carries forward the permissions for “financial institutions,” except the use is changed from not allowed to allowed as an associated service use, subject to use-specific standards that limit it to a walk-up ATM that primarily serves a multi-family building or complex.

<sup>54</sup> This consolidates permissions from multiple current uses, including “establishment for scientific research, development, and training” and “offices.” Standards for this use change the permissions for “establishments for scientific research and development” from SE use to not allowed in the R-E and R-1 Districts.

<sup>55</sup> This is a new use name for an existing office use. The permissions and standards have been brought forward, except the use is changed from SE to not allowed in the R-C and R-E Districts.



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards		
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply			
Entertainment, Adult <sup>62</sup>																													4102.5.S			
Entertainment, Public <sup>63</sup>																				SE	SE	SE	SE			SE	SE	SE	SE	4102.5.T		
Golf Course or Country Club <sup>64</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE								4102.5.U										
Health and Exercise Facility, Large <sup>65</sup>																	P	SP	P	P	P	P					SP	SP	SP	SP	4102.5.V	
Health and Exercise Facility, Small <sup>66</sup>															P	P	P	P	P	P	P	P			P	P	P	P				
Marina, Commercial		SE	SE	SE	SE	SE					SE	SE	SE	SE			SE	SE	SE				4102.5.W									
Marina, Private Noncommercial		SP	SP	SP	SP	SP					SP	SP	SP	SP			SP	SP	SP				4102.5.X									
Quasi-public Park, Playground, or Athletic Field <sup>67</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P			P	P	P	P	P		4102.5.Y	
Smoking Lounge <sup>68</sup>																																
Stadium or Arena																																
Zoo or Aquarium <sup>69</sup>			SP	SP																												4102.5.ZAA

(outdoor). Subsequent to the changes detailed in the cover memo for the Commercial Uses draft, the permissions are changed from SE to not allowed in the C-1 and C-2 Districts.

<sup>62</sup> This use consolidates the current uses “commercial nudity establishment” and “adult mini motion picture theatres.”

<sup>63</sup> This is a new use that includes “dance halls.” “Dance halls” are changed from a SP to SE in the C-6 through C-8 Districts, and from not allowed to SE in the C-5 and I-2 through I-6 Districts.

<sup>64</sup> This carries forward permissions for “golf courses, country clubs,” except it is changed from SE to not allowed in the I-2 through I-6 Districts.

<sup>65</sup> This carries forward the permissions for the current use “health clubs,” except use is changed from allowed to either allowed or SP in the C-3 and C-4 Districts, and the accessory service use permissions are not carried forward in the C-1 through C-4 Districts and the I-1 through I-6 Districts.

<sup>66</sup> This is a new use based on the current use “health club” and the exercise-related classes that are currently a school of special education. These permissions are the same as those for a specialized instruction center, except it has been changed from SE to not permitted in the R districts. Accessory service use permissions for “health clubs, spas, saunas, pools, tennis and similar facilities” are not carried forward in the C-1 through C-4 and I-1 through I-6 Districts.

<sup>67</sup> This carries forward the permissions for “quasi-public parks, playgrounds, athletic fields and related facilities.”

<sup>68</sup> This is a new use that has been previously interpreted as indoor recreation.

<sup>69</sup> This carries forward the permissions for “zoological park,” except the use is changed from not allowed to SP in the C-7 and C-8 Districts.



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply		
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6				
Truck Rental Establishment																			SE	SE	SE	SE							P	P	4102.5.LL	
Vehicle Fueling Station <sup>75</sup>																	SE	SE	SE	SE	SE	SE			SE	SE	SE	SE			4102.5.MM	
Vehicle Repair and Maintenance, Heavy																						SE						P	P			
Vehicle Repair and Maintenance, Light																			SE	SE	SE	SE						P	P	SE	SE	4102.5.NN
Vehicle Sales, Service, and Rental																	SE	SE		SE	SE	SE				SE	SE			4102.5.OO		
Vehicle Transportation Services																				P	P	P				P	P	P		4102.5.PP		
<b>INDUSTRIAL USES</b>																																
<b>Freight Movement, Warehousing, and Wholesale Distribution:</b> uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.																																
Data Center <sup>76</sup>																	P	P						P	P	P	P	P			4102.6.A	
Freight Distribution Hub <sup>77</sup>																								SE	SE		P	P	P			
Goods Distribution Hub <sup>78</sup>																	P	P	P	P	P	P									4102.6.B	
Self-storage <sup>79</sup>																					SE				P	P	P	P			4102.6.C	
Warehouse <sup>80</sup>																									SE	P	P	P			4102.6.D	
Wholesale Facility <sup>81</sup>																					SE	P		A	SE	A	P	P	P		4102.6.E	

<sup>75</sup> This consolidates permissions for current uses “service stations” and “service station/mini-mart”. The use “service station/mini-mart” is not currently allowed in the C-3, C-4, I-3, and I-4 districts, and that limitation is carried forward in the standards for this use.

<sup>76</sup> Data center to be defined as a separate use, where it has previously been deemed a telecommunication facility (Par. 5 of Sect. 9-101). Since it would now be defined as a separate use, it is removed from the C-1, C-2, and C-5 through C-8 Districts, the R Districts, and the PDH District. In the C-3, C-4, I-2, and I-3 Districts, if a size limit is exceeded, a special exception will be required.

<sup>77</sup> This carries forward permissions for current use “motor freight terminals.”

<sup>78</sup> This is a new use.

<sup>79</sup> This carries forward permissions for current use “mini-warehousing establishment,” except the use is changed from SE to allowed, subject to conditions, in the I-3 District.

<sup>80</sup> This consolidates and carries forward permissions for current uses “warehousing and associated retail establishments” and “warehousing establishments.” The use is changed from not allowed to SE in the I-3 District.

<sup>81</sup> This carries forward permissions for current use “wholesale trade establishments.”

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P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

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Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply		
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6				
<b>Industrial Services and Extraction of Materials:</b> uses involving the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products, or uses involving the extraction of natural resources from the ground. Few customers from the general public come to the site.																																
Building Materials Storage and Sales																													P	P		
Contractor's Office and Shop <sup>82</sup>																						P				P	P	P	P			
Extraction Activities	Allowed as a SP use only in a Natural Resource Overlay Districts as established in [reference to relocated current Part 3 of Article 7].																															
Petroleum Products Storage Facility <sup>83</sup>																													SE			
Specialized Equipment and Heavy Vehicle Sale, Rental, or Service																													P	P		
Storage Yard																													P	P		
Vehicle Storage or Impoundment Yard																												P	P	P		
<b>Production of Goods:</b> uses involving the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, transfer to other industrial operations, or for order by businesses or consumers.																																
Craft Beverage Production Establishment																			P	P	P	P							P	P	P	P
Production or Processing <sup>84</sup>																													P	P	P	P
Production or Processing, Heavy																														SE		
Small-scale Production Establishment																		P	P	P	P	P	P						P			
<b>Waste and Recycling Facilities:</b> uses involving receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal. This use category also includes uses that manufacture or produce goods or energy from the composting of organic material, and the reuse, recycling, or processing of scrap or waste material.																																
Junkyard																														P		
Mixed Waste Reclamation Facility																														SE		

<sup>82</sup> Revised from not allowed to P use in I-3, subject to additional use limitations, in order to carry forward this aspect of the Industrial/Flex use, which will be removed.

<sup>83</sup> This carries forward permissions for current use "Storage facilities for natural gas, oil and other petroleum products."

<sup>84</sup> Food and beverage manufacturing and printing will continue to not be allowed in the I-3 district by use standard. Current prohibitions on bulk storage of flammable materials for resale in I-3, I-4, and I-5 are carried forward by use standard. Prohibitions on heavy industrial uses are now addressed by listing those as a separate use.



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Sawmilling	SP		SP	SP																									4102.7.M
Short-term Lodging		AP	AP	AP	AP	AP															4102.7.N								
Solar Collection System <sup>91</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	4102.7.O
Wayside Stand	A	A	A	A	A	A	A																						4102.7.P
<b>TEMPORARY USES</b>																													
Business Promotional Activities <sup>92</sup>															AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.8.B
Community Garden <sup>93</sup>																													
Construction Site Office and Storage <sup>94</sup>		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.8.C								
Farmers Market <sup>95</sup>		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.8.D								
Food Truck <sup>96</sup>		AP	AP	AP	AP	AP	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.8.E								
Interim Off-street Parking in Metro Station Area <sup>97</sup>			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.8.F							
Model Home Sales or Leasing Office <sup>98</sup>		AP	AP	AP	AP	AP															4102.8.G								
Portable Storage Container <sup>99</sup>	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.8.H

principal use.” The permissions for the accessory use “residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel” are carried forward. 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” will not be an associated service use.

<sup>91</sup> This is a new use that codifies existing interpretations and carries forward the current permissions.

<sup>92</sup> This carries forward the permissions for “promotional activities of retail merchants.”

<sup>93</sup> Part of a recently adopted amendment. Table and standards will be updated.

<sup>94</sup> This is a new use that consolidates uses “construction materials yard accessory to a construction project” and “contractor’s offices and equipment sheds to include trailers accessory and adjacent to an active construction project.”

<sup>95</sup> Part of a recently adopted amendment. Table and standards will be updated.

<sup>96</sup> This carries forward the current permissions for “food trucks,” but expands the availability to approved nonresidential uses in Residential districts.

<sup>97</sup> Renamed from “Commercial” to “Interim”.

<sup>98</sup> This carries forward the current permissions for “subdivision and apartment sales and rental offices.”

<sup>99</sup> This carries forward the permissions for “temporary portable storage container.”

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>12</sup>**

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts															Commercial Districts								Industrial Districts						Use-Specific Standards
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	NOTE: General Standards also apply	
Special Event <sup>100</sup>	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	AP SP	4102.8.I	
Temporary Dwelling or Manufactured Home		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.8.J															
<b>OTHER USES</b>																														
Alternative Use of Historic Building <sup>101</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.1.H	

<sup>100</sup> This carries forward the permissions for “carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.”

<sup>101</sup> New use and standards that replace Group 7 special permit uses and standards (older structures).

## 4. Use Table for Planned Development Districts

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
<b>AGRICULTURAL AND RELATED USES</b>															
<b>Agricultural and Related Uses:</b> activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.															
Agricultural Operation															4102.2.A
Agritourism, Other <sup>102</sup>															4102.2.B
Farm Winery, Limited Brewery, or Limited Distillery															4102.2.C
Stable, Riding or Boarding <sup>103</sup>		✓/SE	✓/SE												4102.2.D
<b>RESIDENTIAL USES</b>															
<b>Household Living:</b> uses characterized by residential occupancy of a dwelling unit that functions as a single household															
Dwelling, Multifamily	✓		✓	✓	✓	✓	✓		✓	✓		✓			
Dwelling, Single Family Attached	✓		✓	✓	✓	✓			✓		✓	✓			4102.3.A
Dwelling, Single Family Detached	✓		✓	✓	✓	✓			✓			✓			4102.3.B
Dwelling, Stacked Townhouse <sup>104</sup>	✓		✓	✓	✓	✓	✓		✓	✓		✓			4102.3.A
Group Residential Facility	✓		✓	✓	✓	✓	✓		✓			✓			
Live-Work Development <sup>105</sup>					✓	✓	✓	✓		✓		✓			4102.3.C
Manufactured Home															4102.3.D
<b>Group Living:</b> uses characterized by residential occupancy by a group of persons who do not constitute a household															
Congregate Living Facility		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE		✓/SE	4102.3.E
Group Household		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE			✓/SE			

<sup>102</sup> This use will be finalized with the pending amendment.

<sup>103</sup> These permissions carry forward and consolidate the current permissions for “riding or boarding stables” and “veterinary hospital, ancillary to riding or boarding stables,” except the use is changed from ✓/SP to ✓/SE in the PRC District for consistency.

<sup>104</sup> This is a new use.

<sup>105</sup> This is a new use.

**TABLE 4101.4: Use Table for Planned Development Districts**  
 ✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SP = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Religious Group Living <sup>106</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE						4102.3.F
Residence Hall <sup>107</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE			4102.3.G
<b>PUBLIC, INSTITUTIONAL, AND COMMUNITY USES</b>															
<b>Community, Cultural, and Educational Facilities:</b> uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community															
Alternate Uses of Public Facilities <sup>108</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.A
Child Care Center <sup>109</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.4.B 4102.1.G
Club, Service Organization, or Community Center <sup>110</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.4.C
College or University <sup>111</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE	✓/SE			4102.4.D
Community Swim, Tennis, and Recreation Club <sup>112</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE		✓/SE	4102.4.E

<sup>106</sup> This carries forward permissions for “convents, monasteries, seminaries, and nunneries,” except it is changed from ✓/SP to ✓/SE in the PRC District.

<sup>107</sup> This carries forward the current permissions for “dormitories, fraternity/sorority houses, rooming/boarded houses, or other residence halls,” except it is changed from not allowed to ✓/SE in the PRM District.

<sup>108</sup> This carries forward the current permissions, except in the PRM District and in the PRC Convention/Conference Center area, the use is changed from not allowed to a ✓/SE use.

<sup>109</sup> This carries forward permissions for “child care centers” and “nursery schools,” except they are changed from not permitted to a ✓/SE use in the PCC District, and from permitted as accessory service uses to not allowed as associated service uses the PDH, PRC, and PDC Districts.

<sup>110</sup> This use consolidates and carries forward permissions for “private clubs” and “public benefit associations.” It also consolidates “community clubs, centers, meeting halls, swimming, pool, archery ranges” and “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas,” and carries forward permissions for those uses, with the following changes: (1) changed from ✓/SP to ✓/SE in all PRC areas except Conference/Convention Center, where it is changed from not allowed to ✓/SE, (2) changed from not allowed to ✓/SE in the PRM District.

<sup>111</sup> This carries forward the current permissions, except the use is changed from Secondary to Principal use in the PDC District.

<sup>112</sup> This carries forward the permissions for “swimming club and tennis club/courts,” except the use is changed from not allowed to ✓/SE in the PRM District, and the use is changed from ✓/SP to ✓/SE in the PRC District.

<b>TABLE 4101.4: Use Table for Planned Development Districts</b>															
✓ = permitted if shown on final development plan/development plan and PRC plan; ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s) ✓/SP = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s) SE = special exception; SP = special permit; <i>blank cell</i> = not allowed A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit															
Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Convention or Conference Center <sup>113</sup>							✓	✓				✓			4102.4.F
Cultural Facility or Museum <sup>114</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	
Public Use	✓		✓	✓	✓	✓	✓	✓		✓		✓	✓		
Religious Assembly <sup>115</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.4.G
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center <sup>116</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.H
School, Private <sup>117</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.I
Specialized Instruction Center <sup>118</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	
<b>Funeral and Mortuary Services:</b> establishments that provide services related to the death of a human being or an animal															
Cemetery <sup>119</sup>		✓/SE	✓/SE											✓	4102.4.J
Crematory <sup>120</sup>		✓/SE	✓/SE												4102.4.K

<sup>113</sup> This carries forward the permissions for “exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations.”

<sup>114</sup> This carries forward the permissions for “cultural centers, museums, and similar facilities,” except it is changed from not allowed to ✓/SE in the PRC Convention/Conference Center area. The provisions in Sect. 9-313 are not included for this use in this article, but are proposed to be located in the general standards for approval of a special exception and in the regulations for the Water Supply Protection Overlay District.

<sup>115</sup> This carries forward permissions for “churches, chapels, temples, synagogues and other places of worship,” but the use is changed from ✓/SP to ✓/SE in the PRC District

<sup>116</sup> This carries forward the permissions for “churches, chapels, temples, synagogues and other places of worship with a child care center, nursery school or private school of general or special education.”

<sup>117</sup> This carries forward permissions for “private school of general education.”

<sup>118</sup> This carries forward permissions for “private school of special education.”

<sup>119</sup> This carries forward permissions for “cemetery for human or animal interment,” “columbarium and mausoleum when used in conjunction with a cemetery,” and “funeral home, if located in an already existing cemetery of more than 75 acres,” but the use is changed from ✓/SP to ✓/SE in the PRC District.

<sup>120</sup> This carries forward permissions for “crematory, human or animal,” but the use is changed from ✓/SP to ✓/SE in the PRC District.

<b>TABLE 4101.4: Use Table for Planned Development Districts</b>														
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Use	PDH		PRC				PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary	Principal	Secondary	
Funeral Home <sup>121</sup>					✓	✓		✓/SE			✓/SE		✓/SE	4102.4.L
<b>Health Care:</b> uses providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, and nursing care														
Adult Day Care Center		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓/SE	✓/SE	✓/SE	4102.4.M
Continuing Care Facility			✓	✓	✓	✓		✓		✓		✓	✓	4102.4.M
Independent Living Facility	✓		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓		✓/SE			4102.4.O
Medical Care Facility <sup>122</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.P
<b>Transportation:</b> uses associated with the operation of airplanes, trains, and buses														
Airport <sup>123</sup>		✓/SE	✓/SE			✓/SE		✓/SE		SE	SE			4102.4.Q 4102.4.R
Helipad <sup>124</sup>		✓/SE	✓/SE			✓/SE	✓/SE	✓/SE		SE	SE			4102.4.Q
Transit Facilities <sup>125</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓/SE		✓/SE	4102.4.Q 4102.4.S
<b>Utilities:</b> uses including heavy utilities (infrastructure services that provide regional or community-wide service), light utilities (infrastructure services that need to be located in or near where the service is provided), solar power facilities, and telecommunications facilities														
Solar Power Facility <sup>126</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓/SE	✓/SE		4102.4.T
Utility Facility, Heavy <sup>127</sup>			SE											4102.4.U

<sup>121</sup> This carries forward permissions for “funeral home” and “funeral chapel.” It is changed from not allowed to ✓/SE in the PDC District. Distinctions in use permissions among those uses are carried forward as use-specific standards.

<sup>122</sup> This use includes nursing facilities and assisted living facilities.

<sup>123</sup> This carries forward and consolidates current permissions for “airports” and “heliports.” Use specific standards limit this use to heliports in the PDH, PDC, PRM, PRC-Town Center, and PTC Districts, consistent with current permissions for this use, and add the limitation to heliports to the PRC-Residential area.

<sup>124</sup> This carries forward permissions for “helistop,” except the use is changed from not allowed to ✓/SE in the PRC Convention/Conference Center area.

<sup>125</sup> This consolidates current permissions for “electrically powered regional rail transit facilities,” “accessory electrically powered regional rail transit facilities,” “regional non-rail transit facilities,” and “bus or railroad station.”

<sup>126</sup> This is a new use. Solar panels as an accessory use are addressed separately.

<sup>127</sup> This consolidates permissions for multiple current uses. Use-specific standards limit this use to “sewage treatment and disposal facilities” in the PTC District.

**TABLE 4101.4: Use Table for Planned Development Districts**  
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Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Utility Facility, Light <sup>128</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.V
Wireless Facility <sup>129</sup>															4102.4.W
<b>COMMERCIAL USES</b>															
<b>Animal-Related Services:</b> uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals															
Animal Shelter <sup>130</sup>			✓/SE												4102.5.A
Kennel <sup>131</sup>		✓	✓/SE		✓	✓			✓		✓	✓		✓/SE	4102.5.A
Pet Grooming Establishment <sup>132</sup>		✓		✓	✓	✓	✓	✓			✓	✓			4102.5.B
Veterinary Hospital <sup>133</sup>		✓	✓/SE		✓	✓			✓		✓	✓		✓/SE	4102.5.C
<b>Food and Lodging:</b> establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less															
Bed and Breakfast		SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE								4102.5.D
Catering <sup>134</sup>		✓			✓	✓	✓	✓			✓	✓			4102.5.E
Hotel or Motel					✓/SE	✓/SE	✓	✓			✓	✓		✓/SE	4102.5.F
Restaurant		✓		✓	✓	✓	✓	✓			✓	✓		✓/SE	4102.5.G 4102.1.G
Restaurant, Carryout		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓		✓/SE	✓/SE		✓/SE	4102.5.H 4102.1.G
Restaurant with Drive-through		SE		✓/SE	✓/SE	✓/SE	✓/SE		✓			✓		✓/SE	4102.5.I

<sup>128</sup> This carries forward the permissions for multiple uses currently grouped under Category 1 Light Public Utility Uses.

<sup>129</sup> This is a placeholder for a recently adopted Zoning Ordinance amendment on Wireless Facilities. All associated permissions and standards will be integrated. The adopted text can be found here:

<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/adopted%20amendments/zo19480.pdf>

<sup>130</sup> This carries forward the permissions for “animal shelters,” but the standards now permit outdoor facilities.

<sup>131</sup> This carries forward the permissions for “kennels,” but the standards now permit outdoor facilities.

<sup>132</sup> This carries forward the permissions for “personal service establishments.”

<sup>133</sup> This carries forward the permissions for “veterinary hospitals,” but the standards now permit outdoor facilities.

<sup>134</sup> This carries forward the permissions for “business service and supply service establishments,” except the accessory service use provisions are not carried forward for this separately defined use.

**TABLE 4101.4: Use Table for Planned Development Districts**  
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Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Retreat Center <sup>135</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE			✓/SE			4102.5.J
<b>Office and Financial Institutions:</b> buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services															
Alternative Lending Institution															4102.5.K
Drive-through Financial Institution <sup>136</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE		✓/SE	4102.5.L
Financial Institution		✓		✓	✓	✓	✓	✓			✓	✓		✓	
Office <sup>137</sup>		✓		✓	✓	✓	✓	✓			✓	✓		✓/SE	4102.5.M
Office in a Residential District <sup>138</sup>															4102.5.N
<b>Personal and Business Services:</b> businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals															
Business Service <sup>139</sup>		✓			✓	✓	✓	✓			✓	✓		✓	4102.1.G
Household Repair and Rental Service <sup>140</sup>		✓			✓	✓	✓	✓			✓	✓		✓	
Personal Service <sup>141</sup>		✓		✓	✓	✓	✓	✓			✓	✓		✓	4102.5.O 4102.1.G
<b>Recreation and Entertainment:</b> uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members															
Banquet or Reception Hall <sup>142</sup>		✓/SE			✓/SE	✓/SE	✓/SE	✓/SE			✓/SE	✓/SE			
Campground <sup>143</sup>			✓/SE												4102.5.P

<sup>135</sup> This carries forward the permissions for “conference centers and retreat houses, operated by a religious or nonprofit organization.”

<sup>136</sup> This carries forward the current permissions for “drive-in financial institutions,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>137</sup> This consolidates permissions from multiple current uses, including “establishment for scientific research, development, and training” and “offices.”

<sup>138</sup> This is a new use name for an existing office use. Current permissions and standards are carried forward.

<sup>139</sup> This carries forward permissions for “business service and supply service establishments.”

<sup>140</sup> This carries forward permissions for “repair service establishments.”

<sup>141</sup> This consolidates permissions for “garment cleaning establishments” and “personal service establishments.”

<sup>142</sup> This is a new use.

<sup>143</sup> This carries forward the permissions for “camp or recreation grounds.”

**TABLE 4101.4: Use Table for Planned Development Districts**  
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Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Commercial Recreation, Indoor <sup>144</sup>		✓/SE			✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.5.Q
Commercial Recreation, Outdoor <sup>145</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.5.R
Entertainment, Adult <sup>146</sup>															4102.5.S
Entertainment, Public <sup>147</sup>					✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.5.T

<sup>144</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: **(1)** “amusement arcades” is a ✓/SE use in PDC (Secondary), PRC (Village Center and Town Center), and PTC; **(2)** “bowling alley” is a ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(3)** “commercial recreation centers” is a ✓/SP use in PRC (Village center and Town Center); **(4)** “commercial recreation parks, including mechanical or motorized amusement rides/devices” (indoor) is a ✓/SP use in PRC (Town Center and Convention/Conference Center); **(5)** “commercial recreation use, any other similar” (indoor) is a ✓/SE use in PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(6)** “indoor archery ranges, fencing and other similar indoor recreational uses” is a ✓/SE use in PDH (Secondary), PRM (Secondary), and PTC; **(7)** “indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses” is ✓/SE use in PDC (Secondary) and a ✓/SP use in PRC (Town Center and Convention/Conference Center); and **(8)** “theatres” is a ✓ use in PDC (Principal), PRM (Secondary), PRC (Village Center and Town Center), and PTC.

<sup>145</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: **(1)** “baseball hitting and archery ranges, outdoor” is ✓/SE in PRC (Residential); **(2)** “commercial recreation parks, including mechanical or motorized amusement rides/devices” is ✓/SP use in PRC (Town Center and Convention/Conference Center); **(3)** “commercial swimming pools, tennis courts and similar courts” is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(4)** “miniature golf courses” is ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC and a ✓/SP use in PRC (Village Center and Town Center); **(5)** “skating facilities” is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); and **(6)** “commercial recreation use, any other similar” (outdoor) is a ✓/SE use in PDC, PRM, PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center).

<sup>146</sup> This use consolidates the current uses “commercial nudity establishment” and “adult mini motion pictures theatres.”

<sup>147</sup> This is a new use for “dance halls.” The use “dance halls” is changed from not allowed to ✓/SE in the PDC and PRM Districts, and is changed from a ✓/SP to a ✓/SE in the PRC District.

**TABLE 4101.4: Use Table for Planned Development Districts**  
 ✓ = permitted if shown on final development plan/development plan and PRC plan;  
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 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Golf Course or Country Club <sup>148</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE				4102.5.U
Health and Exercise Facility, Large <sup>149</sup>		✓/SE			✓/SE	✓/SE			✓/SE		✓/SE	✓/SE		✓/SE	4102.5.V
Health and Exercise Facility, Small <sup>150</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	
Marina, Commercial <sup>151</sup>		✓/SE	✓/SE		✓/SE	✓/SE			✓/SE						4102.5.W
Marina, Private Noncommercial <sup>152</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE					✓/SE	4102.5.X
Quasi-public Park, Playground, or Athletic Field <sup>153</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE		✓/SE	4102.5.Y
Smoking Lounge <sup>154</sup>						✓/SE			✓/SE			✓/SE			4102.5.Z
Stadium or Arena <sup>155</sup>									SE		SE	SE			
Zoo or Aquarium <sup>156</sup>		✓/SE							✓/SE			✓/SE			4102.5.AA
<b>Retail Sales:</b> uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer															
Convenience Store <sup>157</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	4102.5.BB 4102.1.G

<sup>148</sup> This carries forward permissions for “golf courses, country clubs,” except the use is changed from not allowed in the PRM District to ✓/SE.

<sup>149</sup> This carries forward the permissions for the current use “health club.”

<sup>150</sup> This is a new use based on the current uses “health club” and “private school of special education.” These permissions are the same as those for health clubs and school of special education, except it has not been included in the residential areas of the PRC District.

<sup>151</sup> This carries forward permissions for “marinas, docks, and boating facilities, commercial,” except for the PTC District where there are no venues for a marina.

<sup>152</sup> This carries forward permissions for “marinas, docks and boating facilities of a private, nonprofit nature.”

<sup>153</sup> This carries forward the permissions for “quasi-public parks, playgrounds, athletic fields and related facilities,” except it is changed from not allowed to ✓/SE as a secondary use in the PRM District.

<sup>154</sup> This is a new use that has been previously interpreted to be indoor recreation.

<sup>155</sup> This carries forward the permissions for “stadiums or arenas,” except it is changed from not allowed to SE as a secondary use in the PDC District.

<sup>156</sup> This carries forward the permissions for “zoological park,” except, with the addition of aquarium to the use, it is changed from not allowed to ✓/SE in the PDC and PTC Districts.

<sup>157</sup> This carries forward permissions for the current use “quick-service food stores.”

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SP = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Drive-through Other		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE						4102.5.CC
Drive-through Pharmacy <sup>158</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE		✓/SE	4102.5.DD
Drug Paraphernalia Establishment															4102.5.EE
Garden Center <sup>159</sup>		✓/SE		✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	✓/SE			4102.5.FF
Pawnshop												✓/SE			
Retail Sales, General <sup>160</sup>		✓		✓	✓	✓	✓	✓			✓	✓		✓/SE	4102.5.GG
Retail Sales, Large <sup>161</sup>					✓/SE	✓/SE	✓/SE		✓/SE			✓/SE			4102.5.HH
<b>Vehicle-Related Uses:</b> uses for the maintenance, sale, or rental of motor vehicles and related equipment															
Car Wash <sup>162</sup>				✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE			4102.5.II
Commercial Off-street Parking <sup>163</sup>						✓			✓			✓			4102.5.JJ
New Vehicle Storage									✓			✓			4102.5.KK
Truck Rental Establishment					SE										4102.5.LL
Vehicle Fueling Station <sup>164</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE			4102.5.MM
Vehicle Repair and Maintenance, Heavy <sup>165</sup>															

<sup>158</sup> This carries forward the current permissions for “drive-through pharmacy,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>159</sup> This use carries forward the use “plant nurseries,” modified to emphasize retail sales. The use “plant nurseries” is not currently allowed in any of the P districts.

<sup>160</sup> This carries forward permissions for “retail sales establishments.”

<sup>161</sup> This carries forward permissions for “retail sales establishments-large.”

<sup>162</sup> This carries forward permissions for “car washes,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>163</sup> This carries forward permissions for “parking, commercial off-street, as a principal use,” except it is changed from permitted as a secondary use to not allowed in PRM District.

<sup>164</sup> This consolidates permissions for current uses “service stations” and “service station/mini-mart,” except the use is changed from ✓ to ✓/SE in the PTC District. The requirement in Paragraphs 9 and 10 of Sect. 6-505 that certain uses be permitted only when specifically identified on the FDP are not carried forward, and the option for SE approval is added.

<sup>165</sup> This carries forward permissions for current use “vehicle major service establishments.”

**TABLE 4101.4: Use Table for Planned Development Districts**  
 ✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SP = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Vehicle Repair and Maintenance, Light <sup>166</sup>		✓/SE			✓	✓			✓/SE			✓/SE			4102.5.NN
Vehicle Sales, Service, and Rental <sup>167</sup>						✓	✓		✓		✓	✓			4102.5.OO
Vehicle Transportation Services						✓	✓		✓		✓	✓			4102.5.PP

**INDUSTRIAL USES**

**Freight Movement, Warehousing, and Wholesale Distribution:** uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.

Data Center <sup>168</sup>						✓	✓	✓				✓			4102.6.A
Freight Distribution Hub															
Goods Distribution Hub <sup>169</sup>									✓/SE			✓/SE			4102.6.B
Self-storage									✓/SE			✓/SE			4102.6.C
Warehouse															4102.6.D
Wholesale Facility <sup>170</sup>												✓			4102.6.E

**Industrial Services and Extraction of Materials:** uses involving the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products, or uses involving the extraction of natural resources from the ground. Few customers from the general public come to the site.

Building Materials Storage and Sales															
Contractor’s Office and Shop												✓			4102.6.F
Extraction Activities	Allowed as a SP use only in a Natural Resource Overlay.														4102.6.G
Petroleum Products Storage Facility															4102.6.H

<sup>166</sup> This carries forward permissions for current use “vehicle light service establishments,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>167</sup> This carries forward permissions for current use “vehicle sale, rental and ancillary service establishments.”

<sup>168</sup> Data center to be defined as a separate use, where it has previously been deemed a telecommunication facility (Par. 5 of Sect. 9-101). Since it would now be defined as a separate use, it is removed from the PDH District.

<sup>169</sup> This is a new use.

<sup>170</sup> Revised from not allowed to P use in PTC, in order to carry forward the permission for wholesale trade from the Industrial/Flex use, which will be removed.

**TABLE 4101.4: Use Table for Planned Development Districts**  
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 ✓/SP = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Specialized Equipment and Heavy Vehicle Sale, Rental, or Service															
Storage Yard															
Vehicle Storage or Impoundment Yard															4102.6.I
<b>Production of Goods:</b> uses involving the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, transfer to other industrial operations, or for order by businesses or consumers.															
Craft Beverage Production Establishment				✓	✓	✓	✓		✓		✓	✓			4102.6.J
Production or Processing <sup>171</sup>												✓			4102.6.K
Production or Processing, Heavy															4102.6.L
Small-scale Production Establishment		✓		✓	✓	✓	✓		✓		✓				4102.6.M
<b>Waste and Recycling Facilities:</b> uses involving receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal. This use category also includes uses that manufacture or produce goods or energy from the composting of organic material, and the reuse, recycling, or processing of scrap or waste material.															
Junkyard															
Mixed Waste Reclamation Facility															4102.6.N
Recycling Center															4102.6.O
Solid Waste Disposal Facility															4102.6.P
<b>ACCESSORY USES</b>															
Accessory Dwelling Unit <sup>172</sup>		AP SP	AP SP	AP SP	AP SP	AP SP			AP SP			AP SP			4102.7.B
Caretaker Quarters <sup>173</sup>															4102.7.C

<sup>171</sup> Current prohibitions on bulk storage of flammable materials for resale in the PTC district are carried forward by use standard.

<sup>172</sup> The permissions for this use are brought forward, except it is changed from SP to either AP or SP.

<sup>173</sup> This carries forward the permissions for “servants quarters” and “quarters of a caretaker, watchman or tenant farmer and his family.”

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s)  
 SE = special exception; SP = special permit; *blank cell* = not allowed  
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Child Care Center for Occasional Care					A	A	A		A			A			4102.7.D
Donation Drop-off Box		A	A	A	A	A	A		A		A	A		A	4102.7.E
Electric Vehicle Charging <sup>174</sup>		A	A	A	A	A	A		A		A	A		A	4102.7.F
Family Health Care Structure		AP	AP	AP	AP	AP			AP			AP		AP	4102.7.G
Garage Sale or Yard Sale		A	A	A	A	A			A		A	A		A	4102.7.H
Gardening and Composting <sup>175</sup>															
Home Day Care Facility <sup>176</sup>		✓/SE A	✓/SE A	✓/SE A	✓/SE A	✓/SE A	✓/SE A		✓/SE A		✓/SE A	✓/SE A		✓/SE A	4102.7.I
Home-Based Business <sup>177</sup>		AP SP	AP SP	AP SP	AP SP	AP SP	AP SP		AP SP		AP SP	AP SP		AP SP	4102.7.J
Keeping of Animals		A SP	A SP	A SP	A SP	A SP	A SP		A SP		A SP	A SP		A SP	4102.7.K
Limited Riding or Boarding Stable <sup>178</sup>															4102.7.L
Residence for Manager or Employee <sup>179</sup>		✓	✓	✓	✓	✓	✓		✓		✓	✓		✓	
Sawmilling															4102.7.M
Short-term Lodging		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.7.N
Solar Collection System <sup>180</sup>		A	A	A	A	A	A		A		A	A		A	4102.7.O

<sup>174</sup> New use with new permissions.

<sup>175</sup> Part of a recently adopted amendment. Table and standards will be updated.

<sup>176</sup> This carries forward the permissions for “home child care facility,” except permissions are changed from ✓/SP to ✓/SE in the PRC District.

<sup>177</sup> This consolidates permissions for “home occupation” and “home professional office,” except “home professional office” is changed from not allowed to AP or SP use in the PRM and PTC Districts.

<sup>178</sup> This changes the permissions from ✓ to not allowed in the PDH, PRC, PDC, PRM, and PTC Districts based on the low likelihood that there would be enough land for this use in a planned district.

<sup>179</sup> This combines the current accessory use “residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel” and the accessory service use “dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.”

<sup>180</sup> This is a new use that codifies existing interpretations and carries forward the current permissions.

<b>TABLE 4101.4: Use Table for Planned Development Districts</b>															
✓ = permitted if shown on final development plan/development plan and PRC plan; ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s) ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special permit if not on plan(s) SE = special exception; SP = special permit; <i>blank cell</i> = not allowed A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit															
Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Wayside Stand															4102.7.P
<b>TEMPORARY USES</b>															
Business Promotional Activities <sup>181</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.B
Community Garden <sup>182</sup>															
Construction Site Office and Storage <sup>183</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.C
Farmers Market <sup>184</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.D
Food Truck		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.E
Interim Off-street Parking in Metro Station Area <sup>185</sup>		SE	SE	SE	SE	SE	SE		SE						4102.8.F
Model Home Sales or Leasing Office <sup>186</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.G
Portable Storage Container <sup>187</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.H
Special Event <sup>188</sup>		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.I
Temporary Dwelling or Manufactured Home		AP	AP	AP	AP	AP	AP		AP		AP	AP		AP	4102.8.J
<b>OTHER USES</b>															
Alternative Use of Historic Buildings <sup>189</sup>		SE	SE	SE	SE	SE	SE		SE		SE	SE		SE	4102.1.H

<sup>181</sup> This carries forward the current permissions for “promotional activities of retail merchants.”

<sup>182</sup> Part of a recently adopted amendment. Table and standards will be updated.

<sup>183</sup> This use consolidates uses “construction materials yard accessory to a construction project” and “contractor’s offices and equipment sheds to include trailers accessory and adjacent to an active construction project.”

<sup>184</sup> Part of a recently adopted amendment. Table and standards will be updated.

<sup>185</sup> Renamed from “Commercial” to “Interim”.

<sup>186</sup> This carries forward the current permissions for “subdivision and apartment sales and rental offices.”

<sup>187</sup> This carries forward the permissions for “temporary portable storage container.”

<sup>188</sup> This carries forward the permissions for “carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.”

<sup>189</sup> New use and standards that replace Group 7 special permit uses and standards (older structures).

## 4102. Use Standards

Each use must comply with its applicable standards, including standards for all uses, standards for the zoning district where the use is located, and standards for the specific use. Uses established as of the effective date of this Ordinance may not be altered, modified, or enlarged in any way that conflicts with, or compounds an existing conflict with, the use standards.

### 1. General Standards<sup>190</sup>

#### A. Standards for All Uses

- (1) Except as may be qualified elsewhere in this Ordinance, every use must comply with the lot size and bulk regulations of the zoning district where it is located.
- (2) Except as may be qualified elsewhere in this Ordinance, every use must comply with the off-street parking, loading, and private street regulations in [*new reference for Article 11*]; the sign regulations in [*new reference for Article 12*]; and the landscaping and screening regulations in [*new reference for Article 13*].<sup>191</sup>
- (3) All uses except Extraction Activities must comply with the performance standards in [*new reference for Article 14*].<sup>192</sup>
- (4) Before establishment, uses, including any modifications or alterations to an existing use, are subject to the provisions of [*reference to relocated current Article 17, Site Plans*].<sup>193</sup>
- (5) If a use requires any governmental approval—whatever the form (e.g., license, permit, etc.) or the governmental entity (local, state, or federal)—the use must maintain compliance with that approval, including any pertinent standards and requirements. Some, but not all, such standards and requirements are referenced in this Ordinance; when they are not, it does not relieve any person of the responsibility to comply with them.

#### B. Standards for Uses in Residential Zoning Districts

- (1) The sale of goods or products is not permitted, except as accessory to an established permitted, special permit, special exception, or administrative permit use.<sup>194</sup>

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<sup>190</sup> This section collects use standards that do not apply to a particular land use, but instead (1) apply generally to all uses, or (2) apply to all uses requiring special exception or special permit approval, or (2) apply to all uses within a defined “Group” or “Category” of uses in the current Zoning Ordinance, or (4) apply to all uses in a specific zoning district (or category of zoning districts). The standards have been collected and integrated from Sections 8,006, 9-006, 9-304, and multiple other sections of Articles 2, 3, 4, 5, 6, 8, and 9.

<sup>191</sup> This consolidates the references to additional regulations that are repeated for each district.

<sup>192</sup> Carries forward provisions from Sections 14-101 and 14-102, and other repeated references.

<sup>193</sup> This consolidates the references to site plan requirements in the additional regulations for each district, and the standards for group and category uses.

<sup>194</sup> Consolidates a use limitation repeated for each residential district.

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### C. Standards for Uses in Commercial Zoning Districts<sup>195</sup>

- (1) All refuse must be kept in enclosed containers that are screened from view.
- (2) The following are not allowed in the minimum setbacks:<sup>196 / 197</sup>
  - (a) Any outdoor storage, including the display of goods;<sup>198</sup> and
  - (b) Services or activities that are associated with the use of the property, except that off-street parking spaces and vehicle fueling station pump islands and canopies are allowed.<sup>199</sup>
- (3) In the C-1, C-2, C-3, and C-4 Districts, all operations, activities, storage, and display of goods must be conducted within a completely enclosed building, except:
  - (a) Uses which by their nature must be conducted outside a building;
  - (b) Outdoor seating provided in association with a restaurant or craft beverage production establishment.<sup>200</sup>
- (4) In the C-5, C-6, C-7, and C-8 Districts, unless otherwise stated in this Ordinance, any operations, storage, activity, or display of goods may be permitted as follows:
  - (a) The use must be only on the same lot with and accessory to an established permitted, special exception, or special permit use;
  - (b) The use is limited to 500 square feet of accessory outdoor storage and display in accordance with [*reference to relocated current Sect. 17-104*]; however, additional storage and display may be permitted if designated on an approved development plan or site plan;<sup>201</sup>
  - (c) Outdoor storage and loading areas must be screened from view from the first story of all abutting lots and rights-of-way;<sup>202</sup> and
  - (d) There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.<sup>203</sup>

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<sup>195</sup> This carries forward use standards that apply district-wide from Sections 4-105, 4-205, 4-305, 4-405, 4-605, 4-705, and 4-805. The curb cut standards for C-5 through C-8 are deleted because they are not currently used and are inconsistent with PFM and VDOT standards.

<sup>196</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>197</sup> Minimum required yards are renamed to setbacks. A definition for “setback” will be included in a future draft.

<sup>198</sup> Changes the current language: “no goods shall be displayed, offered for sale or stored.”

<sup>199</sup> Reference to canopies added to reflect current practice.

<sup>200</sup> This extends the provisions for outdoor seating to a craft beverage production establishment.

<sup>201</sup> Revised to reflect recent Zoning Ordinance amendments and to reference approval on a development plan. The standards specifying that storage is limited to certain types of items are not carried forward. The standard for a contractor’s office and shop is not carried forward.

<sup>202</sup> This carries forward paragraph 4 of Sect. 4-805, clarifies what screening is required, and extends the screening requirement from the C-8 District to the C-5 through C-8 Districts.

<sup>203</sup> This carries forward paragraph 5 of Sect. 4-805 and extends its applicability from the C-8 District to the C-5 through C-8 Districts.

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#### D. Standards for Uses in Industrial Districts<sup>204</sup>

- (1) The following are not allowed in the minimum setbacks:<sup>205</sup>
  - (a) Any outside storage, including the display of goods;<sup>206</sup>
  - (b) Processing or other industrial operations of any kind; and
  - (c) Services or activities that are associated with the use of the property, except that off-street parking spaces and vehicle fueling station pump islands and associated canopies are allowed.
- (2) In the I-2 District, all operations, activities, storage, and display of goods must be conducted within a completely enclosed building, except:
  - (a) Uses which, by their nature, must be conducted outside a building; and
  - (b) Outdoor seating provided in association with a restaurant or craft beverage production establishment.<sup>207</sup>
- (3) In the I-3 and I-4 Districts, unless otherwise stated, any operations, storage, activity, or display of goods may be permitted as follows:
  - (a) The use must be only on the same lot with and ancillary to an established permitted, special exception, or special permit use;
  - (b) The use is limited to 500 square feet of accessory outdoor storage and display in accordance with [*reference to relocated current Sect. 17-104*]; however, additional storage and display may be permitted if designated on an approved development plan or site plan;<sup>208</sup>
  - (c) Outdoor storage and loading areas must be screened from the view from the first story of all abutting lots and right of way;<sup>209</sup> and
  - (d) There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.<sup>210</sup>
- (4) In the I-5 District, outside storage may not be located within a minimum front setback or within a required transitional screening yard.

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#### E. Standards for Uses in Planned Districts

- (1) In the PRC District, all uses permitted under an approved development plan must be in substantial conformance with that approved development plan and the approved PRC plan as required by [*reference to relocated Sect. 16-202*].

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<sup>204</sup> This carries forward provisions in Sections I-105, I-205, I-305, I-405, I-505, and I-605.

<sup>205</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>206</sup> Changes the current language: “no goods shall be displayed, offered for sale or stored.”

<sup>207</sup> This carries forward provisions in Par. 2 of Sections. 5-205, 5-305, and 5-405. It extends the provision for outdoor seating to a craft beverage production establishment.

<sup>208</sup> Revised to reflect recent Zoning Ordinance amendments and to reference approval on a development plan. The standards specifying that storage is limited to certain types of items are not carried forward. The standard for a contractor’s office and shop is also not carried forward.

<sup>209</sup> The requirement for screening of outdoor storage and loading areas has been clarified.

<sup>210</sup> The standards for outdoor storage in the I-3 and I-4 Districts are revised to be consistent with those for the C-5 through C-8 District.

- (2) In any other P district, all uses permitted under a final development plan must be in substantial conformance with the approved final development plan as required by [reference to relocated Sect. 16-403].<sup>211</sup>
- (3) Additional standards that apply to groups or categories of uses in the establishment of a planned district are in [references to each district section].<sup>212</sup>

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## F. Standards for Special Exception and Special Permit Uses<sup>213</sup>

- (1) There are certain uses, like those regulated by special exception or special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. The Board or BZA, as applicable, may approve a special exception or special permit that complies with all applicable standards, that will be compatible with existing or planned development in the general area, and that, as conditioned, will be compatible with the neighborhood where it is proposed to be located. If it determines that the use is not in accordance with all applicable standards of this Ordinance, the Board or BZA, as applicable, must deny the special exception or special permit.<sup>214</sup>
- (2) In addition to all other applicable standards, all special exception or special permit uses must comply with the following general standards:
  - (a) The proposed use at the specified location must be in harmony with the adopted comprehensive plan.
  - (b) The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.
  - (c) The proposed use, including its design and operational characteristics,<sup>215</sup> must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations. The location, size and height of buildings, structures, walls, and fences, as well as the nature and extent of screening, buffering and landscaping cannot hinder or discourage the appropriate development and use, or impair the value of, adjacent or nearby land or buildings.
  - (d) Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
  - (e) Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.
  - (f) Signs are regulated by [reference to relocated current Article 12]; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.

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<sup>211</sup> Consolidates Par. 4 of Sections 6-106, 6-206, 6-305, 6-505, and Par. 11 of Sect. 6-406.

<sup>212</sup> This reference is to planned district standards in Article 2: Zoning Districts that cover larger types or categories of uses (e.g., principal and secondary uses in Par. 5 of Sect. 6-206 and “secondary uses of a commercial and office nature” in Par. 5 of Sect. 6-106). Standards that apply to specific uses (e.g., “kennels and veterinary hospitals” in Par. 9 of Sect. 6-106) are included in this Article.

<sup>213</sup> This combines the general standards in Sections 8-006 and 9-006.

<sup>214</sup> This carries forward Sect. 9-001.

<sup>215</sup> This part of the standard is derived from Sect. 9-505, which currently applies to certain commercial uses. It is made applicable here to the review of all SP and SE uses. Provisions on operational standards are stated here to avoid the need to restate them for each use to which they apply.

- (3) No use of a structure or land that is designated as a special exception or special permit use in any zoning district may be established, and no existing use may be changed to another use that is designated as a special exception or special permit use in the district, unless the applicable special exception or special permit has been approved by the Board or BZA and the use has been established in accordance with [*reference to relocated current Articles 8 and 9*].
- (4) A conforming use lawfully existing prior to the effective date of this Ordinance that requires a special exception or special permit under this Ordinance may not be replaced or enlarged except in accordance with [*reference to relocated current Sect. 15 101*].
- (5) If a current and valid special exception or special permit exists for a use that is on a lot that is zoned to more than one zoning district and if an amendment to this Ordinance allows the use as a permitted use only in one of those zoning districts, the special exception or special permit will remain in full force and effect for the entire property, unless the Board or BZA approves an amendment to the special exception or special permit to remove the land area from the area that is subject to the special exception or special permit.

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#### G. Standards for Associated Service Uses<sup>216</sup>

- (1) In addition to the standards for specific uses, all associated service uses must comply with the following:
  - (a) The associated service use must be located in the same building as the principal use.
  - (b) The combined gross floor area of all associated service uses must not exceed 10 percent of the gross floor area of the building. In addition, except for a child care center, each individual establishment may not exceed 2,500 square feet of gross floor area.
  - (c) The hours of operation must generally conform to the business hours of the principal use, but may not exceed 6:00 a.m. to 10:00 p.m.
- (2) In the C-1, C-2, C-3, C-4, I-2, I-3, I-4, I-5, and I-6 Districts, an associated service use must comply with the following additional standards:
  - (a) An associated service use may use the parking rate for the principal use.
  - (b) Any associated service use other than a personal service establishment must be part of an office or industrial building complex containing a minimum gross floor area of 30,000 square feet.

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<sup>216</sup> This carries forward provisions in Sections 10-202, 10-203, and Par. 22 of Sect. 11-102 that apply to accessory service uses, with modifications. Revisions include (1) deleting accessory service uses from the R-12 and R-16 Districts based on the density and that Non-RUPs have not been issued for such uses; (2) deleting the standard that the use be oriented to cater primarily to the residents or employees of the principal use with which they are associated; (3) deleting the current option for accessory service uses in a multifamily building in PDH, PDC, and PRC because the uses are allowed in those districts; (4) deleting options for the use to be in a freestanding building; (5) deleting limitations regarding which floor of a building the use may be located on; (6) revising the maximum percentage to be based on the building instead of the development to be consistent with the current parking standard and to reduce the percent from 15 to 10 percent; (7) adding a maximum size of 2,500 square feet, except for child care; (8) deleting accessory service uses in the I-I District and related standards; (9) deleting the minimum number of units in a multifamily building; (10) reducing the types of uses that may be approved as associated service uses; and (11) generalizing and expanding the standard for hours of operation.

- (c) An associated service use that is a personal service establishment must be part of an office building complex containing a minimum gross floor area of 30,000 square feet and may not be part of an industrial building complex.
- (3) In the R-20 and R-30 Districts, an associated service use must comply with the following additional standards:<sup>217</sup>
  - (a) The associated service use must primarily serve a multifamily building or complex.
  - (b) The use may not be located within an individual dwelling unit.
  - (c) Enrollment for a child care center is limited to persons who live or work in the building or complex where the child care center is located.

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## H. Standards for Alternative Use of Historic Buildings<sup>218</sup>

### Standards when permitted by special exception:

- (1) The Board may approve a special exception to allow a nonresidential use in a historic structure. For the purpose of this section, a historic structure is a structure identified on the Fairfax County Inventory of Historic Sites. The Board will consider whether the nature and scale of the proposed use is compatible with the structure, site, and surrounding properties.
- (2) Except in buildings historically used for commercial or industrial activities, the use may not include uses within the following use categories or classification:
  - (a) Animal-related uses;
  - (b) Vehicle-related uses; and
  - (c) Industrial uses, except for craft beverage production and small-scale production establishments.
- (3) All applications that include exterior modifications to the structure or site will be reviewed by the Architectural Review Board (ARB). The ARB will base its recommendation on whether the proposal is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties. The ARB recommendation will be provided to the Planning Commission and Board of Supervisors.
- (4) The structure may not be altered or used in a manner that results in removal from the Fairfax County Inventory of Historic Sites.
- (5) Goods or items offered for sale may not be displayed outdoors.
- (6) All off-street parking and loading spaces must be located outside of required minimum side and rear yards that abut a residential district, unless modified by the Board.
- (7) The existing structure is not required to comply with the minimum lot size requirements or bulk regulations for the zoning district. Any new structure or addition must conform to the applicable bulk regulations.
- (8) The Board may use the applicable use-specific standards as a guide when reviewing the proposal.

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<sup>217</sup> This carries forward provisions from Par. 8 of Sect. 10-203, except the maximum daily enrollment limitation of 99 children is not carried forward, the outdoor recreation area requirements are addressed in the standards for child care center, and the reference to state regulations is addressed in the general standards for all uses.

<sup>218</sup> New standards.

- (9) The Board may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with and not adversely impact any adjacent residential areas.

## 2. Agricultural and Related Uses

### Agricultural and Related Uses

#### A. Agricultural Operation<sup>219</sup>

- (1) The minimum lot area is 5 acres, unless otherwise stated for a use related to an agricultural operation.
- (2) The retail sale of agricultural products produced on site is permitted.
- (3) In the R-A District, the principal agricultural operation, together with any other principal agriculture and related uses, must occupy a minimum of 75 percent of the lot area. All accessory uses, including any detached dwelling or manufactured home, may occupy no more than 25 percent of the lot area.
- (4) Barns and other structures for the housing of animals are allowed, subject to the setbacks in Sect. 4102.7.K(6).

#### B. Agritourism, Other<sup>220</sup>

*[standards to be inserted]*

#### C. Farm Winery, Limited Brewery, or Limited Distillery <sup>221</sup>

**Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-C District:**

- (1) A farm winery, limited brewery, or limited distillery must be located on one of the following:
  - (a) A minimum of 20 acres of contiguous land under common ownership used for an agricultural operation; or
  - (b) A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a farm winery, limited brewery, or limited distillery before December 7, 2016, where such license is ultimately approved.
- (2) A farm winery, limited brewery, or limited distillery is only allowed subject to the following:
  - (a) A valid license for the use was issued from the Virginia Alcoholic Beverage Control Board prior to July 1, 2016. All structures, buildings, and uses were existing on July 1, 2016, and the use does not cease for a continuous period of two years or more. Any new or expanded structures, buildings, or uses require special exception approval in accordance with subsection (3) below; or

<sup>219</sup> This consolidates standards from Sections 3-A02, 3-C02, and the use limitations in multiple sections in Article 3 (e.g., Sect. 3-A05).

<sup>220</sup> This section will be completed after the pending amendment is finalized.

<sup>221</sup> This carries forward standards in the definitions in Article 20, and Sections 9-602 and 9-630 and portions of Sect. 3-C02. Submission requirements will be included in the article on procedures. Requirements addressed by general standards are not repeated.



conditions on the hosting of such events and activities, including conditions addressing the following:

1. The number of attendees;
  2. The type, number, location, and duration of allowable activities;
  3. The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
  4. The days and hours of such activities;
  5. The use of lighting or amplified sound systems; and
  6. The amount of parking available to accommodate the activity.
- (e) Sales and tastings as part of the regular course of business, which may include accessory musical accompaniment or entertainment, are not considered to be a public or private event or activity.

**Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-A, R-E, and R-1 Districts:**

- (5) A farm winery, limited brewery, or limited distillery must be located on one of the following:
- (a) A minimum of 20 acres of contiguous land used for an agricultural operation that is under common ownership; or
  - (b) A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a farm winery, limited brewery or limited distillery before December 7, 2016, where such license is ultimately approved.
- (6) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed, as follows:
- (a) At any one time, up to 200 guests are allowed, or, if the primary access is from a major thoroughfare, up to 300 guests are allowed, with no limit on the number or duration of events.
  - (b) The number of guests may exceed the limit established in subsection (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.
  - (c) Events or activities must not include any of the following:
    1. Helicopter rides;
    2. Fireworks displays;
    3. Antique/flea markets;
    4. Go-cart/all-terrain vehicle tracks;
    5. Mechanized amusement park rides;
    6. Hot air balloons;
    7. Lodging;
    8. Spa services;

9. The operation of a commercial restaurant<sup>224</sup> requiring approval by the Health Department; or
  10. Any other similar use determined by the Board to have a substantial impact on the health, safety, and welfare of the public.
- (d) The Board may approve a special exception for the hosting of public or private events or activities that exceed the maximum number of guests, or the number or duration of events or activities stated in subsections (6)(a) and (6)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:
1. The number of attendees;
  2. The type, number, location, and duration of allowable activities;
  3. The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
  4. The days and hours of such activities;
  5. The use of lighting or amplified sound systems; and
  6. The amount of parking available to accommodate the activity.
- (e) Sales and tastings as part of the regular course of business, or accessory musical accompaniment or entertainment are not considered to be a public or private event or activity.

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## D. Stable, Riding or Boarding

### Standards when permitted by special exception or special permit:<sup>225</sup>

- (1) When an application for a riding or boarding stable is not submitted in conjunction with an application for a rezoning or special exception, a special permit is required. When an application for a riding or boarding stable is submitted in conjunction with a rezoning or other action before the Board, the use may be approved as either a special exception in accordance with [reference to special exception procedure] or a special permit in accordance with [reference to special permit procedure], at the discretion of the applicant.
- (2) The minimum lot size is two acres for a riding or boarding stable where six, seven, or eight horses or ponies are kept, and five acres for a riding or boarding stable where nine or more horses or ponies are kept. This does not include any horses or ponies owned by the resident of the property.
- (3) Except for light poles and fences, all structures and riding rings associated with a riding or boarding stable must be located a minimum of 100 feet from all lot lines.
- (4) All off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining property in an R district.
- (5) The Board or BZA may modify or waive the setback requirements of subsection (3) or subsection (4) above as follows:

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<sup>224</sup> This topic is being considered as a part of a pending Zoning Ordinance Amendment for agritourism uses.

<sup>225</sup> These standards are carried forward from the definition in Article 20, and Sections 8-603, 8-609, and 8-611, except the standard requiring a Conservation Plan is a new standard. That standard is currently applied to limited riding and boarding stables.

- (a) For stable structures, riding rings, and associated parking and loading spaces established on the lot after September 29, 2010, the BZA may reduce the 100-foot setback required in subsection (3) above to not less than 40 feet, and may reduce the 50-foot setback required in subsection (4) above to not less than 20 feet.
- (b) For stable structures, riding rings, and associated parking and loading spaces existing on the lot prior to September 29, 2010, the BZA may modify or waive the 100-foot setback required in subsection (3) above and the 50-foot setback required in subsection (4) above.
- (c) The applicant must demonstrate that the setback(s) are not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:
  - 1. Specific operational characteristics of the riding or boarding stable, such as limits on the number of horses, students, and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; odor mitigation: and amount and type of outdoor activity.
  - 2. Conditions that adequately buffer adjacent properties from the riding or boarding stable, which may include but are not limited to topography, vegetation, location or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, or existence of roads or major utilities.
- (6) A riding or boarding stable may include a veterinary hospital if the hospital complies with the following requirements:
  - (a) All facilities must be within a completely enclosed building.
  - (b) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.
- (7) A Conservation Plan must be submitted for the property and approved by the Northern Virginia Soil and Water Conservation District. All activity on the property must conform to the approved Conservation Plan.

**Standards when permitted as an accessory use:**

- (8) A riding or boarding stable is allowed as an accessory use in accordance with Sect. 4102.7.L, Limited Riding or Boarding Stable.

### 3. Residential Uses

#### Household Living

##### A. Dwelling, Single Family Attached and Dwelling, Stacked Townhouse<sup>226</sup>

**Standards applicable to all single family attached dwellings and stacked townhouse dwellings:**

- (1) The maximum length of a contiguous building group is 250 feet, excluding any utility closet.

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<sup>226</sup> This carries forward standards in the definition for this use in Sect. 20-300 and applies them to the new stacked townhouse dwelling use, except the requirements to incorporate one-foot offsets in the façade plane and vary the architectural facades or treatment of materials have been deleted. Also, the maximum length of a building has

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## B. Dwelling, Single Family Detached

### Standards when permitted by right:

- (1) In the R-A District, a single family detached dwelling is allowed only in conjunction with an agricultural operation.<sup>227</sup>

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## C. Live-Work Development<sup>228</sup>

### Standards applicable to all live-work developments:

- (1) The following activities are prohibited:
  - (a) The conduct of any activity that is not a permitted use in the district or an approved special permit or special exception;
  - (b) Any office that involves medical or dental services, research and experimentation in a laboratory, or similar activities; and
  - (c) The installation of specialized equipment, fittings, or fixtures that are generally only required for the provision of a service or the conduct of an activity prohibited by subsections (a) and (b) above.

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## D. Manufactured Home

### Standards applicable to all manufactured homes:

- (1) A manufactured home that is to be used as a dwelling is allowed only:
  - (a) In a mobile home park in the R-MHP District in accordance with [*reference to R-MHP District standards*], provided that the manufactured home must be licensed in accordance with Chapter 32 of the Code and bear a certification label or have other verification consistent with the requirements of the U.S. Department of Housing and Urban Development that the manufactured home is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture;<sup>229</sup>
  - (b) In the R-A District in conjunction with an agricultural operation, provided that the manufactured home must be placed on a permanent foundation;<sup>230</sup>

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been extended from 240 to 250 to allow for the width of brick and bay windows; excluding exterior utility closets is new.

<sup>227</sup> This carries forward Par. 2 of Sect. 3-A02. The requirement that the agricultural use cover at least 75 percent of the total land area is carried forward in the standards for agricultural operations.

<sup>228</sup> These are new standards for a new use.

<sup>229</sup> This new standard renders nonconforming any manufactured home in the R-MHP District that does not comply with federal regulations. Such a manufactured home would be subject to the provisions in the zoning ordinance governing nonconformities.

<sup>230</sup> This carries forward Par. 2 of Sect. 3-A02 and Par. 3 of Sect. 3-A05, in accordance with State law, except the reference that the manufactured home comply with the requirements for a single family detached dwelling is deleted. The requirement that the agricultural use cover at least 75 percent of the total land area is carried forward in the standards for agricultural operations.

- (c) On railroad rights-of-way for the purpose of supplying temporary housing for personnel engaged in emergency repair work for a maximum period of 30 days, subject to the approval of the Zoning Administrator and the Health Department;<sup>231</sup> or
- (d) As a temporary dwelling in accordance with Sect. 4102.8.J, Temporary Dwelling or Manufactured Home.

## Group Living

### E. Congregate Living Facility<sup>232</sup>

#### Standards when permitted by special exception:

- (1) A congregate living facility that has the external form and character typical of a single family detached dwelling must comply with the minimum yard requirements for a single family detached dwelling in the zoning district in which it is located. Any other congregate living facility must be located a minimum 100 feet from all lot lines that abut the R-1, R-2, R-3, or R-4 Districts and 45 feet from all other lot lines, or as determined by the Board.

### F. Religious Group Living<sup>233</sup>

#### Standards when permitted by special permit:

- (1) In the commercial and industrial districts, religious group living must be located in conjunction with and within the same structure as a religious assembly use.

### G. Residence Hall<sup>234</sup>

#### Standards when permitted by special exception:

- (1) In the R-E, R-1, R-2, R-3, and R-4 Districts, the external form and character of the structure must be that of a single family detached dwelling.
- (2) In the commercial and industrial districts, a residence hall must be located in conjunction with a private school, a college or university, or a religious assembly use.
- (3) The Board may approve a special exception for a residence hall when it finds the proposed use, together with all other similar uses within the area, will not modify or disrupt the predominant character of the neighborhood.

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<sup>231</sup> This paragraph and the following paragraph carry forward Sect. 2-507, modified for readability. It deletes Par. C of Sect. 2-507 allowing a mobile home on a parcel of 100 acres or more as living quarters for a caretaker, watchman, or tenant farmer and his family in the R-A, R-C, R-E, or R-1 District. This provision is partially carried forward in Par. (1) above and is no longer needed in the other districts. Par. D of Sect. 2-507, which allows mobile homes as temporary dwellings for faculty, staff, and students as part of a church, private school of general or special education, child care center, or nursery school, is carried forward as a temporary use standard.

<sup>232</sup> This carries forward Sect. 9-307.

<sup>233</sup> New standard. Religious group living will be added to the combined use of “religious assembly with private school, specialized instruction center, or child care center,” where this standard will also be added.<sup>233</sup>

<sup>234</sup> This carries forward Sect. 9-312, except standard 2 has been added as a new requirement. Application submission requirements will be relocated, and the provision allowing the Board to impose conditions was deleted as unnecessary.

## 4. Public, Institutional, and Community Uses

### Community, Cultural, and Educational Facilities

#### A. Alternate Use of Public Facilities<sup>235</sup>

##### Standards when permitted by special exception:

The Board may approve a special exception to allow alternate use of County public facilities in accordance with the following standards:

- (1) In approving the special exception, the Board will use any standards set out for the proposed use in this article as a guide for conditions of approval.
- (2) If located within an existing structure, the use is not required to comply with the minimum lot size requirements or bulk regulations for the zoning district where the public facility is located.
- (3) If located within a residential district, the use must not adversely impact the adjoining residential community in terms of traffic, vehicular access, parking, lighting, signs, outside storage, length and intensity of outside activity, and general visual or noise impact.

#### B. Child Care Center<sup>236</sup>

##### Standards applicable to all child care centers:

- (1) The outdoor recreation area required under Chapter 30 of The Code must:<sup>237</sup>
  - (a) Provide at least 100 square feet of usable outdoor recreation area for each child that may use the space at any one time;
  - (b) Be designed or usable for active outdoor recreation purposes;
  - (c) Occupy less than 80 percent of the combined total areas of the required rear and side yards;
  - (d) Be located outside the minimum front setback, unless specifically approved by the Board in accordance with [*reference to special exception procedure*] in commercial and industrial districts only; and
  - (e) Not include areas covered by buildings or off-street parking.
- (2) The child care center must be designed and located to allow the safe and convenient pick-up and drop-off of persons on the site.<sup>238</sup>

<sup>235</sup> This carries forward standards in Sect. 9-311, with the following changes: (1) the requirement of availability of excess space is not carried forward, (2) the limitation to uses allowed by special permit or special exception in the zoning district where the facility is located is carried forward in the use definition and not in these standards, (3) the reference to off-street parking is addressed in the general standards for uses, and (4) limitations on signs are not carried forward here but will be addressed in Article 7: Signs.

<sup>236</sup> This carries forward Sect. 9-309, 8-308, 9-314, 10-203, and standards in the industrial districts in Article 5. Changes are noted in the footnotes below.

<sup>237</sup> This consolidates and reconciles inconsistencies in provisions from Sect. 9 309 and Par. 8.C of Sect. 10-203, and clarifies that the standards apply in all districts.

<sup>238</sup> This modifies the current standard to provide more specificity, and it extends its applicability to the industrial districts.

**Standards when permitted by right:**

- (3)** In industrial districts, a child care center is permitted by right if it complies with the following standards:<sup>239</sup>
- (a)** The center must be located in an office or industrial park that is planned, designed, constructed, and managed on an integrated and coordinated basis; and
  - (b)** Vehicular access to the child care center must be provided via the internal circulation system of the office or industrial park where it is located and not from a collector or arterial street that borders the park.

**Standards when permitted by special exception:**

- (4)** The child care center must 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 center.<sup>240</sup>

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**C. Club, Service Organization, or Community Center<sup>241</sup>****Standards when permitted by special exception:**

- (1)** In reviewing an application, the Board will take into consideration factors such as safety, noise, and hours of operation and may impose conditions to ensure that the use will be compatible with and not adversely impact adjacent properties.
- (2)** In residential districts, accessory rental of the facility to individuals or groups outside of the membership of the corporation, fraternal organization, association, or group for events, such as concerts, shows, wedding receptions, parties, or other similar activities is not allowed unless specifically approved by the Board. In approving such accessory rental, the Board may impose conditions in accordance with subsection (1) above, including limitations on the number, size, days, and hours of such events.<sup>242</sup>

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<sup>239</sup> This carries forward multiple provisions in Article 5 (e.g., Sect. 5-105) and Sect. 10-202.2. References to state law and other County ordinances are not included here, but are addressed in the general standards for all uses. Prohibition on access from an arterial or collector street has been added for clarity.

<sup>240</sup> The guidelines in Sect. 9-309 that identify street types based on the number of persons are not carried forward here, but may be maintained in a procedures manual or similar document for reference. We have removed this chart, as we typically use locational guidance in the Comprehensive Plan rather than this chart during analysis. Application requirements regarding trip generation and distribution are not included here but will be addressed in Article 8: Administration and Procedures. This standard no longer applies to child care centers in the C-5 through C-8 Districts, as those no longer require special exception approval.

<sup>241</sup> This is a new standard that allows the Board to consider and condition accessory non-member events in residential districts. The use is not permitted to host these types of events if they are not expressly approved by the Board.

<sup>242</sup> This is a new standard that allows the Board to consider and condition accessory non-member events in residential districts. The use is not permitted to host these types of events unless they are expressly approved by the Board.

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## D. College or University

### Standards when permitted by right:

- (1) In the C-1, C-2, and C-3 Districts, a college or university:<sup>243</sup>
  - (a) Must be located within an enclosed building or buildings; and
  - (b) May not include residential, athletic, or large-scale assembly-type facilities, unless permitted in accordance with [*reference special exception procedure*].

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## E. Community Swim, Tennis, and Recreation Club<sup>244</sup>

### Standards when permitted by special permit:

- (1) This use must have a membership limited to residents of a designated area and their guests and must be under the control and direction of a board of managers composed, at least in part, of residents of the area. Additionally, the owner of the facility must be a nonprofit organization.
- (2) A sports illumination plan must be submitted for outdoor facilities when required by [*reference to relocated Part 9 of Article 14*].

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## F. Convention or Conference Center

### Standards when permitted by right:

- (1) In the PDC District, the minimum gross floor area of a convention or conference center is 100,000 square feet.<sup>245</sup>

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## G. Religious Assembly

### Standards when permitted by right:

- (1) In commercial and industrial districts, any parsonage or rectory must be located in conjunction with, on the same lot, and within the same structure as a religious assembly use.<sup>246</sup>

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## H. Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center

### Standards when permitted by right:

- (1) In industrial districts, a religious assembly with private school, specialized instruction center, or child care center is permitted by right if it complies with the following standards:
  - (a) The facility must be located in an office or industrial park that is planned, designed, constructed, and managed on an integrated and coordinated basis; and

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<sup>243</sup> These are new standards to ensure that a college or university located in the C-1, C-2, and C-3 Districts is compatible with other uses in the district. Special Exception approval requirement for athletic and large-scale assembly facilities has been added.

<sup>244</sup> This carries forward standards in Sect. 8-403. Language is modified to refer to “residents of a residential development” rather than the residents of the area to be served by the facility

<sup>245</sup> This carries forward the minimum gross floor area requirement in Sect. 6-202.

<sup>246</sup> This standard is new.

- (b) Vehicular access to the facility must be provided via the internal circulation system of the office or industrial park where it is located, and not from a collector or arterial street that borders the park.
- (2) In the I-2 through I-5 Districts, a specialized instruction center in conjunction with a religious assembly use is permitted by right.
- (3) In the commercial and industrial districts, any parsonage or rectory must be located in conjunction with, on the same lot, and within the same structure as a religious assembly use.<sup>247</sup>

**Standards when permitted by special exception or special permit:**

- (4) Except when all uses are permitted by right, a private school, specialized instruction center, or child care center may be approved in conjunction with a religious assembly use in accordance with either [*reference to special permit procedure*] or [*reference to special exception procedure*], at the discretion of the applicant, provided that the private school or child care center complies with the applicable standards located in Sections 4102.4.B and 4102.4.I.<sup>248</sup>

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## I. School, Private<sup>249</sup>

**Standards when permitted by right:**

- (1) In industrial districts, a private school is permitted by right only if it complies with the following standards:<sup>250</sup>
  - (a) The facility must be located in an office or industrial park that is planned, designed, constructed, and managed on an integrated and coordinated basis; and
  - (b) Vehicular access to the facility must be provided via the internal circulation system of the office or industrial park where it is located, and not from a collector or arterial street that borders the park.

**Standards when permitted by special exception:**

- (2) If a private school provides an outdoor recreation area, it must:
  - (a) Be developable, designed, and usable for active outdoor recreation purposes;
  - (b) Occupy less than 80 percent of the combined total areas of the required rear and side yards;
  - (c) Be located outside the minimum front setback, unless specifically approved by the Board in commercial and industrial districts only; and

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<sup>247</sup> This standard is new.

<sup>248</sup> This carries forward current County practices based on the use being both a special exception and special permit use.

<sup>249</sup> This carries forward provisions in Sect. 9-310 and multiple sections in Article 5 (e.g., Sect. 5-105). It does not carry forward the minimum lot area requirement based on a determination made by the Board because it is too general. It also does not carry forward the specific square footage requirements for outdoor recreation areas since there is no requirement in the licensing standards for private schools..

<sup>250</sup> This carries forward multiple provisions in Article 5 (e.g., Sect. 5-105). References to state law and other County ordinances are not included here, but are addressed in the general use regulations.

- (d) Not include any area covered by a building or required for off-street parking in accordance with [reference to parking standards].

## Funeral and Mortuary Services

### J. Cemetery<sup>251</sup>

#### Standards when permitted by right:

- (1) In the PCC District, the use is limited to a columbarium or mausoleum for human or animal interment.

#### Standards when permitted by special permit:

- (2) Any columbarium or mausoleum must be located a minimum of 50 feet from any lot line.
- (3) A funeral home is allowed as an accessory use only if the cemetery has a minimum area of 75 acres.

### K. Crematory<sup>252</sup>

#### Standards when permitted by special permit:

- (1) A crematory must be located a minimum of 250 feet from any lot line.

### L. Funeral Home<sup>253</sup>

#### Standards when permitted by right or by special permit:

- (1) A funeral home may not include facilities for cremation.
- (2) In residential districts, in the C-5, I-2, I-3, and PTC Districts, and in Village Centers in the PRC District, a funeral home may not contain facilities for the following:
- (a) Embalming;
  - (b) Performance of autopsies or other surgical procedures;
  - (c) Storage of funeral caskets and funeral urns, except those on display on the premises; or
  - (d) Storage of funeral vehicles, other than in a garage or other accessory building that has no direct public street frontage and that is used only for the storage of vehicles.
- (3) In residential districts, a funeral home must comply with the following additional standards:<sup>254</sup>
- (a) A funeral home must front on and have direct access to an existing or planned collector or arterial street as defined in the adopted comprehensive plan. For the purposes of funeral processions, adequate on-site stacking spaces must be provided.

<sup>251</sup> This is carried forward from Sect. 8-204. Standards for this use in Sect.8-203 are included in the general use standards (e.g., compliance with state law) or deleted (minimum 50-foot setback from street line for interment site).

<sup>252</sup> This is carried forward from Sect. 8-204. The provision in that section pertaining to federal, state and local emission control standards is addressed in the general use standards.

<sup>253</sup> This translates into use standards the current definitions and use permissions for “funeral home” and “funeral chapel.”

<sup>254</sup> These standards are carried forward from Sect. 9-510. Language regarding stacking for funeral processions has been simplified.

- (b) Buildings must be located at least 45 feet from all street lines and at least 40 feet from any lot line which abuts the R-A, R-C, R-E, R-1, R-2, R-3, or R-4 Districts.
- (c) The minimum lot size is the minimum required for a single family detached dwelling in the district, or 20,000 square feet, whichever is greater.
- (d) The external appearance of the funeral home and any accessory building must be residential in character.

## Health Care

### M. Adult Day Care Center<sup>255</sup>

#### Standards when permitted by special exception:

- (1) The adult day care center must 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 center.<sup>256</sup>
- (2) The use must be located to readily and safely facilitate the drop-off and pick-up of all persons attending the adult day care center, to include step-free access.
- (3) A safe, appropriately sized, and conveniently located outdoor area for use by persons receiving adult day care services must be provided.
- (4) All applications for an adult day care center will be referred to the Health Care Advisory Board for its review in accordance with Sect. 4102.4.P, Medical Care Facility. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.
- (5) All services and facilities provided must be designed, located, and of a scale to support those persons receiving adult day care services.
- (6) No adult day care center may operate until a license has been granted by the appropriate agency of the State of Virginia.
- (7) In the I-4, I-5, and I-6 Districts, an adult day care center must be located in an office building complex, and all vehicular access must be provided by way of the internal circulation system of the complex. The use must be located within an office structure on the property and not as a freestanding building.

### N. Continuing Care Facility<sup>257</sup>

#### Standards when permitted by right:

- (1) The development of a continuing care facility and any secondary uses at the specified location must be in substantial conformance with the guidelines of the comprehensive plan for the application property and those properties surrounding the application site. The

<sup>255</sup> This carries forward Sect. 9-315.

<sup>256</sup> The guidelines in Sect. 9-315 that identify street types based on the number of persons are not carried forward here because locational guidance in the Comprehensive Plan is typically referenced instead during staff review. The table in Sect. 9-315 may be maintained in a procedures manual or similar document for reference. Application requirements regarding trip generation and distribution are not included here but will be addressed in Article 8: Administration and Procedures.

<sup>257</sup> This carries forward standards for continuing care facilities in Sections 6-206, 6-305, 6-406, 6-505, and 6-606.

- design of the facility, including the location, size, and height of buildings, and the nature and extent of screening, buffering, and landscaping should be compatible with the surrounding neighborhood.
- (2) Development of a continuing care facility must satisfy the comprehensive plan guidelines for affordable accommodations associated with the continuing care facility use.
  - (3) All applications for a continuing care facility will be referred to the Health Care Advisory Board for its review in accordance with the standards in 4102.4.P, Medical Care Facility. The Health Care Advisory Board may submit a recommendation to the Planning Commission and Board of Supervisors at the public hearings.
  - (4) In the PCC District, a continuing care facility must conform to the following additional standards:
    - (a) The facility must be located on a major thoroughfare or collector street and where adequate water and sewer service can be provided.
    - (b) Any kennel or veterinary hospital within a continuing care facility must be located within a completely enclosed building. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.
    - (c) A drive-through pharmacy is permitted in association with a continuing care facility if it complies with the standards for a drive-through pharmacy when permitted by special exception in Sect. 4102.5.DD, Drive-through Pharmacy.

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## O. Independent Living Facility<sup>258</sup>

### Standards when permitted by special exception:

- (1) Housing and general care may be provided only for persons who qualify for the age-related exemptions of the Federal Fair Housing Amendments Act of 1988 (FFHA) or for persons with disabilities (“the residents”).
- (2) The following standards apply to live-in aides:
  - (a) For the purposes of this Section, a live-in aide is any person who meets the definition set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Title 24, of the Code of Federal Regulations, Section 5.403 and 982.316, and is further subject to any applicable notices issued by HUD.
  - (b) A live-in aide may occupy any dwelling unit within the facility.
  - (c) Live-in aides are not subject to the income limitations or the age and disability occupancy requirements set forth in this section. For the purposes of this section, the “annual household income” does not include the income of any live-in aide when determining the eligibility of the qualified resident.
- (3) The owner or manager of the facility is responsible for ensuring compliance with this occupancy criterion and is responsible for reporting such information as required by the FFHA.
- (4) The following standards apply to resident care providers:

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<sup>258</sup> This carries forward Sect. 9-306, except the transitional screening requirement is not included here but will be addressed in the landscaping standards.

- (a) A resident care provider is any person who lives in a separate dwelling unit within the independent living facility, and who provides services that are determined to be essential to the care and well-being of one or more residents living within the same facility.
- (b) Resident care providers may be provided in independent living facilities located in single family attached units or multiple family dwelling unit buildings, limited to not more than 25 percent of the total number of dwelling units within the facility. Such resident care providers are not required to meet the income limitations or age and disability occupancy requirements set forth in this Section; however, rental occupancy is limited to a maximum six-month term, subject to renewal for additional six-month maximum terms upon confirmation that the care provider continues to provide services to the primary resident(s) of the development. At such time that it is determined that an individual is no longer providing care services to a resident, the care provider must vacate the rental unit at the end of the lease term.
- (5) Upon specific request by the Zoning Administrator, the owner or manager of the facility must provide a copy of the documents used to verify the occupancy qualifications of residents, live-in aides, or resident care providers.
- (6) Independent living facilities must provide on-site staff and services that adequately and satisfactorily take into account the needs of the residents. This could include transportation, shopping, health, recreational, and other supportive services. The development must also provide specific facility maintenance and operating programs to ensure that the facility meets the needs of the residents and is compatible with the neighborhood. The Board may impose reasonable conditions upon any exception granted as may be necessary or expedient to insure the adequacy and ongoing provision and maintenance of such facilities and services.
- (7) To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units must be shown on the plat submitted with the application.
- (8) The use must front on, and have direct access to, a collector or arterial street.
- (9) The density of the use must comply with the following standards:
  - (a) The density of the use is based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements in the table below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range is determined in accordance with [reference to relocated Sect. 2-804].

Comprehensive Plan Residential Density	Maximum Number of Units Per Acre [1]	Required Open Space
0.2 unit per acre	Not to exceed 5 times units per acre	75%
0.5 unit per acre	Not to exceed 4 times units per acre	70%
1 unit per acre	Not to exceed 4 times units per acre	65%
2 units per acre	Not to exceed 4 times units per acre	60%
3 units per acre	Not to exceed 4 times units per acre	55%
4 units per acre	Not to exceed 4 times units per acre	50%
5 units per acre	Not to exceed 4 times units per acre	35%
8 units per acre	Not to exceed 4 times units per acre	25%
12+ units per acre	Not to exceed 4 times units per acre	35%
PRC District	In accordance with an approved Development Plan	

Comprehensive Plan Residential Density	Maximum Number of Units Per Acre [1]	Required Open Space
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NOTES:

[1] Excluding nursing facilities and assisted living facilities.

- (b) For developments providing 100 percent of the dwelling units as ADUs, the density determined by the table above may be increased by an additional 20 percent.
- (c) If 100 percent of the dwelling units are provided for the residents whose annual household income does not exceed 50 percent of the Area Median Income for the Washington Standard Metropolitan Statistical Area as specified annually by the U.S. Department of Housing and Urban Development as adjusted for family size (the AMI) for not less than 70 percent of the units and 30 percent of the AMI for not more than 30 percent of the units, the density will be determined by the table above and may be increased by an additional 25 percent, as calculated using the high end of the residential density range set forth in the adopted comprehensive plan. Any such development may be administered under the provisions of [reference to relocated Part 8 of Article 2] or under the provisions of any other affordable housing program deemed equivalent by the Zoning Administrator pursuant to [reference to relocated Sect. 2-816].

*Example:*

A proposed independent living facility located where the comprehensive plan density recommendation is 5 dwelling units per acre would have a maximum number of dwelling units per acre of 20 (5 X 4) and required open space of 35% under the table above. If the site of the proposed facility is one acre, the maximum number of dwelling units would be 20. However, 25 dwelling units would be allowed if at least 18 of the units are provided for residents whose annual household income does not exceed 50 percent of the AMI and the remaining units are provided for the residents whose annual household income does not exceed 30 percent of the AMI.

- (10) Regardless of building construction type, all independent living facilities, whether approved through a rezoning or as a special exception, must provide affordable dwelling units when the multiplier set forth above is used or when the parking rate specified in [reference to relocated Article 11] for independent living facilities is used. A minimum of 15 percent of the total number of dwelling units must be Affordable Dwelling Units (ADUs), administered in accordance with the provisions of [reference to relocated Part 8 of Article 2].
- (11) As an accessory component, independent living facilities may include assisted living facilities and skilled nursing facilities designed primarily for the residents of the independent living facility. As an accessory use, the number of units or beds attributable to an assisted living or nursing facility component is limited to a maximum of 15 percent of the number of units in the independent living facility. These accessory components are not subject to review by the Health Care Advisory Board. The 15 percent limitation on accessory components does not apply to proffered rezonings and approved special exception applications or amendments thereto that were originally approved before December 5, 2018 for a percentage of accessory components of greater than 15 percent.

- (12) All facilities of the development are to be solely for the use of the residents, employees, and invited guests, but not for the general public.
- (13) In residential districts, the maximum building height is 50 feet, except that the maximum building height is 35 feet when the structure is designed to look like a single family detached dwelling and utilizes the applicable residential district minimum yard requirements set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts, the maximum building height is as set forth in the district in which they are located.
- (14) For independent living units that are located in a structure designed to look like a single family detached dwelling unit and located in the R-E, R-1, R-2, R-3, R-4, R-5, or R-8 Districts, the Board may permit compliance with the applicable single family detached minimum yard requirements of the zoning district in which located. For independent living facilities located in any other structure or district, the minimum front, side, and rear yard requirements must be as follows:
  - (a) 50 feet where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to eight dwelling units per acre.
  - (b) 30 feet 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 eight dwelling units per acre or any commercial or industrial use classifications.
- (15) In any event, the Board may modify yard requirements in subsection (14) above to ensure compatibility with the surrounding neighborhood.
- (16) For independent living facilities that rent dwelling units to low income residents (“tenants”) in which not less than 70 percent of the dwelling units are to be provided for those residents whose annual household income does not exceed 50 percent of the AMI and not more than 30 percent of the dwelling units are provided for tenants whose annual income does not exceed 70 percent of the AMI, the following additional standards also apply:
  - (a) All occupancy is to be on a rental basis only. Maximum rental prices will be established in accordance with the following formula, based on the appropriate AMI. The base figure is adjusted by the following factors for different dwelling unit sizes based on bedroom count:

Number of Bedrooms	Adjustment Factor
0 bedrooms (efficiency/studio)	70%
1 bedroom	85%
2 or more bedrooms	100%

- (b) The result of this calculation for each size dwelling unit is divided by 12, then multiplied by 25 percent and rounded to the nearest whole number to establish the maximum rent for the unit, which may or may not include utilities, at the developer’s option. Resident care provider units are not subject to this calculation.
- (c) The owner or manager is responsible for monitoring the income level of tenants at the time of initiation and renewal of any lease term and is responsible for any reporting of such information in accordance with the requirements of the FFHA, and must establish that any live-in aide or resident care provider continues to meet the applicable requirements of this Section. The owner or manager is also responsible for completing all verification of occupancy requirements set forth in 42 U.S.C. § 3607(b) and 24 C.F.R. §

100.307 annually. The results of all such monitoring and occupancy verification must be provided to the Zoning Administrator, or designee, on an annual basis to assure on-going compliance with the tenancy and income limits. Such report must include the dwelling unit number and address, date of lease renewal, term of lease renewal, and tenant's income. Should a tenant become over-qualified with regard to income at any time during a lease term, the tenant must vacate the unit at the end of the lease term in effect at the time of such over-qualification or within nine months of such over-qualification, whichever time period is longer.

- (d) Prior to the issuance of the first Residential Use Permit for any unit in the independent living facility, the owner must record a covenant, on a form provided and approved by the Fairfax County Department of Housing and Community Development, to address at a minimum the income limitations; rental price restrictions; the perpetuity of such controls; and any other relevant limits that are imposed by the Board.
- (e) Such independent living facilities for low income tenants are not subject to [*reference to relocated Part 8 of Article 2 of the Zoning Ordinance*], the ADU Program, nor are they subject to the Board's policy for Workforce Dwelling Units.

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## P. Medical Care Facility<sup>259</sup>

### Standards when permitted by special exception:

- (1) All applications for medical care facilities must be filed at the same time as the application for a State Medical Facilities Certificate of Public Need. The application for the special exception will be referred to the Health Care Advisory Board for a recommendation and report, which will be furnished to the Planning Commission and Board of Supervisors. In its development of a recommendation and report, the Health Care Advisory Board will, 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; however, neither the Advisory Board nor the Board of Supervisors is bound by any such information or comment.
- (2) The Advisory Board and the Board of Supervisors must specifically consider whether:
  - (a) There is a demonstrated need for the proposed facility in the location, at the time, and in the configuration proposed. Such consideration will take into account other existing or approved facilities or services, and the present and projected availability of specialized treatment equipment.
  - (b) Any proposed specialized treatment or care facility 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 will take into account the experience of the applicant, the financial

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<sup>259</sup> This carries forward Par. 3 of Sect. 9-303 and Sect. 9-308, except the standard that states that the Health Care Advisory Board may hold hearings and request deferral has been deleted, as it is unnecessary to state. In addition, the standard requiring access for service vehicles at the side or rear entrances has been deleted.

resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.

- (3) A freestanding nursing facility must front on and have direct access to an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
- (4) No building may be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts the R-A, R-C, R-E, R-1, R-2, R-3, or R-4 Districts.
- (5) In the R-E, R-1, R-2, R-3, R-4, and R-5 Districts, the minimum lot size is five acres.
- (6) For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary to better serve the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs are subject to the maximum area and height limitations for hospital signs set forth in [reference to relocated Article 12]. All requests must show the location, size, height and number of all existing and proposed signs.

## Transportation

### Q. Transportation Uses<sup>260</sup>

#### Standards when permitted by special exception:

All uses in the Transportation category must comply with the following standards:

- (1) Except in the I-6 District, all maintenance, repair, and mechanical work, except that of an emergency nature, must be performed in an enclosed building; and
- (2) All facilities must be located and designed so that their operation will not unreasonably impact adjacent residential areas, particularly with respect to noise levels.

### R. Airport<sup>261</sup>

#### Standards when permitted by special exception:

- (1) Any area used by an aircraft under its own power must meet the following requirements:
  - (a) Be located at least 200 feet from any lot line;
  - (b) Be provided with an all-weather, dustless surface; and
  - (c) Be surrounded by a chain link fence. This fence must have a minimum height of six feet and must have one or more gates to effectively control access to the area.
- (2) In the C-7, I-I, PDH, PDC, PRC, PRM, and PTC Districts, this use is limited to heliports.<sup>262</sup>

<sup>260</sup> This carries forward Sect. 9-404. General use standards require uses to comply with the dimensional standards of the district in which they are located unless otherwise stated in the regulations.

<sup>261</sup> This carries forward provisions from Sect. 9-404 that pertain specifically to airports.

<sup>262</sup> This carries forward the limitation to a heliport in the PRC-Town Center development area, and changes the PRC-Residential development area from allowing both airports and heliports to allowing only heliports.

## S. Transit Facilities<sup>263</sup>

### Standards when permitted by right:

- (1) Transit facilities are permitted only in accordance with [*reference to special exception procedure*], except the following facilities are permitted by right:
  - (a) Regional rail transit facilities in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road, or an interstate highway are permitted in any zoning district, despite the permissions shown in Tables 4101.3 and 4101.4;
  - (b) In the I-6 District, terminals (bus or railroad) and storage, maintenance, and inspection yards;<sup>264</sup>
  - (c) In the PDH, PRC, PDC, PRM, and PTC Districts, all transit facilities, except terminals and storage, maintenance, and inspection yards; and
  - (d) In the PCC District, bus stations.

### Standards when permitted by special exception:

- (2) Bus and railroad stations, except regional rail transit facilities, are allowed only in the R-E, R-1, C-6, C-7, C-8, I-2, I-3, I-4, I-5, and I-6 Districts, in accordance with [*reference to special exception procedure*].
- (3) Regional rail transit facilities operated by WMATA must be established in accordance with the agreement between WMATA and the County. Regional rail transit facilities operated by WMATA are not subject to [*reference to Article 17, Site Plans*].
- (4) Regional rail transit facilities are not required to comply with the minimum lot size requirements of the district in which they are located; however, any associated parking structures must comply with the bulk regulations of the zoning district where they are located.

### Standards for support facilities:

- (5) Support rail transit facilities include: (a) tracks, bridges, retaining walls, piers, and related infrastructure to support the tracks; (b) traction power substations; (c) tie-breaker stations; (d) train control rooms and communication rooms; (e) stormwater management facilities; (f) access easements; (g) temporary staging/construction yards related to the construction of rail transit facilities; and (h) other similar improvements that support the functioning and operation of rail transit facilities. If any such support facility is located within 200 feet of a rail transit facility, as measured from the perimeter of the regional rail transit facility to the perimeter of the support facility structure or paved area, or to the toe of slope for a stormwater management facility or an above-ground impoundment structure, the support facility requires special exception approval as part of the rail transit facility, in accordance with [*reference to special exception procedure*]. A support rail transit facility not so located is

<sup>263</sup> Building on transit facilities regulations in Sections 2-516, 2-517, 9-404, and 9-405, this consolidates standards for all transit facilities. This use includes all transit facilities, including “electrically powered regional rail transit facilities,” “accessory electrically powered regional rail transit facilities,” and “regional non-rail transit facilities.”

<sup>264</sup> This allows WMATA facilities by right in the I-6 District and as SE uses in other districts, and allows non-WMATA facilities by SE in other districts.

permitted by right on any lot in any zoning district if the support use conforms to the following standards:

- (a) Support rail transit facilities are subject to the requirements of Virginia Code § 15.2-2232.
- (b) A support rail transit facility is not required to comply with the lot size requirements, bulk regulations, open space requirements of the district in which they are located, or the transitional screening provisions of [reference to new location for Article 13]; however, the facility must be designed to minimize adverse impacts on adjacent properties to the greatest extent practical through site design and the use of landscaping, screening, and architectural techniques.
- (c) Any building containing mechanical or electrical equipment associated with a support regional rail transit facility must be fully enclosed and must have similar architectural treatment on all sides.
- (d) A freestanding traction power substation must not exceed 8,300 square feet of gross floor area or a maximum height of 30 feet. A freestanding tie breaker station must not exceed 850 square feet of gross floor area or a maximum height of 20 feet. A freestanding communication room must not exceed 350 square feet of gross floor area or a maximum height of 20 feet. A freestanding train control room must not exceed 700 square feet of gross floor area or a maximum height of 20 feet. The cumulative gross floor area of all equipment structures on a lot must not exceed 9,350 square feet. If such equipment facilities are co-located in a structure containing a traction power substation, the maximum height of the structure must not exceed 30 feet. If such facilities are co-located in a structure that does not contain a traction power substation, the maximum height of the structure must not exceed 20 feet. Support rail transit facilities located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway, and Dulles Toll Road or an interstate highway are not subject to this subsection.
- (e) No outside storage is permitted in association with any mechanical or electrical equipment structure. However, this provision does not preclude the use of temporary generators for emergency purposes, or other equipment that by its nature requires an outside location.
- (f) Except for support rail transit facilities operated by WMATA, support rail transit facilities must be established, and may be modified, or altered, in accordance with [reference to new location for Article 17], Site Plans. Support rail transit facilities operated by WMATA must be established in accordance with the agreement between WMATA and the County.

## Utility

### T. Solar Power Facility<sup>265</sup>

#### Standards when permitted by special exception:

- (1) All solar panels, supporting structures, and equipment must comply with the minimum setback and maximum height standards of the district where they are located.

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<sup>265</sup> These are new standards for a new use and are still under discussion.

- (2) The application must include a decommissioning plan that describes the timeline and manner in which the facility will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

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## U. Utility Facility, Heavy<sup>266</sup>

### Standards when permitted by right:

- (1) In the I-5 District, only supply yards for any public utility and incidental local office space and maintenance facilities are allowed by right.

### Standards when permitted by special exception:

- (2) The use may be permitted by special exception only upon a finding by the Board that the facility is necessary where proposed to provide efficient utility service to consumers.<sup>267</sup>
- (3) In the R-C, PRC, and I-I Districts, only regional sewage treatment and disposal facilities are allowed.
- (4) In the R-E, R-1, and R-2 Districts, only electrical generating plants and facilities, and water purification facilities are allowed.
- (5) In all districts except the I-5 and I-6 Districts, the following are prohibited:
  - (a) Supply yards;
  - (b) Storage of materials or equipment;
  - (c) Repair or servicing of vehicles or equipment; and
  - (d) Parking of vehicles except those needed by employees connected with the operation of the immediate facility.

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## V. Utility Facility, Light<sup>268</sup>

### Standards applicable to all Light Utility Facilities:

- (1) If located in a street right-of-way or in an easement less than 25 feet in width, the following light facility utility uses and structures are exempt from the Ordinance regulations:
  - (a) Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of 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, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or aboveground.
  - (b) This exemption does not include any substation located on or above the surface of the ground or any distribution facility.

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<sup>266</sup> The standards carry forward provisions in Sections 9-202 and 9-204 (other provisions from these sections are carried forward in the general use standards), except supply yards have been changed from SE to permitted by right in the I-5 District.

<sup>267</sup> The reference to consumers “within the immediate area of the location” has been deleted because it is vague and undefined.

<sup>268</sup> This carries forward provisions in Sections 2-104 and 9-104 (other provisions from this section are carried forward in the general use standards). Certain standards will be updated based on the recently adopted Wireless Facilities amendment.

- (2) Light utility facility uses are not required to comply with the lot size requirements or the bulk regulations for the zoning district where they are located.
- (3) Except in the I-5 or I-6 District, the following are prohibited:
  - (a) Storage of materials or equipment;
  - (b) Repair or servicing of vehicles or equipment; and
  - (c) Parking of vehicles except those needed by employees connected with the operation of the immediate facility.

**Standards when permitted by right:**

- (4) In all commercial districts and in the I-2 District, only telecommunication facilities, including central offices and repeat stations, are allowed by right.

**Standards when permitted by special exception:**

- (5) If the proposed location is in a residential district, the use may be permitted only upon a finding by the Board that there is no alternative site in a commercial or industrial district that can provide satisfactory service within the following distances:
  - (a) One mile of the proposed location for a proposed electric transformer substation or telecommunications central office; and
  - (b) 500 feet of the proposed location for any other facility.
- (6) In the R-A District, only telecommunication facilities, including central offices and repeat stations, utility transmission facilities, and water storage, control, and pumping facilities, may be approved.
- (7) In the I-I District, only sewerage pumping facilities may be approved.

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**W. Wireless Facility<sup>269</sup>**

*[standards to be inserted]*

## 5. Commercial Uses

### Animal-related Services

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**A. Animal Shelter or Kennel <sup>270</sup>**

**Standards applicable to all animal shelters or kennels:**

- (1) The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

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<sup>269</sup> This is a placeholder for a recently adopted Zoning Ordinance amendment on Wireless Facilities. All associated standards will be integrated. For reference, the adopted amendment text is located here: <https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/adopted%20amendments/zo19480.pdf>.

<sup>270</sup> This carries forward standards in Sect. 9-530, as well as limitations on outdoor facilities located in multiple sections in the current regulations. Prohibiting outdoor facilities in the commercial and P districts is not carried forward; instead, the SE standards for outdoor facilities that currently apply in the residential and industrial districts are extended to the commercial and P districts. This section includes a new requirement that animals

**Standards when permitted by right:**

- (2) In the C-5, C-6, C-7, C-8, I-3, I-4, I-5, and I-6 Districts, a kennel or animal shelter must be located in a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is allowed only in accordance with [*reference to special exception procedure*].
- (3) In the PCC District, a kennel must be located in a completely enclosed building.

**Standards when permitted by special exception:**

- (4) In the R-A, R-C, R-E, and R-1 Districts, a kennel or animal shelter that contains outdoor facilities for animals must comply with the following standards:
  - (a) The minimum lot size is two acres; and
  - (b) Outdoor facilities for the confinement, care, or breeding of animals must be located a minimum of 100 feet from all lot lines.
- (5) Off-street parking and loading must be located at least 50 feet from any adjoining property in a residential district.
- (6) The Board will consider the following in its review of an application for a special exception:
  - (a) The kinds and numbers of animals proposed to be kept;
  - (b) The proposed management techniques; and
  - (c) The proposed locations that the animals will be kept on the lot.
- (7) In approving a special exception, the Board may impose conditions of approval, such as screening or minimum yard requirements, to prevent adverse impact, emission of noise, or emission of odor that would be detrimental to adjacent properties.
- (8) All animals must be kept within a building or outdoor area surrounded by a fence, wall, or other barrier designed and maintained for secure confinement.
- (9) All animals must be kept within a completely enclosed building between the hours of 10:00 p.m. and 7:00 a.m. This does not include dog-walking of boarded animals.

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**B. Pet Grooming Establishment<sup>271</sup>**

**Standards applicable to all pet grooming establishments:**

- (1) All animals must be kept within a completely enclosed building.
- (2) Animals may not be boarded overnight.

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must be kept indoors between 10:00 p.m. and 8:00 a.m. The standard for noise and odor has been revised, consistent with small-scale production establishment.

<sup>271</sup> These are new standards for a new use.

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## C. Veterinary Hospital<sup>272</sup>

### Standards applicable to all veterinary hospitals:

- (1) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.
- (2) The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

### Standards when permitted by right:

- (3) In the C-3, C-4, and PCC Districts, a veterinary hospital must be located within a completely enclosed building.
- (4) In the C-5, C-6, C-7, C-8, I-3, I-4, I-5, and I-6 Districts, a veterinary hospital must be located within a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is allowed only in accordance with [*reference to special exception procedure*].

### Standards when permitted by special exception:

- (5) In the R-A, R-C, R-E, and R-1 Districts, the minimum lot size is one acre. If co-located with a kennel that has outdoor facilities, the minimum lot size for both uses combined is two acres.

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## Food and Lodging

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## D. Bed and Breakfast<sup>273</sup>

### Standards when permitted by special exception:

- (1) A bed and breakfast must be located within a single family detached dwelling unit, which may include residential accessory structures. Any alterations of structures must not alter their exterior appearance from that of a dwelling or residential accessory structure.
- (2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.
- (3) Accessory rental of the facility to individuals who are not staying overnight for events, such as wedding receptions, parties, or other similar activities is not allowed unless specifically approved by the Board. In approving such accessory rental, the Board may impose conditions, including limitations on the number, size, days, and hours of such events.<sup>274</sup>
- (4) All off-street parking and loading spaces must be located outside of minimum side and rear setbacks that abut a residential district.

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<sup>272</sup> This carries forward provisions in Sect. 8-911 and in multiple locations under commercial, industrial, and planned development districts (e.g., Sect. 4-505). Standards pertaining to home professional offices (Sect. 8-907) which are currently referenced in Sect. 8-911, are not carried forward for this use. The standard for noise and odor has been revised, consistent with small-scale production establishment.

<sup>273</sup> This carries forward Sect. 9-526 and the requirement in the current definition of “bed and breakfast” for location in a single family detached dwelling unit. It does not include the requirement for the Board to determine that the use does not impact surrounding properties (Par. 1 of Sect. 9-526) because that standard is included in the general standards for a special exception.

<sup>274</sup> This is a new standard that allows the Board to consider and condition accessory events. The use is not permitted to host these types of events unless they are expressly approved by the Board.

- (5) A maximum of three off-street parking spaces may be located within the minimum front setback, except the Board may authorize additional parking spaces within the required front yard if the proposed additional parking spaces will not adversely affect the character of the surrounding residential area.
- (6) All off-street parking and loading spaces must be screened to minimize adverse impacts on adjacent residential properties.

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## E. Catering<sup>275</sup>

### Standards when permitted by right:

- (1) In the C-3, C-4, C-5, and PDH Districts, the maximum size of a catering establishment is 6,000 square feet of gross floor area.
- (2) In the I-3 District, the maximum size of a catering establishment is 10,000 square feet of gross floor area.
- (3) In industrial districts, retail sales may be permitted as an accessory use if the associated retail sales area is limited to ten percent of the gross floor area of the establishment.

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## F. Hotel or Motel<sup>276</sup>

### Standards applicable to all hotels or motels:

- (1) Any restaurant as an accessory use must be located within or structurally connected to the principal hotel or motel structure.

### Standards when permitted by special exception:

- (2) In industrial districts, a hotel or motel must be part of an office or industrial park that is planned, designed, constructed, and managed on an integrated and coordinated basis.

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## G. Restaurant<sup>277</sup>

### Standards applicable to all restaurants:

- (1) The accessory uses listed in subsections (a) and (b) below may be allowed in conjunction with a restaurant only while food service is available and are subject to the following standards:
  - (a) A maximum of 15 percent of the square footage of the area accessible to the public or 250 square feet, whichever is larger, as evidenced by submission of a floor plan, may be

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<sup>275</sup> Catering is a newly-defined principal use. Catering establishments up to 5,000 square feet are currently defined as “business service and supply service establishments,” which are not permitted as a principal use in C-3 and C-4. This draft allows catering in those districts, subject to the same size limit for “small-scale production establishments.”

<sup>276</sup> This carries forward Sect. 9-512 and the standards pertaining to restaurants as an accessory use in the definition of the current use in Sect. 20-300. The requirement to be part of an industrial building or complex has been revised to allow an office park, to delete the minimum size of 100,000 square feet, and to refer to an office or industrial park instead of a complex.

<sup>277</sup> This carries forward provisions from Sections 8-703, 8-705, 9-505, 10-203, and 20-300, with modifications noted below. The provisions in Sect. 9-506 (commercial recreation restaurant standards) are not incorporated here and are proposed to be deleted.

used for accessory entertainment, as determined by the Zoning Administrator. Entertainment may include dancing, live entertainment including recorded music with a DJ, or other similar uses. Any entertainment activity that exceeds these limitations is considered public entertainment.<sup>278</sup>

- (b) Hookah and other smoking activities are not subject to the square footage limitations of subsection (1) above; however, such activities operated as a principal use are a smoking lounge.<sup>279</sup>

**Standards when permitted by special exception:<sup>280</sup>**

- (2) The restaurant must have similar architectural features on all sides of the building if it is freestanding, or, if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the I-3, I-4, I-5, and I-6 Districts, a restaurant must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).

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## H. Restaurant, Carryout

**Standards when permitted by special exception:<sup>281</sup>**

- (1) The carryout restaurant must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (2) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (3) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (4) Parking and stacking spaces must be provided and located to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (5) In the I-5 and I-6 Districts, a carryout restaurant must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building

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<sup>278</sup> This modifies the standard in the current definition of “restaurant” (see Sect. 20-300), which limits space for dancing to 1/8 of the floor area available for dining and applies the new standard to all entertainment accessory uses and adds a requirement for Zoning Administrator determination.

<sup>279</sup> This standard is new.

<sup>280</sup> This carries forward provisions from Paragraphs 1 and 5 of Sect. 9-505. Standards from Par. 1D and 5B of Sect. 9-505 are included in the general special exception criteria and are not carried forward separately in this section.

<sup>281</sup> This carries forward provisions from Sect. 9-505.

permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).

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## I. Restaurant with Drive-through<sup>282</sup>

### Standards applicable to all restaurants with drive-through:

- (1) When located in the Highway Corridor Overlay District, access to the use must be designed to not impede traffic on public or private streets or travelways.<sup>283</sup>

### Standards when permitted by right:

- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>284</sup>

### Standards when permitted by special exception:

- (3) The use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (5) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (6) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (7) Any outdoor storage or display of goods offered for sale must be shown on the special exception plat.
- (8) In the I-5 and I-6 Districts, the use must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).
- (9) In the PDH District, a restaurant with drive-through must comply with the following additional standards:
  - (a) The use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.
  - (b) The use must be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including associated on-site and off-site

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<sup>282</sup> This carries forward provisions from Sections 7-608 and 9-505. Par. 1D of Sect. 9-505 is addressed in the general SE standards, and the requirement in Par. 6A(3) of Sect. 9-505 for three non-automobile-related uses in the PDH District is not carried forward. In addition, outdoor storage and display is changed from not allowed to allowed when shown on an approved special exception plat.

<sup>283</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>284</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts.

vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.

- (c) All direct vehicular access to the use must be provided via the internal circulation system of a commercial area of the PDH development.<sup>285</sup>
- (d) The proposed development must provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.

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## J. Retreat Center<sup>286</sup>

### Standards when permitted by special exception:

- (1) All buildings must be located a minimum of 45 feet from all street lines and minimum of 100 feet from all lot lines that abut the R-E, R-1, R-2, R-3, or R-4 District.

## Office and Financial Institutions

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## K. Alternative Lending Institution<sup>287</sup>

### Standards when permitted by right:

- (1) An alternative lending institution must be located within a shopping center building in which all uses are connected by party walls or partitions to form one continuous structure.
- (2) An alternative lending institution must not be located:
  - (a) In a Commercial Revitalization District or a Commercial Revitalization Area; or
  - (b) Adjacent to or across a public right-of-way from land upon which any of the following uses are located: public use, religious assembly, child care center, private school, or quasi-public park, playground, or athletic field.
- (3) The daily hours of operation are limited to 8:00 a.m. to 6:00 p.m.
- (4) No on-site storage or sale of vehicles is allowed.

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## L. Drive-through Financial Institution<sup>288</sup>

### Standards applicable to all drive-through financial institutions:

- (1) When located in the Highway Corridor Overlay District, a drive-through financial institution must comply with the following additional standards:<sup>289</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Any outdoor storage or display of goods must be shown on the special exception plat.

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<sup>285</sup> The requirement that the PDH development contain at least three non-automobile-related commercial establishments is not carried forward (see Par. 9-505.6.A(3)).

<sup>286</sup> This carries forward Sect. 9-305, except the current standard requires a minimum setback of 100 feet from all lot lines that abut the RA through R-4 Districts.

<sup>287</sup> This carries forward Sect. 4-705 and 4-805.

<sup>288</sup> This carries forward provisions pertaining to drive-in financial institutions in Sections 4-505, 4-605, 4-705, 4-805, 6-505, 7-608, and 9-505.

<sup>289</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

**Standards when permitted by right:**

- (2) In the C-5, C-6, C-7, and C-8 Districts, drive-through financial institutions are allowed only when located within a shopping center building that complies with the following standards:
  - (a) The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.
  - (b) The building is subject to an approved unified site plan, and vehicular access to the drive-through financial institution is provided only via the internal circulation system of the shopping center.
- (3) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>290</sup>

**Standards when permitted by special exception:<sup>291</sup>**

- (4) The institution must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (5) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (6) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (7) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (8) In the C-3 and C-4 Districts, the use must not have a separate and exclusive curb cut access to an abutting highway.
- (9) Any outdoor storage or display of goods must be shown on the special exception plat.

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**M. Office<sup>292</sup>**

**Standards applicable to all office:**

- (1) An office is permitted by-right in the C-5, C-6, C-7, and C-8 Districts if the total gross floor area devoted to the office use does not exceed the percentages of the maximum floor area permitted on the lot based on the maximum floor area ratio allowed in the district in accordance with Table <>: Maximum Office Use Gross Floor Area.

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<sup>290</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts

<sup>291</sup> This carries forward provisions from Sect. 9-505, except Par. 1.D is carried forward in the general special permit and special exception standards, and outdoor storage and display of goods are changed from not allowed to allowed when shown on a special exception plat.

<sup>292</sup> This carries forward Sections 4-505, 4-605, 4-705, 4-805, 5-205, 5-305, 5-405, 9-515, and 9-509. The distinction between offices that allow display and sales of scientific, electronic, or medical equipment of a type not customarily retailed to the general public (allowed in the C-1 through C-4 District) and those that do not is not carried forward.

Table <>: Maximum Office Use Gross Floor Area			
District	Office Use Gross Floor Area as a Percent of FAR	Maximum Total FAR	Maximum Office Gross Floor Area as a Percent of Lot Area
C-5	30%	0.30	9%
C-6	25%	0.40	10%
C-7	50%	0.80	40%
C-8 [1]	50%	0.50	25%

NOTES:

[1] See [reference to relocated Appendix 7] for standards applicable in Commercial Revitalization Districts.

- (2) In commercial and industrial districts and in the PDC and PTC Districts,<sup>293</sup> an office may include laboratory facilities, pilot plants, prototype production, and the assembly, integration, and testing of goods and products, if the use complies with the following standards:<sup>294</sup>
- (a) The mass production or manufacturing of goods or products for sale is not allowed, except as part of a production or processing facility.
  - (b) In commercial districts and in the PDC and PTC Districts, unless modified by the Board in accordance with [reference to special exception procedure]:
    1. The use must occur only within a completely enclosed building; and
    2. The use of explosives classified as being in Division 1.1, 1.2, or 1.3 of the U.S. Department of Transportation Hazard Classification System is prohibited.
  - (c) In commercial districts, uses that would be considered Biosafety level 4 under the United States Centers for Disease Control and Prevention regulations are permitted only in accordance with [reference to special exception procedure].

**Standards when permitted by special exception:<sup>295</sup>**

- (3) The maximum percentage of office may be increased above that allowed in subsection (1) above in accordance with [reference to special exception procedure] up to 50 percent in the C-5 and C-6 Districts, to exceed 50 percent in the C-7 District, and up to 75 percent in the C-8 District. For the purpose of any increase in percentage approved by the Board, the maximum FAR means the maximum FAR permitted by right in the applicable zoning district, or as increased by special exception in accordance with [reference to relocated Sect. 9-618].<sup>296</sup>
- (4) An office with laboratory facilities, pilot plants, prototype production, and the assembly, integration, and testing of goods and products that does not conform to the standards in

<sup>293</sup> Scientific research and development has been subsumed into and is now allowed as part of the office use. This changes scientific research and development from an SE use to not allowed in R-E and R-1; from SE to by right in C-1 through C-4, C-7 and C-8, subject to use standards; and from not allowed to by right in C-5, C-6, and I-I. In the commercial districts the limits established in the standards may be exceeded with special exception approval.

<sup>294</sup> These standards are adapted from the SE standards for 9-509. Current distinctions on whether scientific research and development may include incidental assembly, integration, etc., are not carried forward. County staff and Clarion are continuing to explore additional distinctions for laboratory activities, which may be included in the standards for this use in a future draft.

<sup>295</sup> This carries forward provisions in Sect. 9-515 pertaining to offices and Sections 9-502 and 9-509 pertaining to establishments for scientific research and development.

<sup>296</sup> Carries forward the FAR increase provisions from Article 4 and 9-515.

subsection (2)(b) or (2)(c) above, may be permitted as a special exception in accordance with [reference to special exception procedure].

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## N. Office in a Residential District<sup>297</sup>

### Standards when permitted by special exception:

- (1) In the R 1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 Districts, an office must comply with the following standards:
  - (a) The office must be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or another area where such a use is specifically permitted in the comprehensive plan.
  - (b) The office must be located in a single family detached dwelling that was constructed prior to February 26, 1973, but not in any addition constructed after that date.
- (2) In the R-30 District, an office must comply with the following standards:
  - (a) The office must be located only on the lower two floors of the primary building, or in an accessory structure as may be approved by the Board.
  - (b) The aggregate floor area of all nonresidential uses on the site, including offices, must not exceed 15 percent of the total gross floor area.
- (3) In residential districts, an office may not include laboratory facilities, pilot plants, prototype production, or the assembly, integration, or testing of goods or products.

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## Personal and Business Services

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### O. Personal Service<sup>298</sup>

#### Standards for all personal service uses:

- (1) A garment cleaning establishment that includes the mechanical cleaning of garments, articles, or goods for retail customers is limited to a maximum of 3,000 square feet of gross floor area. A larger establishment or a linen or diaper cleaning service establishment is considered production or processing.

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## Recreation and Entertainment

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### P. Campground<sup>299</sup>

#### Standards when permitted by special permit:

- (1) The minimum lot size is 20 acres.
- (2) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.

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<sup>297</sup> This is a new name for an existing use. These standards are carried forward from Sect. 9-515. Permissions for the use have been changed from SE to not allowed in the R-C and R-E Districts.

<sup>298</sup> "Personal service establishments" and "garment cleaning establishments" have been consolidated. Provisions included in the current definition for "garment cleaning establishment" are carried forward.

<sup>299</sup> This carries forward Sections 8-603 and 8-605, except the requirement pertaining to Health Department requirements, which is subsumed in a general use standard. The requirement for submission of a sports illumination plan will be included in Article 8: Administration and Procedures.

- (3) Except for light poles, all structures and camp sites must be located a minimum of 100 feet from all lot lines.
- (4) Accessory activities may include picnicking, boating, fishing, swimming, outdoor games, and other similar sports and activities, but not golf driving ranges or any mechanical amusement device.

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## Q. Commercial Recreation, Indoor<sup>300</sup>

### Standards applicable to all indoor commercial recreation uses:

- (1) Indoor recreation uses that involve the discharge of a firearm must be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities.<sup>301</sup>

### Standards when permitted by right:

- (2) In the C-3 and C-4 Districts, an indoor commercial recreation establishment is allowed by right in a building that was existing on *[insert the effective date of this Ordinance]*. Otherwise, an indoor commercial recreation establishment requires special exception or special permit approval in accordance with subsection (4) below.<sup>302</sup>
- (3) In the C-5 District, the maximum size of an indoor commercial recreation establishment is 6,000 square feet of gross floor area.<sup>303</sup>

### Standards when permitted by special exception or special permit:

- (4) When an application for an indoor commercial recreation use is not submitted in conjunction with an application for a rezoning or special exception, a special permit is required. When an application for an indoor commercial recreation use is submitted in conjunction with a rezoning or other action before the Board, the recreation use may be approved as either a special exception in accordance with *[reference to special exception procedure]* or a special permit in accordance with *[reference to special permit procedure]*, at the discretion of the applicant.

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<sup>300</sup> This carries forward Sections 8-503 and 9-504. Standards pertaining to amusement arcades in Sect. 9-504 and Sect. 4-705 are not carried forward. The setback in Sect. 8-503 is not carried forward for indoor uses. The option for an SE or SP is new.

<sup>301</sup> This is a new standard.

<sup>302</sup> This standard is new.

<sup>303</sup> This standard is carried from current C-5 District standards.

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## R. Commercial Recreation, Outdoor<sup>304</sup>

### Standards when permitted by special permit:

- (1)** The only outdoor commercial recreation uses permitted by special permit in the R-C, R-E, and R-1 Districts are ropes courses, paintball, firing ranges, skeet and trapshooting ranges, and similar uses. These uses must comply with the following standards:<sup>305</sup>
  - (a)** Off-street parking and loading spaces must be located at least 50 feet from any adjacent residentially-zoned property.
  - (b)** All structures associated with the use, except light poles, must be located a minimum of 100 feet from all lot lines.
- (2)** In approving a special permit for the use, the BZA may include conditions of approval addressing safety and noise factors.<sup>306</sup>
- (3)** The minimum lot area for ropes courses is 10 acres.
- (4)** The minimum lot area for paintball is 25 acres.
- (5)** The minimum lot area for firing ranges and skeet and trapshooting ranges is 75 acres.
- (6)** Firing ranges must comply with the following standards:<sup>307</sup>
  - (a)** Backstops having a minimum height of 20 feet are required behind all target lines.
  - (b)** Supplemental barriers must be provided as needed to contain all projectiles within the boundaries of the range and to minimize noise exiting the site.
  - (c)** The owners, operators, tenants, or occupants of the site must implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of “Best Management Practices for Lead at Outdoor Shooting Ranges” from the U.S. Environmental Protection Agency (EPA).

### Standards when permitted by special exception:<sup>308</sup>

- (7)** The only outdoor commercial recreation use permitted by special exception in the R-C, R-E, and R-1 Districts is a golf driving range. In these Districts, the minimum lot size is 15 acres.<sup>309</sup>

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<sup>304</sup> This carries forward provisions from Sections 8-504, 8-603, 8-610, 9-527, 9-531, and 9-624, except distinctions between SP and SE use standards are not maintained for this use which consolidates several current uses, and all standards are consolidated as SE standards.

<sup>305</sup> This changes the permissions for baseball hitting ranges, archery ranges, commercial swimming pools, tennis courts and other courts from an SE or SP to not allowed in the R-E and R-1 Districts. Paintball is included here, as it has been interpreted to be most similar to trapshooting. Standards in Sect. 8 610 are carried forward, except compliance with state and county law is addressed in the general use standards.

<sup>306</sup> Neighborhood compatibility has been removed from this list because it is included in the general standards.

<sup>307</sup> These are new standards

<sup>308</sup> Golf driving ranges are currently not allowed in the C-3, C-4, and I-2 Districts. This consolidated draft allows golf driving ranges in those districts, whereas the previous draft for the agricultural and commercial uses installment did not.

<sup>309</sup> This creates a new minimum acreage requirement in the R-C, R-E, and R-1 Districts.

- (8)** Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>310</sup>
- (9)** Except for light poles, fences, barriers, and containment structures approved in accordance with subsection (14) below, all structures used in connection with the outdoor recreation use must be located a minimum of 100 feet from any lot line.<sup>311</sup>
- (10)** If the use involves mechanical or motorized rides, the following standards apply:<sup>312</sup>
  - (a)** The minimum lot size is five acres.
  - (b)** The use must have frontage on a public street of sufficient capacity to provide safe access and to convey the anticipated traffic associated with the proposed use, as shown by a traffic impact statement provided by the applicant.
  - (c)** All mechanical or motorized rides must be located a minimum of 200 feet from any adjoining residentially-zoned property, unless the applicant demonstrates to the Board's satisfaction that the existing topography of the site or the provision of noise attenuation measures will adequately mitigate any sound and visual impacts created by the use.
  - (d)** In reviewing an application, the Board will take into consideration factors such as safety, noise, glare, and traffic and impose conditions to ensure that the use will be compatible with and not adversely impact the adjacent properties.
- (11)** Baseball hitting and archery ranges must have a minimum lot area of two acres.<sup>313</sup>
- (12)** Except for light poles, fences, barriers, and containment structures approved in accordance with subsection (14) below, all structures that are used in connection with a golf driving range must be located 100 feet from all lot lines.
- (13)** Miniature golf as an ancillary use to a golf driving range must comply with the following standards:<sup>314</sup>
  - (a)** The miniature golf facility must be located and oriented to the interior of the site such that the use is not visible from any abutting roadway and must be adequately screened to mitigate impacts on adjacent properties. In the R E and R 1 Districts, the use may not include the use of sound emitting features.
  - (b)** In reviewing an application for a special exception, the Board will take into consideration factors such as noise, lighting, and traffic and impose any necessary conditions to ensure that the use will be ancillary to the principal golf driving range use and will also be compatible with and not adversely impact adjacent properties.<sup>315</sup>

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<sup>310</sup> This carries forward a provision repeated in Sections 8-603, 9-527, and 9-531. This standard does not currently apply to Group 5 special permit uses ("commercial recreation parks," "commercial swimming pools, tennis courts, and similar courts," "miniature golf courses," and "skating facilities").

<sup>311</sup> This carries forward a standard from 9-527 (outdoor baseball hitting and archery ranges) and applies it generally to outdoor commercial recreation uses.

<sup>312</sup> This carries forward Sect. 8-504.

<sup>313</sup> This provision is from Sect. 9-527.

<sup>314</sup> This carries forward Sect. 9 531. The 100-foot setback is not carried forward for this use. The minimum lot size is established for a golf driving range in the standard above and is made consistent with the golf course size standard.

<sup>315</sup> The reference to dust is deleted as not relevant.

- (14)** The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for an outdoor sports facility, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for outdoor playing fields, courts, or driving ranges designed to preclude the flight of balls or other sports equipment onto adjacent property or right-of-way, in accordance with the following requirements:<sup>316</sup>
- (a)** If a proposed containment structure is for a new facility, the use must be oriented and designed to minimize the height needed for the containment structure.
  - (b)** The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c)** To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d)** Signs may not be affixed to containment structures.
  - (e)** To the extent practical, containment netting must be removed when the facility is not in use due to seasonal changes or other factors.
  - (f)** A containment structure may be located on an adjacent lot, whether or not there is a principal use located on the lot.

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## S. Entertainment, Adult

### Standards when permitted by special permit:<sup>317</sup>

- (1)** An adult entertainment establishment must:
- (a)** Be located in the C-7 District within a regional shopping center;
  - (b)** Abut only property that is not used or zoned for residential purposes; and
  - (c)** Be located a minimum of 1,000 feet from all religious assemblies, schools, and other adult entertainment establishments.

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## T. Entertainment, Public

### Standards applicable to all public entertainment uses:<sup>318</sup>

- (1)** In reviewing an application, the Board will take into consideration factors such as safety, noise, hours of operation, and traffic and impose conditions to ensure that the use will be compatible with and not adversely impact adjacent properties.
- (2)** Food and beverage may be offered for sale in conjunction with the public entertainment use.

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<sup>316</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since the standards are included in this draft under a commercial use.

<sup>317</sup> This carries forward the current permissions for “adult mini motion picture theaters” and “commercial nudity establishments” and groups the uses under the use “adult entertainment.” It carries forward standards from Sect. 8-904 and 8-906.

<sup>318</sup> These standards are new.

- (3) In the I-2, I-3, I-4, I-5, and I-6 Districts, a public entertainment use is only allowed in conjunction with a restaurant, craft beverage production establishment, or hotel or motel, where such use is permitted.

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## U. Golf Course or Country Club<sup>319</sup>

### Standards when permitted by special exception:

- (1) A golf course or country club must have a minimum lot area of 15 acres.<sup>320</sup>
- (2) Except for light poles, fences, barriers, and containment structures approved in accordance with subsection (5) below, all structures that are used in connection with a golf course or country club, must be located a minimum of 50 feet from all lot lines.
- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>321</sup>
- (4) A golf course may include an accessory driving range; however, when a driving range is not accessory to a golf course, it is an outdoor commercial recreation use.
- (5) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a golf course, an increase in height or modification to the standards in [*reference to accessory structure locational standards*] for containment structures for golf courses designed to preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>322</sup>
  - (a) If a proposed containment structure is for a new golf course, the facility must be oriented and designed to minimize the height needed for the containment structure.
  - (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d) Signs may not be affixed to containment structures.
  - (e) To the extent practical, containment netting must be removed when the facility is not in use due to seasonal changes or other factors.
  - (f) A containment structure may be located on a lot adjacent to a golf course, whether or not there is a principal use located on the lot.

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## V. Health and Exercise Facility, Large

- (1) In the C-3 and C-4 Districts, a large health and exercise facility is allowed by right in a building existing on [*insert the effective date of this Ordinance*]. Otherwise, a large health and exercise facility requires approval in accordance with [*reference to special permit procedure*].

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<sup>319</sup> This carries forward Par. 1 of Sect. 9-528.

<sup>320</sup> This carries forward Par. 1 of Sect. 9-528.

<sup>321</sup> This carries forward Par. 3 of Sect. 9-528.

<sup>322</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

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## W. Marina, Commercial<sup>323</sup>

### Standards when permitted by special exception:

- (1) The minimum lot area is two acres.
- (2) Structures, other than light poles, must be located a minimum of 100 feet from all nonriparian lot lines.
- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.

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## X. Marina, Private Noncommercial

### Standards when permitted by right or by special permit:<sup>324</sup>

- (1) A private noncommercial marina must be under the control and direction of a board of managers composed, at least in part, of residents of the area intended to be served by the facility. Additionally, the owner of the private noncommercial marina must be a nonprofit organization having its membership limited to residents of the area.

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## Y. Quasi-public Park, Playground, or Athletic Field

### Standards when permitted by right:

- (1) In the commercial and industrial districts, a quasi-public park, playground, or athletic field is allowed subject to the following:<sup>325</sup>
  - (a) The use is allowed on an interim basis for up to five years; however, upon request by the property owner, extensions of up to five years each may be approved by the Board.
  - (b) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
  - (c) The use of lighting or loudspeakers for the athletic field or related facilities is not allowed.
  - (d) Transitional screening is required if determined necessary by the Director.
  - (e) Parking must be provided on-site. If the use is located on the same site as another use, the Director may allow existing off-street parking to serve the use if the hours of operation of the two uses do not coincide.

### Standards when permitted by special exception:

- (2) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
- (3) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a quasi-public park, playground, or athletic field, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for quasi-public park, playground, or athletic field designed to

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<sup>323</sup> This carries forward the standards in Sect. 9-513.

<sup>324</sup> This applies the SP standards in planned districts, where they now serve as a guide.

<sup>325</sup> This carries forward the use limitations repeated in multiple sections for this use in Articles 4 and 5.

preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>326</sup>

- (a) If a proposed containment structure is for a new quasi-public park, playground, or athletic field, the quasi-public park, playground, or athletic field must be oriented and designed to minimize the height needed for the containment structure.
- (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
- (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
- (d) Signs may not be affixed to containment structures.
- (e) To the extent practical, containment netting must be removed when the outdoor sports facility is not in use due to seasonal changes or other factors.
- (f) A containment structure may be located on a lot adjacent to a quasi-public park, playground, or athletic field, whether or not there is a principal use located on the lot.

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## Z. Smoking Lounge<sup>327</sup>

### Standards when permitted by right:

- (1) Smoking lounges are permitted in the C-5, C-6, C-7, and C-8 Districts when established as a principal use.

### Standards when permitted by special exception or special permit:

- (2) When an application for a smoking lounge is not submitted in conjunction with an application for a rezoning or special exception, a special permit is required. When an application for a smoking lounge is submitted in conjunction with a rezoning or other action before the Board, the use may be approved as either a special exception in accordance with [*reference to special exception procedure*] or a special permit in accordance with [*reference to special permit procedure*], at the discretion of the applicant.
- (3) Accessory retail sales of smoking products not for consumption on the premises may be provided in conjunction with the lounge.

### Standards when permitted as accessory:

- (4) Smoking lounges are permitted accessory uses in conjunction with restaurants (see Sect. 4102.5.G) and public entertainment uses (see Sect. 4102.5.T), subject to applicable use standards.

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<sup>326</sup> This carries forward Sect. 9 624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

<sup>327</sup> These are new standards for a new use.

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## AA.Zoo or Aquarium<sup>328</sup>

### Standards applicable to all zoos and aquariums:<sup>329</sup>

- (1) The Animal Services Division of the Police Department must be granted access to the premises and any necessary records to review the operation of the zoo or aquarium on a quarterly basis and is authorized to conduct unannounced inspections of facilities during daylight hours.
- (2) The keeping of animals, including wild or exotic animals as defined in Chapter 41.1 of The Code, is allowed only if the Animal Services Division of the Police Department determines that the animal does not pose a risk to public health, safety, and welfare and that there will be adequate feed, water, shelter, veterinary care, and space in the primary enclosure for the particular type of animal depending upon its age, size, and weight.

### Standards when permitted by special permit:

- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.
- (4) If the use includes the keeping of animals outside of a completely enclosed building, it must comply with the following standards:<sup>330</sup>
  - (a) The minimum lot area is 10 acres.
  - (b) Except for light poles, all structures must be located a minimum of 50 feet from all lot lines.

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## Retail Uses<sup>331</sup>

### BB. Convenience Store<sup>332</sup>

#### Standards applicable to all convenience stores:

- (1) When located in the Highway Corridor Overlay District, a convenience store must comply with the following additional standards:<sup>333</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Any outdoor storage or display of goods must be shown on the special exception plat.

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<sup>328</sup> This consolidates provisions from Sections 6-106 and 8-612. Required compliance with federal, state, and county regulations is addressed in the general use standards.

<sup>329</sup> These standards currently apply only to the use as an SP use but are made generally applicable here.

<sup>330</sup> This carries forward standards in Sect. 8-612, but makes them applicable only to a zoo or aquarium where animals are kept outside of a completely enclosed building.

<sup>331</sup> The use standards for pawnshops in current Sect. 9-522 were not carried over, as they are now included in general standards or other ordinances and regulations.

<sup>332</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 9-505, and 10-202.

<sup>333</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

**Standards when permitted by right:**<sup>334</sup>

- (2)** A convenience store is allowed in the C-5, C-6, C-7, and C-8 Districts only if it is located within a shopping center building that complies with the following standards:
  - (a)** The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.<sup>335</sup>
  - (b)** The building is subject to an approved unified site plan, and vehicular access to the convenience store is provided only via the internal circulation system of the shopping center.

**Standards when permitted by special exception:**<sup>336</sup>

- (3)** The convenience store must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4)** The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (5)** The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (6)** Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (7)** In the C-5, C-6, and C-7 Districts, any outdoor storage or display of goods offered for sale must be shown on the special exception plat.
- (8)** In the I-5 and I-6 Districts, a convenience store must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the convenience store unless a building permit has been approved for the related industrial building(s).

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**CC. Drive-through, Other**<sup>337</sup>

**Standards when permitted by right:**<sup>338</sup>

- (1)** In the C-8 District, other drive-throughs are permitted by right only when located within a shopping center building that complies with the following standards:
  - (a)** The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.
  - (b)** The building is subject to an approved unified site plan, and vehicular access to the use is provided only via the internal circulation system of the shopping center.

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<sup>334</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, and 4-805.

<sup>335</sup> Limitations on the types of uses are not carried forward.

<sup>336</sup> This carries forward provisions in Sect. 9-505, except it changes outdoor storage and display of goods from not allowed to allowed when shown on the special exception plat. Provisions from Par. 1D of Sect. 9-505 are addressed in the general SE standards.

<sup>337</sup> This section carries forward provisions from Sections 4-805, 6-606, and 9-505, except Par. 1D of Sect. 9-505 is addressed in the general SE standards, and outdoor storage and display of goods offered for sale are changed from not allowed to allowed if shown on the special exception plat.

<sup>338</sup> This carries forward provisions in Sect. 4-805 for the current “automobile-oriented use.”

- (c) In the PCC District, a drive-through pharmacy is permitted in association with a continuing care facility when designed to facilitate safe and efficient on-site vehicular and pedestrian circulation. Adequate parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

**Standards when permitted by special exception:**<sup>339</sup>

- (2) The use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with pedestrian and vehicular circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the C-5, C-6, and C-7 Districts, any outdoor storage or display of goods offered for sale must be shown on the special exception plat.

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**DD. Drive-through Pharmacy**

**Standards when permitted by right:**<sup>340</sup>

- (1) In the C-5, C-6, C-7, and C-8 Districts, a drive-through pharmacy is only allowed by right when not abutting or across a local or collector street from land in a residential district.
- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>341</sup>
- (3) In the PCC District, a drive-through pharmacy is allowed by right in association with a continuing care facility when designed to facilitate safe and efficient on-site vehicular and pedestrian circulation. Adequate parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

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<sup>339</sup> This carries forward provisions in Sect. 9-505.

<sup>340</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 6-106, 6-206, 6-305, 6-505, and 6-606. The standards regarding circulation, parking and stacking are not carried forward as they are too vague for by right site plan review and the substantive issues are addressed by other standards in the Ordinance and PFM. The signage standard is not carried forward since it is proposed to be deleted as part of the pending Zoning Ordinance amendment for signs.

<sup>341</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the use be identified on an approved final development plan is carried forward in the general planned development standards in Sec. 4012.1.E.

**Standards when permitted by special exception:**<sup>342</sup>

- (4) The drive-through pharmacy must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (5) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with pedestrian and vehicular circulation on adjacent properties.
- (6) In the C-5, C-6, and C-7 Districts, any outdoor storage or display of goods offered for sale must be shown on the special exception plat.
- (7) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking
- (8) The site must include adequate parking and stacking spaces for the drive-through pharmacy which are located to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

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**EE. Drug Paraphernalia Establishment**<sup>343</sup>

**Standards when permitted by special exception:**

A drug paraphernalia establishment may not be located within 1,000 feet of the property line of:

- (1) A parcel that is planned, zoned, or used for residential use;
- (2) A park, religious assembly, public library, school (private or public use), child care center, or home day care facility; or
- (3) Another drug paraphernalia establishment.

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**FF. Garden Center**

**Standards when permitted by right:**

- (1) Landscape contracting services are permitted as an accessory use in accordance with the following standards:<sup>344</sup>
  - (a) All outdoor storage and loading areas must be completely enclosed by screening.
  - (b) There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

**Standards when permitted by special exception:**<sup>345</sup>

- (2) The minimum lot area is five acres.

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<sup>342</sup> This carries forward provisions in Sect. 9-505, except Par. 1D of Sect. 9-505 is addressed in the general standards, and outdoor storage and display of goods offered for sale is changed from not allowed to allowed when shown on an approved special exception plat.

<sup>343</sup> This carries forward Sect. 9-508. It substitutes use names that replace current uses (e.g., “religious assembly” for “place of worship”).

<sup>344</sup> Because this use will be permitted by right in the C-5 through C-8 Districts, these standards are added based on the current use limitations for the C-8 District, which allow a contractor’s office and shop.

<sup>345</sup> These standards are carried forward from Sect. 9-517. Provisions which are duplicative of other provisions in the Zoning Ordinance (e.g., use definition, general standards for approval of a special exception, general standards for accessory uses) have been removed.

- (3)** All nursery stock sold must be grown or maintained on the premises.
- (4)** A garden center may also include the sale of items designed to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides, insecticides, and limited related items.
- (5)** The sale of a wide range of products normally associated with a hardware, building supply, or craft store is not permitted. However, the Board may allow the retail sales of related items, in accordance with the following:
  - (a)** Such items may include landscaping materials, decorative garden features, materials for water gardens, supplies and non-powered tools for gardening, firewood, and similar items.
  - (b)** Such items may include artificial and dried plants and flowers and seasonal/holiday decorations, provided, sales of such plants and decorations must be confined to one fully-enclosed structure and to an area, designated on the special exception plat, that does not exceed the following percentages of the total gross floor area designated on the plat for the sale of all retail items:
    - 1.** 20 percent during the months of February through October; and
    - 2.** 50 percent during the months of November through January.
  - (c)** The following may not be sold: electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture; hot tubs, spas, or pools; barbecue grills; propane fuel; food (except in conjunction with an approved special event or festival); or clothing.
  - (d)** The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure.
- (6)** Off-street parking spaces and loading spaces must be located a minimum of 50 feet from lot lines abutting an R district.
- (7)** All off-street parking areas, including aisles and driveways must be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.
- (8)** The lot must have frontage on an arterial street as defined in the comprehensive plan.
- (9)** Buildings and structures, other than light poles, must be located a minimum of 100 feet from lot lines abutting an R district.
- (10)** Accessory uses may also include the following:
  - (a)** Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold in accordance with the special exception approval, provided that all structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services must be delineated on the special exception plat; and
  - (b)** Special events, festivals, or classes. The Board may impose conditions on such activities, including conditions addressing the type and number of activities; the time of year during which such activities are allowed; the area of the site devoted to such activities; the use of lighting and public address systems; and parking.

- (11)** The Board may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with the adjacent residential area, including conditions addressing:
- (a)** Location, size, height, and use of structures;
  - (b)** Location and number of commercial vehicles and equipment;
  - (c)** Lighting, public address systems, and hours of operation; and
  - (d)** Location and type of nursery stock and materials and other items stored, displayed, or offered for sale outside. No storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area may be located in any minimum setback.
- (12)** The Board may waive the requirements in subsections (2), (6), and (9) above, for a plant nursery that is accessory to a single family detached dwelling that is the domicile of the nursery operator.

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**GG. Retail Sales, General<sup>346</sup>**

**Standards applicable to all general retail sales:**

- (1)** Live auctions are allowed only in the C-8 District.<sup>347</sup>

**Standards when permitted by special exception:**

- (2)** Retail sales may be allowed in the I-4, I-5, and I-6 Districts, subject to the following requirements:<sup>348</sup>
- (a)** A maximum of 60 percent of the gross floor area may be devoted to retail sales, display area, and any accessory office, with the remaining gross floor area devoted to warehousing.
  - (b)** The Board must determine that the retail use is in conformance with the comprehensive plan for commercial and industrial development in the area and will be compatible with and not adversely impact the adjacent properties. The Board may impose conditions and restrictions that it deems necessary to ensure compatibility and to mitigate potential adverse impacts, including conditions addressing:
    - 1.** Hours of operation;
    - 2.** Site development or design standards; and
    - 3.** Transitional screening and landscaping requirements.
  - (c)** The structure must be designed to promote the character of the district through architectural design that is compatible with surrounding industrial uses.

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<sup>346</sup> This carries forward provisions in Sections 5-105, 8-703, 8-704, and 9-524. The SE for “convenience center” in the R-2 through R-8 Districts in Par. 4 of Sect. 9-507 is not carried forward, as there have been no applications for this use. This use consolidates several uses, including “adult bookstore.” The standards in this section do not preserve the differences in permissions between that use and other retail uses, consistent with how adult videos are currently treated. Standards for accessory retail in the I-I District in Par. 3 of Sect. 5-105 are not carried forward.

<sup>347</sup> This carries forward the current permissions, except the use is changed from SP to permitted by right.

<sup>348</sup> This carries forward Sect. 9-524. The reference to an establishment where retail sales are conducted only on weekends and holidays is deleted. The provision requiring public improvements needed as a result of the introduction of retail uses to industrial areas is not carried forward. The requirement in Par. 8 that all business, service, storage and display of goods be contained in completely enclosed facilities is also not carried forward.

- (d) Parking for the retail and warehouse uses as required by [reference to new location of Article 11] is provided on-site, or a cooperative parking arrangement in accordance with the provisions of [reference to new location of Article 11] may be approved.
- (e) The site must be designed so that pedestrian and vehicular circulation are coordinated on-site and with adjacent properties. Vehicular access to the use must to the greatest extent possible be provided via the internal circulation system of the building or complex.
- (f) The site must be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles, and pedestrians.
- (g) All refuse must be contained in completely enclosed facilities.
- (h) The use is limited to 500 square feet of accessory outdoor storage and display in accordance with [reference to relocated current Sect. 17 104]; however, additional storage and display may be permitted if designated on the special exception plat or site plan;<sup>349</sup>
- (i) Outdoor storage and loading areas must be screened from the view from the first story of all abutting lots and right of way,<sup>350</sup> and
- (j) There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor trailer trucks.<sup>351</sup>

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## HH. Retail Sales, Large<sup>352</sup>

### Standards when permitted by right:<sup>353</sup>

- (1) In the C-6, C-7, and C-8 Districts, a large retail sales establishment is allowed only if it is located within a building that contains a minimum of 1,000,000 square feet of gross floor area and a minimum of six principal uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.
- (2) In the PTC District, a large retail sales establishment is permitted only when located in a multiple story structure designed to contain at least one or more other permitted uses.<sup>354</sup>

### Standards when permitted by special exception:<sup>355</sup>

- (3) In the C-6, C-7, C-8, PDC, PRC and PTC Districts, the following standards apply:
  - (a) The establishment must be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose conditions and

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<sup>349</sup> Revised to reflect recent Zoning Ordinance Amendments and to reference approval on a development plan. The standards specifying that storage is limited to certain types of items are not carried forward.

<sup>350</sup> This is a new standard based on Par. 4 of Sect. 4-805.

<sup>351</sup> This is a new standard based on Par. 5 of Sect. 4-805.

<sup>352</sup> This section carries forward provisions from Sections 4-605, 4-705, 4-805, and 9-533.

<sup>353</sup> This carries forward provisions from Sections 4-605, 4-705, and 4-805.

<sup>354</sup> This carries forward Par. 5.L of Sect. 6-502.

<sup>355</sup> This carries forward Sect. 9-533. Sign standards are not carried forward because they are addressed separately in the Sign Ordinance Amendment.

restrictions that it deems necessary to ensure compatibility and to mitigate adverse impacts, including conditions addressing:

1. Hours of operation and other operational restrictions;
  2. Site development or design standards; and
  3. Transitional screening and landscaping requirements.
- (b) Parking must be provided in accordance with [reference to relocated Article 11] and must be designed to minimize impacts on adjacent properties through structured parking, the location and distribution of parking, landscaping techniques, or other methods. All required parking must be provided on-site.
- (c) The establishment must be designed so that pedestrian and bicycle circulation is coordinated on-site and with adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.
- (d) The establishment must be designed to provide safe and convenient access, and to minimize any potential conflicts between service and delivery vehicles, passenger vehicles, and pedestrians.
- (e) Outdoor lighting must be designed to minimize the impacts of glare, light trespass, and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic.
- (f) All structures must be designed to protect the character of the neighborhood in which they are located through the use of architectural design and site design methods. The layout and architecture must be designed to reduce monotonous effects and impacts caused by building bulk through variations in roof lines, variations in building setbacks, landscaping, enhanced architectural treatments to all sides of a building, or other methods.
- (g) Where there is a significant contrast in topography between the site and adjacent properties, appropriate mitigation methods, such as screening, must be used to mitigate potential noise and visual impacts.
- (h) All rooftop mechanical structures must be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.
- (i) All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be contained in completely enclosed facilities. However, outdoor seating, service, storage, and display is allowed, subject to the following requirements:
1. The area and extent of all outdoor seating areas and outdoor areas for the service, storage, and display of goods must be designated on the approved special exception plat. The Board may impose conditions on the location, size, and extent of any such areas or associated structures. No such storage, display, or sales area may be located in any minimum setback.
  2. Except for outdoor seating areas, outdoor service, storage, and display areas<sup>356</sup> must be screened using structures, materials, and design elements that are compatible

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<sup>356</sup> Currently, screening is not required for outdoor display area up to 250 square feet. This provision is not carried forward.

with those used in the principal structure. Screening methods must include one or a combination of the following: solid fences, walls, berms, or evergreen hedges.

- (j) In the PTC District, outdoor activities are limited to outdoor seating.

## Vehicle-related uses

### II. Car Wash<sup>357</sup>

#### Standards when permitted by right:

- (1) In the PTC District, drive-through facilities and stacking spaces must be located within a multiple story building or parking structure.<sup>358</sup>

#### Standards when permitted by special exception:

- (2) The car wash must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the C-5, C-6, C-7, I-3, and I-4 Districts, any areas for outdoor storage or display of goods offered for sale must be shown on the special exception plat.<sup>359</sup>
- (7) In the I-3, I-4, I-5, and I-6 Districts, a car wash must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the car wash unless a building permit has been approved for the related industrial building(s).

### JJ. Commercial Off-Street Parking<sup>360</sup>

#### Standards when permitted by right or by special exception:

- (1) In the C-3, I-2 and I-3 Districts, commercial off-street parking is allowed only as part of an office, commercial, or industrial building complex containing not less than 30,000 square feet of gross floor area.
- (2) Commercial off-street parking must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.

<sup>357</sup> This carries forward provisions in Sections 6-505 and 9-505. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards.

<sup>358</sup> This carries forward Par. 10 of Sect. 6-505.

<sup>359</sup> This provision is new. Currently, outdoor storage and display of goods offered for sale is not allowed.

<sup>360</sup> This carries forward Sect. 9-516, but makes the standards applicable to commercial off-street parking as a principal use where permitted, regardless of whether it is a special exception. References to other applicable provisions in this draft are located in the general standards.

- (3) A parking space that is located contiguous to a street must have a curb between the space and the street.
- (4) A parking space that is located on the ground and is open to the sky may be located in any required yard, provided a parking space must be located a minimum distance of 10 feet from front lot line(s), except as may be qualified by the provisions of [reference to relocated Article 13].
- (5) All structures are subject to the bulk regulations of the zoning district in which they are located, except parking structures that are completely underground may be located in any required yard but must be located a minimum of one foot from all lot lines.<sup>361</sup>
- (6) Commercial off-street parking must be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except emergency service, is permitted in association with commercial off-street parking.

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## **KK. New Vehicle Storage<sup>362</sup>**

### **Standards when permitted by right:**

- (1) New vehicle storage is limited to new automobiles, motorcycles, sport utility vehicles, pick-up trucks, and vans.
- (2) New vehicle storage may not include the following vehicles:
  - (a) Vehicles designed primarily for the transportation of 10 or more passengers;
  - (b) Trucks other than those allowed as a part of the vehicle sales and rental use type;
  - (c) Farm machinery or equipment;
  - (d) Construction machinery or equipment;
  - (e) Buses;
  - (f) Motor homes, recreational vehicles, trailers, or boats of any size;
  - (g) Manufactured homes; or
  - (h) Any other specialized vehicles.
- (3) New vehicle storage is solely for the parking or storage of vehicles. The following are prohibited on-site in conjunction with new vehicle storage:
  - (a) Customers and clients;
  - (b) Sale of vehicles;
  - (c) Vehicle preparation; and
  - (d) Display of signs on the new vehicles, except invoices required by federal or state law.
- (4) In the C-3, C-4, C-6, C-7, C-8, I-3, and I-4 Districts, new vehicle storage is allowed only when located within a parking structure that is accessory to another use and in parking spaces that are in excess of the minimum number of required off-street parking spaces for the use to which the parking structure is accessory. The new vehicle storage must comply with the following requirements:

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<sup>361</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

<sup>362</sup> This carries forward Sections 4-305, 4-405, 4-605, 4-705, 4-805, 5-305, 5-405, and limitations in the use definition in Sect. 20-300. Standards relating to signs were not carried over because general signage standards apply.

- (a) The owner of the parking structure must submit a parking tabulation in accordance with [reference to relocated Article 17] that demonstrates that excess parking spaces are available for the proposed new vehicle storage.
- (b) The layout of the new vehicle storage may not hinder the internal vehicle circulation within the parking structure, and there must be no mechanical parking lift devices or fencing associated with the new vehicle storage.
- (c) Transitional screening pursuant to [reference to relocated Article 13] is not required.

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## LL. Truck Rental Establishment<sup>363</sup>

### Standards that apply to all truck rental establishments:

- (1) Rental trucks and trailers are limited to vehicles with no more than two axles, a maximum box length of 17 feet, a maximum height of 12 feet, and those that do not require a commercial driver's license to operate.

### Standards when permitted by special exception:

- (2) A truck rental establishment is allowed only as an ancillary use to a principal use on a lot, and the following standards apply:
  - (a) The truck rental establishment is limited to the rental and minor servicing of trucks and trailers typically rented to individuals for the moving of personal belongings (i.e., rental moving vans and trailers).
  - (b) A truck rental establishment must have safe and convenient access to a street. The street frontage must be curbed, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
  - (c) The area used for the parking and storage of rental trucks and trailers may not exceed 10 percent of the total area of the site.
  - (d) All outdoor storage areas, including aisles and driveways, must be designated on the special exception plat, constructed and maintained with an approved surface in accordance with [reference to relocated Sect. 11-102], and improved in accordance with construction standards presented in the Public Facilities Manual.
  - (e) All trucks and trailers that are stored outdoors must be in operating condition.
  - (f) All trucks and trailers must be stored on site and only on the portion of the site designated on the special exception plat for the storage of rental trucks and trailers.
  - (g) Rental trucks and trailers may not be parked or stored within 15 feet of the front lot line.

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<sup>363</sup> This carries forward Sect. 9-525 and provisions from the definition of the use in Sect. 20-300. References to other applicable provisions in this draft are located in the general standards. The standards for Board determinations about lot characteristics are deleted here and addressed through the general standards.

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## MM. Vehicle Fueling Station<sup>364</sup>

### Standards applicable to all vehicle fueling stations:

- (1) A vehicle fueling station may not be used for the performance of major repairs; however, it may include accessory minor servicing and repair of vehicles, such as: the sales and servicing of spark plugs, batteries, distributors, breaks, and tires, but not recapping or regrooving; replacement of mufflers, tail pipes, fan belts, grease retainers, wheel bearings, and the like; greasing, lubrication, and radiator flushing; repair of carburetors, fuel, oil, and water pumps and lines; minor motor adjustments not involving removal of the head or crank case or racing the motor; and emergency wiring repairs.<sup>365</sup>
- (2) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours. Dismantling, wrecking, or sale of such vehicles or their parts is not permitted. A maximum of two such vehicles in the C-3, C-4, C-5, and C-6 Districts, and the PDH, PDC, PRC, and PTC Districts, and four such vehicles in the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, may be stored on the site at any one time.<sup>366</sup>
- (3) A maximum of 50 square feet is allowed for accessory outdoor storage and display area for goods offered for sale.<sup>367</sup>
- (4) The retail sales of food, beverages, and other frequently needed items for household consumption is allowed, in accordance with the following:<sup>368</sup>
  - (a) The maximum gross floor area devoted to such sales is 2,500 square feet.<sup>369</sup>
  - (b) The preparation of food is not allowed, except for that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code or the use of microwave ovens by customers for purchased food items.
- (5) In the PDH, PDC, PRC, and PTC Districts, vehicle and tool rental is not allowed.<sup>370</sup>
- (6) In the PTC District, any vehicle repair or service must be located within a completely enclosed structure.<sup>371</sup>

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<sup>364</sup> This section carries forward and consolidates provisions from Sections 2-405, 6-106, 6-206, 6-505, 9-505, and 20-300. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards. Provisions in Sections 6-106 and 6-206 requiring a vehicle fueling station to be located in a commercial center consisting of at least three commercial establishments that are not automobile related uses are not carried forward. The prohibition on the sale of alcoholic beverages and rental of video tapes and video cassette recorders in the current definition of “service station/mini-mart” is not carried forward.

<sup>365</sup> This carries forward and condenses provisions from the definition of “service station” and the special exception standards for the commercial and industrial districts.

<sup>366</sup> This carries forward provisions from the special exception standards for the commercial and industrial districts and the use limitations for PDH, PDC, and PTC, and extends it to the PRC District. The language prohibiting dismantling is extended to the P districts.

<sup>367</sup> This carries forward provisions from the definition of “service station” and “service station/mini-mart” in Sect. 20-300.

<sup>368</sup> This carries forward provisions from the definition of “service station/mini-mart” in Sec. 20-300.

<sup>369</sup> The allowance for up to 2,500 square feet of retail sales from the current service station/mini-mart use is extended to all vehicle fueling stations.

<sup>370</sup> This carries forward provisions in Sections 6 106, 6 206, and 6-505. Standards relating to signs were not carried over because general signage standards apply.

<sup>371</sup> This carries forward a provision in Sect. 6-505.

- (7) Pump islands and associated canopies may be located in any required yard.<sup>372</sup>
- (8) When located in the Highway Corridor Overlay District, access to the use must be designed to not impede traffic on public or private streets or travelways.<sup>373</sup>

**Standards when permitted by special exception:**<sup>374</sup>

- (9) The station must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (10) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (11) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (12) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (13) In the C-3 and C-4 Districts, the following additional standards apply (see Table 4102.5.MM: Summary of Vehicle Fueling Standards):
  - (a) The station must be part of an office building or complex containing a minimum gross floor area of 35,000 square feet.
  - (b) The station must have no separate and exclusive curb cut access to the abutting highway.
  - (c) The station is limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - (d) Vehicle or tool rental is not allowed.
- (14) In the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, any outdoor areas devoted to uses such as vehicle or tool rental are limited to the portion of the site designated on the special exception plat for such uses (see Table 4102.5.MM: Summary of Vehicle Fueling Standards).
- (15) In the I-3, I-4, I-5, and I-6 Districts, the following standards apply (see Table 4102.5.MM: Summary of Vehicle Fueling Standards):
  - (a) The station must be part of an industrial building or complex containing a minimum gross floor area of 30,000 square feet.
  - (b) No building permit may be approved for the station unless a building permit has been approved for the related industrial building(s).

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<sup>372</sup> This carries forward Sect. 2 504, except it does not include merchandise displayed on a pump island.

<sup>373</sup> This carries forward Par. 1 of Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>374</sup> This carries forward provisions in Sect. 9-505 and other sections as noted.

Table 4102.5.MM: Summary of Vehicle Fueling Standards (Subsections 13, 14, and 15) ✓ = standard applies								
Standard	Zoning District							
	C-3	C-4	C-7	C-8	I-3	I-4	I-5	I-6
Must be part of an office building complex containing a minimum GFA of 35,000 SF	✓	✓						
No separate and exclusive curb cut access to the abutting highway	✓	✓						
Limited to the servicing and retail sales of products used primarily by passenger vehicles	✓	✓						
No vehicle or tool rental	✓	✓						
Must be part of an industrial building complex containing a minimum GFA of 30,000 SF					✓	✓	✓	✓
No building permit may be approved for the station unless a building permit has been approved for the related industrial building					✓	✓	✓	✓
Outdoor areas for uses such as vehicle or tool rental are limited to the area designated on the special exception plat			✓	✓	✓	✓	✓	✓

## NN. Vehicle Repair and Maintenance, Light

### Standards applicable to all vehicle repair and maintenance, light:

- (1) Any area for the storage of vehicles must be shown on an approved site plan and does not count as part of the minimum required parking.<sup>375</sup>

### Standards when permitted by right:

- (2) In the C-6, C-7, and C-8 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>376</sup>
  - (a) The use must be located within the main structure of a regional shopping center.
  - (b) The shopping center and the building where the use is located must be subject to an approved unified site plan.
  - (c) Vehicular access to the use must be provided only via the internal circulation system of the shopping center.
- (3) In the I-5 and I-6 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>377</sup>
  - (a) The use is part of an industrial building complex containing a minimum gross floor area of 30,000 square feet.
  - (b) The use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial.
- (4) In the PDH, PDC, and PTC Districts, the following standards apply:<sup>378</sup>

<sup>375</sup> This is a new standard.

<sup>376</sup> This carries forward provisions in Sections 4-605, 4-705, and 4-805.

<sup>377</sup> This carries forward provisions in Sections 5-505 and 5-605. Aggregate floor area limitations in conjunction with accessory service uses are not carried forward.

<sup>378</sup> This carries forward provisions in Sections 6-106, 6-206, and 6-505. Standard relating to signs was not carried over because general signage standards apply.

- (a) Vehicle rental, tool rental, outdoor storage, and outdoor display of goods offered for sale are not allowed.
- (b) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours, and a maximum of two such vehicles may be stored on the site at any one time.
- (5) In the PDH and PDC Districts, light vehicle repair and maintenance may be located only in a commercial center containing a minimum of three other commercial establishments.<sup>379</sup>
- (6) In the PTC District, all vehicle repair and service must occur within a completely enclosed structure.<sup>380</sup>

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## 00. Vehicle Sales, Service, and Rental<sup>381</sup>

### Standards when permitted by right or by special exception:

- (1) In the C-3, C-4, I-3, I-4, I-5, and PRC Districts, vehicle rentals but not vehicle sales are allowed. Such rentals must comply with the following additional standards:
  - (a) Rentals are limited to rental of automobiles and passenger vans. Rental of trucks or other vehicles is not allowed.
  - (b) A maximum of 25 rental vehicles may be stored on site. Vehicle storage is limited to that portion of the site designated on the special exception plat for the storage of rental vehicles.
  - (c) Maintenance and refueling of the rental vehicles on-site are prohibited.
- (2) Any sales room, rental office, or service facility must be entirely enclosed within a building.
- (3) The use must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
- (4) All structures are subject to the bulk regulations of the zoning district in which they are located, except structures that are completely underground may be located in any required yard but must be located a minimum of one foot from all lot lines.<sup>382</sup>
- (5) Outdoor areas devoted to storage, loading, parking, and display are limited to the portion of the site designated on the special exception plat for such activities. Such areas must comply with the following standards:<sup>383</sup>
  - (a) The areas must be located on the same lot with and ancillary to a sales room, rental office, or service facility.
  - (b) Except loading areas, if located on the ground and open to the sky, the areas may be located in any required yard, provided, the areas must be located a minimum of 10 feet from all front lot line(s), except as may be qualified by the provisions of [*reference to relocated Article 13*].

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<sup>379</sup> This carries forward provisions in Sections 6-106 and 6-206, but the reference to “automobile-related” uses is deleted.

<sup>380</sup> This carries forward provisions in Sect. 6-505.

<sup>381</sup> This section carries forward Sect. 9-518.

<sup>382</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

<sup>383</sup> This extends the requirements to loading areas, whereas currently only subsection (a) applies to loading areas.

- (c) If located contiguous to a street, the areas must have a curb between the area and the street.
  - (d) The areas, including aisles and driveways, must be constructed and maintained with an approved surface in accordance with [reference to relocated Par. 11 of Sect. 11 102], and must be improved in accordance with construction standards presented in the Public Facilities Manual.
  - (e) The storage or display of vehicles that are not in operating condition is not allowed.
- (6) In the PDC, PRM, and PTC Districts, vehicle sales and rental are allowed only when specifically identified on an approved final development plan. In addition, all vehicle display and storage must be located within an enclosed building or parking garage and any ancillary service establishment use must be located within a completely enclosed building.

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## PP. Vehicle Transportation Services

### Standards when permitted by right:

- (1) In the C-6, C-7, C-8, PDC, PRC, PRM, and PTC Districts, vehicle transportation services must comply with the following standards:<sup>384</sup>
  - (a) A maximum of five company vehicles are allowed on site at any given time.
  - (b) Maintenance and refueling of vehicles on site are not allowed.
- (2) In the I-4 District, all storage of vehicles and activities associated with vehicle transportation services must be conducted within a completely enclosed building.<sup>385</sup>

## 6. Industrial Uses

### Freight Movement, Warehousing, and Wholesale Distribution

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#### A. Data Center<sup>386</sup>

##### Standards when permitted by right or by special exception:

- (1) In all districts except the I-4, I-5, and I-6 Districts, all equipment necessary for cooling, ventilating, or otherwise operating the facility must be contained within an enclosed building where the use is located.
- (2) The following standards apply to Data Centers located in the C-3 and C-4 Districts:
  - (a) Any emergency power generators and emergency power supply equipment must be located within an enclosed building.
  - (b) The maximum size of the structure containing this use is 40,000 square feet in gross floor area. However, this size limit may be exceeded if the use is located in a building existing on [insert effective date of this Ordinance] or in accordance with [reference to special exception procedure].

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<sup>384</sup> This carries forward provisions in Sections 4-605, 4-705, 4-805, 5-405, 6-206, 6-305, 6-406, and 6-505 that pertain to this use. The provisions relating to transitional screening and barrier requirements will be addressed in the relocated Article 13.

<sup>385</sup> This carries forward that portion of Sect. 5-405 that pertains to this use.

<sup>386</sup> These standards are new.

- (3) In the I-2 and I-3 Districts, the maximum size of the structure containing the use is 80,000 square feet in gross floor area. However, this size limit may be exceeded in accordance with [*reference to special exception procedure*].

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## B. Goods Distribution Hub<sup>387</sup>

### Standards when permitted by right:

- (1) The use of semitrailers, including tractor or trailer units, is not permitted to distribute goods from the use. In addition, all vehicles used to distribute goods from the facility may not exceed a maximum length of 28 feet.
- (2) In the C-3, C-4, and C-5 Districts, the maximum size is 6,000 square feet of gross floor area.
- (3) In the C-6, C-7, C-8, PDC, and PTC Districts, the maximum size is 10,000 square feet of gross floor area.

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## C. Self-storage<sup>388</sup>

### Standards when permitted by right:

- (1) Incidental retail sale of storage-related items, including, but not limited to, boxes and packing tape, is permitted.<sup>389</sup>
- (2) In the I-3 District, self-storage is permitted by right if it complies with the following:<sup>390</sup>
  - (a) Loading and unloading areas must be located, screened, or fully enclosed to minimize the potential for adverse impacts on adjacent property. All other activities associated with the use must be conducted completely indoors in a minimum three-story structure that is office-like in appearance.
  - (b) No individual storage bay doors, storage items, or lighted hallways along the lengths of the building façades may be visible from the outside of the storage structure.
  - (c) Incidental parking or storage of motor vehicles, including trucks, trailers, or moving vans, is not permitted, except for purposes of loading and unloading.
- (3) In the PDC and PTC Districts, self-storage must comply with the following:<sup>391</sup>
  - (a) Loading and unloading areas must be located, screened, or fully enclosed to minimize the potential for adverse impacts on adjacent property. All other activities associated with the use must be conducted completely indoors in a multiple story structure.
  - (b) All storage must be within a building that is office-like in appearance and harmonious in color and design with that of the surrounding development so as to minimize any adverse visual impact.

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<sup>387</sup> These standards are new.

<sup>388</sup> This carries forward Sections 9-514, 6-206.14, and 6-505.16, with modifications. The limitation to “dead storage” is not carried forward. The prohibition of loading docks in Sect. 9-514 is not carried forward. Instead, a new standard for loading and unloading areas is included.

<sup>389</sup> This is a new standard.

<sup>390</sup> These standards for the I-3 District are included because the permission is changed from SE to P. They are based on current SE standards and standards for the PDC and PTC Districts.

<sup>391</sup> The requirement to being “office-like in appearance” has been deleted.

- (c) No individual storage bay doors, storage items, or lighted hallways along the lengths of the building façades may be visible from the outside of the storage structure.<sup>392</sup>
- (d) The site must be designed to facilitate safe and efficient on-site circulation and parking.
- (e) Signage must be in scale and harmony with the surrounding development so not to detract from the desired character of the area, as described in the purpose of the zoning district and any established development plans for the area.
- (f) Incidental parking or storage of motor vehicles, including trucks, trailers, or moving vans, is not permitted, except for purposes of loading and unloading. Truck, trailer, or van rentals may not be conducted from the site.

**Standards when permitted by special exception:**

- (4) In addition to the by-right standards above, self-storage must comply with the following:
  - (a) All storage must be within a completely enclosed building.
  - (b) Loading and unloading areas must be located, screened or fully enclosed to minimize the potential for adverse impacts on adjacent property.
  - (c) Incidental parking or storage of motor vehicles, including trucks or moving vans is not allowed, except for purposes of loading and unloading, or if approved as a part of a truck rental establishment.

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## D. Warehouse<sup>393</sup>

**Standards when permitted by right:**

- (1) Retail sales to the general public are allowed as an accessory use, in accordance with the following limitations:
  - (a) In the I-4 District, a maximum of 25 percent of the gross floor area of the establishment or 5,000 square feet, whichever is smaller, may be used for retail sales.
  - (b) In the I-5 and I-6 Districts, retail sales may be permitted if a minimum of 60 percent of the gross floor area of the facility is devoted to warehouse use that is not display area.

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## E. Wholesale Facility<sup>394</sup>

**Standards when permitted by right:**

- (1) Retail sales to the general public are allowed only as an accessory use. A maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller, may be accessible to the general public for retail sales.
- (2) In the I-2 and I-3 Districts, a wholesale facility may be permitted as incidental and accessory to a permitted, special exception, or special permit use.

**Standards when permitted by special exception:**

- (3) In addition to the standard in subsection (1) above, all business, service, storage, and display of goods must be conducted within a completely enclosed building.

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<sup>392</sup> The prohibition on lighted hallways applicable to the PTC District has been added to the PDC District.

<sup>393</sup> Consolidates standards from Sections 5-405.3, 5-505.4, and 5-605.3.

<sup>394</sup> Consolidates standards from Sections 5-205.3, 5-305.3, 9-519, and the definition in Article 20.

## Industrial Services and Extraction of Materials

### F. Contractor's Office and Shop<sup>395</sup>

#### Standards when permitted by right:

- (1) Retail sales to the general public are allowed only as an accessory use. A maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller, may be accessible to the general public for retail sales.
- (2) In the PTC District, a contractor's office and shop and all associated operations and activities, including the storage of materials and company vehicles, is permitted only when contained within a building or parking structure.

### G. Extraction Activities<sup>396</sup>

#### Standards when permitted by special permit:

- (1) All extraction activities must comply with the following standards:
  - (a) The minimum lot area is 20 acres. This requirement, however, does not preclude the approval of a permit to enlarge or extend an existing extraction activity use onto contiguous land containing less than 20 acres.
  - (b) With the exception of stone quarrying and related grading activity, the grading, mining, excavating, removal of trees, and any other disturbance of natural vegetation is not permitted:
    1. Within 200 feet of contiguous property subdivided into residential lots of one acre or smaller not under the ownership or control of the applicant; or
    2. Within 250 feet of an occupied dwelling.
  - (c) Exceptions to the setbacks established in subsection (b) above for all uses except stone quarrying may be granted by the BZA if:
    1. The application includes a notarized letter, signed by the owner of the adjacent property, indicating approval of the encroachment; and
    2. The BZA determines that the ultimate grades of the proposed encroachment are suitable for future development of the property in accordance with the adopted comprehensive plan for that area.
  - (d) All natural resource extraction, quarrying, and related operations must be in conformance with [reference to new location for current Sect. 2-603] relating to erosion and sedimentation.
  - (e) No building or structure used in connection with such an operation, except buildings for office and administrative purposes only, may 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 administrative uses may be located not less than 100 feet from the

<sup>395</sup> Carries forward Sect. 6-505.17 and portions of the definition in Sect. 20-300. Standards for outdoor storage are included in Sect. 4102.1, General Standards.

<sup>396</sup> This carries over Sect. 8-105. Application requirements included in Sect. 8-103 through 8-104 will be included in the new article for Administration and Procedures.

right-of-way of a public street or adjoining property when specifically approved as part of the special permit.

- (f) In conjunction with all extraction activity uses except stone quarrying, no washing, crushing, processing or similar operation may be conducted within 200 feet of the right-of-way line of any public street or any adjoining residential property.
- (g) In conjunction with a stone quarry, no washing, crushing, processing or similar operation may 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, may be permitted within 150 feet of contiguous property subdivided into residential lots of one acre or smaller, not owned or controlled by the applicant, or the right-of-way of any public street.
- (h) An exception to the setbacks established in subsection (g) above may be granted by the BZA if the application for special permit approval includes a notarized letter, signed by the owner of the adjacent property, indicating approval of the encroachment.<sup>397</sup>
- (i) The top of all open excavations having a depth of 10 feet or more which creates a slope of 45 degrees or more from the horizontal edge and remains for a period of more than 24 hours, must be enclosed by a substantial fence erected at least 50 feet outside the excavation. The fence must have a minimum height of six feet and must effectively control access to the excavation.
- (j) All operations are limited to the hours of 7:00 AM to 6:00 PM. However, the BZA may modify the hours to permit loading and delivery after 6:00 PM if the BZA determines the modification will not adversely impact the surrounding area.
- (k) All settlement ponds used in connection with an operation, except those entirely within a fenced area required by Paragraph (i) above, must be enclosed by a chain link fence having a minimum height of six feet and having an arm extending 18 to 24 inches above the chain link portion of the fence that includes at least three strands of four barb barbed wire. The fence must have a locked gate at all access points.
- (l) All vehicles used to transport excavated material must be loaded in a way that prevents the unintentional discharge of material from the vehicle. Trucks must be cleaned of all material not in the load-bed prior to entering the public streets.
- (m) Existing trees and ground cover along public road frontage must 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.
- (n) Roadside landscaping must be provided to reflect the purpose of the natural resource area and protect it from becoming an eyesore, to dampen noise from the operation of equipment, and to absorb dust that might result from the extraction activities.
- (o) Extraction activities are subject to the following performance standards, notwithstanding other provisions of this Ordinance:
  - 1. No blasting is permitted except in conjunction with a permit for stone quarrying.
  - 2. Blasting vibration is 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

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<sup>397</sup> Par. 7 of Sect. 8-105 is not carried forward because it refers to quarries prior to the effective date of the 1978 Ordinance. Nonconforming provisions would continue to apply.

property. In addition, the BZA may further limit such blasting vibration where it makes a finding that the density of population in the area warrants additional protection.

3. Earth vibration produced from sources other than blasting must not exceed 0.05 inches per second at any occupied structure not on the subject property.
4. The peak over-pressure (noise) from any blast is limited to 0.0092 pounds per square inch (130 decibels) at any occupied structure not on the subject property.
5. Airborne noise produced from sources other than blasting must 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.

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## H. Petroleum Products Storage Facility<sup>398</sup>

### Standards when permitted by special exception:

- (1) The Board may approve a special exception if it determines that the proposed location of the facility is necessary for the rendering of efficient utility service to consumers within the immediate area.

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## I. Vehicle Storage or Impoundment Yard<sup>399</sup>

### Standards when permitted by right:

- (1) In the I-4 District, vehicle storage and impoundment facilities may be conducted only within a completely enclosed building.

## Production of Goods

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## J. Craft Beverage Production Establishment<sup>400</sup>

### Standards when permitted by right:

- (1) Storage of materials used in the production process is permitted only within a completely enclosed structure.
- (2) A maximum of 15 percent of the square footage of the area accessible to the public or 250 square feet, whichever is larger, as evidenced by submission of a floor plan, may be used for accessory entertainment, as determined by the Zoning Administrator. Entertainment may include dancing, live entertainment including recorded music with a DJ, or other similar uses. Any entertainment activity that exceeds these limitations is considered public entertainment.<sup>401</sup>
- (3) In the C-5, C-6, C-7, C-8, PDC, PRC, PRM, and PTC Districts, craft beverage production establishments are permitted by right in accordance with the following:
  - (a) Production is limited to not more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually; however, the Board may approve other

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<sup>398</sup> This carries forward Paragraph 4 of Sect. 9-204.

<sup>399</sup> This carries forward Sect. 5-405.4.

<sup>400</sup> This carries forward Sections 4-505.11, 4-605.13, 4-705.15, 4-805.17, 5-305.8, 5-405.9, 5-505.10, 5-605.9, 6-206.16, 6-305.15, 6-406.14, 6-505.20.

<sup>401</sup> The standard for accessory entertainment with a restaurant is added to the craft beverage production use.

production limits in conjunction with the approval of a development plan for the PDC, PRC, PRM, or PTC District.

- (b) In the C-5, C-6, C-7, and C-8 Districts, production activities and the area devoted to such activities must be accessory to an on-site tasting room.
  - (c) In the PDC, PRC, PRM, and PTC Districts, the establishment must include an on-site tasting room.
- (4) In the I-3, I-4, I-5, and I-6 Districts, craft beverage production establishments are permitted by right in accordance with the following:
- (a) A tasting room, consisting of up to 30 percent of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served must be as an accompaniment to those products produced on-site and is limited to pre-packaged food items or food items that require limited preparation or reheating.
  - (b) Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105. Parking for a tasting room must be provided in accordance with the requirements for a craft beverage production establishment pursuant to [new reference for Sect. 11 104].
  - (c) Retail sales may be permitted as an accessory use, as long as the associated retail sales area is limited to 10 percent of the gross floor area of the establishment.

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## K. Production or Processing

### Standards when permitted by right:

- (1) In the I-3 District, establishments for printing, food and beverage manufacturing, and bulk storage of flammable materials for resale are not allowed.<sup>402</sup>
- (2) In the I-4, I-5, and PTC Districts, bulk storage of flammable materials for resale is not allowed.<sup>403</sup>
- (3) In the I-3 through I-6 Districts, production or processing may include accessory retail sales as long as the retail sales area is limited to 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller.<sup>404</sup>

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## L. Production or Processing, Heavy<sup>405</sup>

### Standards when permitted by special exception:

- (1) The Board may establish additional yard requirements, landscaping and screening requirements, and other requirements in approving the special exception to ensure compatibility with the surrounding community.

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<sup>402</sup> This is carried forward from Sect. 5-302.5.

<sup>403</sup> This is carried forward from Sections 5-402.7, 5-502.7, and 6-502.11.

<sup>404</sup> This carries forward Sections 5-405.3.B, 5-505.4.B, and 5-605.3.B, extends the ability to have accessory retail sales to the I-3 district, and adds the 1,000 square foot supplement to the 10% retail limit to the I-5 and I-6 Districts.

<sup>405</sup> This carries forward Par. 2 of Sect. 9-511. Par 1 of Sect. 9-511 will be relocated to submission requirements.

## M. Small-Scale Production Establishment<sup>406</sup>

### Standards when permitted by right:

- (1) The maximum size of an individual small-scale production establishment is as follows, based on the district where it is proposed to be located:

Zoning District	Maximum Gross Floor Area (square feet)
C-3, C-4, C-5, C-6	6,000
C-7, C-8, I-3	10,000
PDH, PDC, PRC, PRM	10,000 or as modified by the Board in conjunction with the approval of a development plan

- (2) In the PDH District, the use may be located in commercial areas only as shown on an approved final development plan.
- (3) The maximum size established in subsection (1) does not preclude the location of more than one establishment per lot.
- (4) The use may not include the bulk storage of flammable materials for resale.
- (5) Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.
- (6) A small-scale production establishment may not include heavy industrial activities as described in the definition of heavy production or processing.
- (7) In the C-5, C-6, C-7, C-8, PDH, PDC, PRC, and PRM Districts, a small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter and customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.
- (8) In the I-3 District, retail sales may be permitted as an accessory use, if the associated retail sales area is limited to ten percent of the gross floor area of the establishment.

## Waste and Recycling Facilities

### N. Mixed Waste Reclamation Facility<sup>407</sup>

#### Standards when permitted by special exception:

- (1) All mixed waste reclamation facilities must comply with the siting, design, construction and operating standards of the Virginia Department of Environmental Quality Solid Waste Management Facility Standards for Materials Recovery Facilities.

<sup>406</sup> This carries forward standards in Sections 4-305, 4-405, 4-505, 4-605, 4-705, 4-805, 5-305, 6-106, 6-206, 6-305, and 6-406. Off-street parking requirements will be carried forward in Article 6: Parking and Loading.

<sup>407</sup> This carries forward Sect. 9-523.

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## O. Recycling Center<sup>408</sup>

### Standards when permitted by-right:

- (1) No recycling center may receive, store, process or transfer any material other than source-separated nonputrescible or source-separated commingled nonputrescible metal, glass, paper, or plastic containers, corrugated cardboard, or other recyclable materials designated by the Director of the Department of Public Works and Environmental Services or designee.
- (2) In the I-5 District, a recycling center may not have outside storage.

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## P. Solid Waste Disposal Facility<sup>409</sup>

### Standards when permitted by special exception:

- (1) The Board may approve a special exception if it determines that the proposed location of the facility is necessary for the rendering of efficient utility service to consumers within the immediate area.
- (2) No land or building in the R-E, R-1, R-2, I-2, I-3, or I-4 Districts may be used for the storage of materials or equipment, 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) In the R-E, R-1, and R-2 Districts, this use is limited to landfills only.
- (4) The following standards apply to all applications for special exception approval of landfills, including but not limited to those that are part of a solid waste treatment facility, which are not owned or operated by a public agency.<sup>410</sup>
  - (a) A special exception for a landfill is not valid unless the Virginia Department of Environmental Quality approves the site for landfill use.
  - (b) Every special exception for a landfill is deemed to incorporate all other provisions of law related to the use as specific conditions.
  - (c) Unacceptable pollutants must not be introduced into surface or groundwater or otherwise cause a potential health hazard. This must be demonstrated through comprehensive soil and groundwater investigations and subsequent design methods to the satisfaction of the County.
  - (d) All landfills are subject to any additional regulations adopted by the Board. 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.
  - (e) The Board will establish the amount, per acre and total, of surety adequate to guarantee the planned restoration.
  - (f) The Director will make an annual inspection of each landfill and will make a report of the findings to the Board. The report must include the following:

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<sup>408</sup> This carries forward Sections 5-505.3, 5-505.7, and 5-605.6.

<sup>409</sup> This carries forward Sect. 9-205 and the limitation of use to landfills only in the R-E, R-1, and R-2 Districts.

<sup>410</sup> Except for standards (c) and (d), these provisions may be relocated to the procedures article.

- 1.** A statement of whether the operation is in compliance with all of the requirements of the special exception.
  - 2.** A statement of changes that have occurred in the vicinity since the granting of the application, such as new development in the area.
  - 3.** A statement on the condition of roads in the area that might indicate the spillage of materials from trucks.
- (g)** As a result of the annual inspection, the Director may find it necessary, for the health, safety and welfare of the general public, to recommend additional restrictions and limitations on the use. If so, the Director will transmit the findings to the Board, which will hold a public hearing, following notice in accordance with [*reference relocated current Sect. 18-110*].
- (h)** Upon completion of operations, the land must be left in a safe condition and in such a state that it can be used for development of the property in accordance with the adopted comprehensive plan. Sufficient drainage improvements must be provided to prevent water pockets or erosion, and such improvements must be designed in accordance with plans and specifications approved by the Director in conformance with the Public Facilities Manual. Where restoration has not been accomplished, or where the restoration was not done in conformance with the approved restoration plan, the Director will take appropriate action, including demand for performance or payment by the surety on the bond.
- (i)** No improvements may be constructed in or upon any landfill for a period of 20 years after the termination of the landfill operation without the approval of the Board. No such approval may be granted unless the applicant demonstrates that:
- 1.** Any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvement.
  - 2.** 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.

## 7. Accessory Uses<sup>411</sup>

### A. General Standards for Accessory Uses and Structures<sup>412</sup>

#### (1) Generally Permitted

Unless qualified by another provision of this Ordinance, accessory uses and structures, as defined in Article 9: Definitions, are permitted in any zoning district, subject to the standards in this section (4102.7).

#### (2) Relation to Principal Use

(a) Accessory uses and structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within the district where the accessory use or structure is located.

(b) No accessory structure may be occupied or used unless the principal structure to which it is accessory is occupied or used.

#### (3) Must Comply with District Use Standards

All accessory uses and structures must comply with the use standards applicable in the zoning district where they are located.

#### (4) Limitation on Motor Vehicle Fuel Storage Tanks

In residential districts, motor vehicle fuel storage tanks are not allowed as accessory to a dwelling.<sup>413</sup>

#### (5) Height<sup>414</sup>

(a) All accessory uses and structures must comply with the maximum height regulations applicable in the zoning district where they are located, except as may be qualified by another Section of this Zoning Ordinance. For the purposes of determining height, unless otherwise specified by another provision in this Ordinance, the height of an accessory structure is measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure.

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<sup>411</sup>This section generally integrates provisions from Article 10 and Article 2. The category of accessory service uses is not carried forward, but is instead replaced by associated service use standards in Sect. 4102.G of this draft. Some provisions in Article 10 will be located in other parts of the reorganized zoning ordinance (e.g., standards for off-street parking will be located in Article 6: Parking and Loading, and standards for outdoor lighting will be located in Article 5: Development Standards). Standards for “guest house or rooms for guest in an accessory structure” are not carried forward separately, consistent with the current interpretation that such a use or structure is allowed subject to the general standards for accessory uses and structures.

<sup>412</sup> This carries over Sect. 10-101 and Sect. 10-103, with some wording revised for clarity, as well as various other provisions from Article 10 and Article 2. Some of the provisions included in this section may be relocated during the comprehensive reorganization of the zoning ordinance. Other provisions are not included in this section because they will be located elsewhere in the reorganized zoning ordinance, such as outdoor lighting provisions (which will be located in Sect. 5-107, Outdoor Lighting) and yard encroachment provisions in Article 2 (which will be located in Sect. 5-100, Dimensional Standards).

<sup>413</sup> This carries forward Par. 14 of Sect. 10-102.

<sup>414</sup> The exceptions to the maximum height regulations in this section have been relocated to Sect. 5-100, Dimensional Standards.

**(6) Freestanding Accessory Structures<sup>415</sup>**

Freestanding accessory structures, such as sheds, garages, gazebos, pools, and recreational equipment, must comply with the following standards:

**(a) Location in Front Yard**

1. The structure may not be located in the minimum front setback as specified in the applicable zoning district regulations.
2. On a lot that is 36,000 square feet or less, only the following freestanding accessory structures may be located in any front yard:
  - A. Flagpoles;
  - B. Landscaping (see Article 9: Definitions);<sup>416</sup>
  - C. Basketball standards, which may be located no closer than 15 feet to the front lot line, and no closer than 12 feet to any side lot line or a distance equal to the minimum side setback, whichever is less; and
  - D. Gardening.<sup>417</sup>

**(b) Location in Side or Rear Yard<sup>418</sup>**

1. If the structure does not exceed eight and one-half feet in height, it may be located in any part of a side yard or rear yard, except as qualified by [reference to relocated Sect. 2-505].
2. If the structure is between eight and one-half feet in height and 12 feet in height [**advertised range: 10 to 12 feet**], it must be located a minimum of five feet from any side lot line and a minimum of five feet from any rear lot line. However, on a single family attached lot, a freestanding structure up to 12 feet in height and located wholly underneath a deck is not subject to this five-foot setback and may be located in any part of a side or rear yard.<sup>419</sup>
3. If the structure is more than 12 feet in height [**advertised range: 10 to 12 feet**], it must be located at least:
  - A. A distance equal to the minimum side setback from all side lot lines that applies to unattached principal structures;<sup>420</sup> and

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<sup>415</sup> This carries forward and consolidates Paragraphs 10 and 12 of Sect. 10-104 and Par. 25 of Sect. 10-102, with revisions: (i) the reference to a statue in Par. 12C of Sect. 10-104 will be replaced with a link to the defined term of “landscaping” which includes fountains, statues, etc.; (ii) a new maximum height without SP approval for structures accessory to single family dwellings; (iii) a new side and rear setback of 5 feet for structures between 8.5 – 12’ in height; (iv) a revised rear setback for structures greater than 12 feet; (v) a new cumulative maximum square footage of 50% of the principal dwelling for all accessory structures on the lot without SP approval; (vi) a revised side setback for basketball standards and deletion of the hours; and (vii) deletion of the 200 sq. ft. size limit for sheds. Par. 1 of Sect. 10-104, which requires that wall and roof attachments comply with the bulk standards for the principal structure, is deleted.

<sup>416</sup> This will include a link to the definition of landscaping, which includes structures such as fountains, statues, and ponds.

<sup>417</sup> Standards for the recently adopted amendment will be integrated in a future draft.

<sup>418</sup> Standards have been significantly revised and clarified.

<sup>419</sup> This is a new standard. It is clarified here and with Note [3] to the table that single family attached lots are subject to the standards for freestanding accessory structures.

<sup>420</sup> Applying the height and location regulations to accessory structures to single family attached units is new.

- B. A distance equal to or greater than its height from the rear lot line or the minimum rear setback, whichever is less.
- 4. The requirements of subsections 1, 2, and 3 are summarized in the table below.

Table 4102.7.A(6): Accessory Structure Height and Yard Requirements	
Height of Accessory Structure	Setbacks Required
Up to 8.5 feet	Side: None
	Rear: None
8.5 feet to 12 [10-12 advertised] feet	Side: 5 feet [1]
	Rear: 5 feet [2]
Greater than 12 [10-12 advertised] feet	Side: Required side yard setback of district [3]
	Rear: Required rear yard setback of district or distance in height from rear lot line, whichever is less

NOTES:

- [1] This setback does not apply in commercial and industrial districts if there is no minimum side setback for the district.
- [2] This setback does not apply in industrial districts if there is no minimum required rear setback for the district.
- [3] Although the side yard requirements do not apply to individual single family attached units except at peripheral lot lines, the setbacks are required for freestanding accessory structures on single family attached lots.

- 5. The transitional screening requirements of [reference to relocated Article 13], which include a specific width for open space and planting beds, are required and must be satisfied regardless of the accessory structure yard requirements presented above.

**(c) Maximum Height**

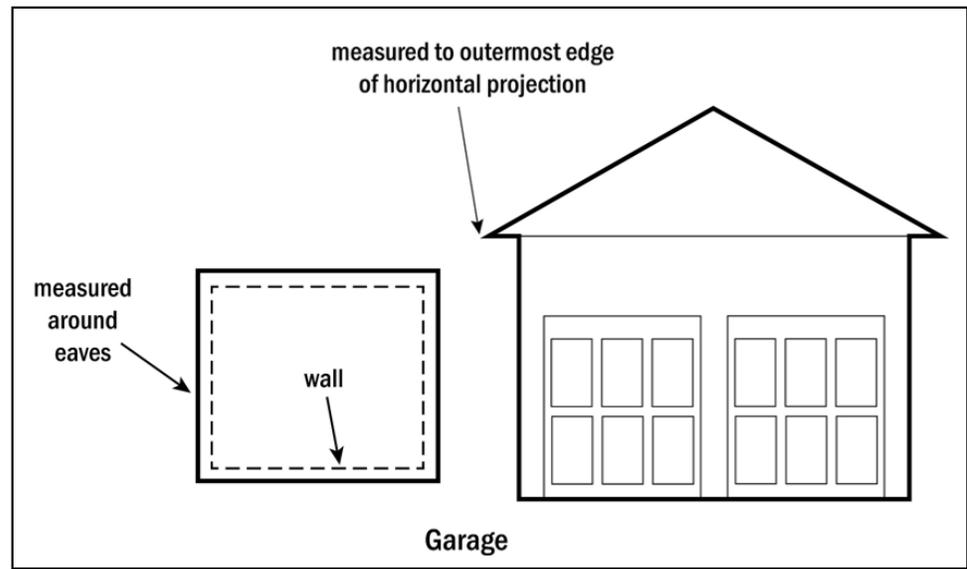
When accessory to a single family dwelling, the height of a freestanding accessory structure may not exceed 25 feet or the height of the existing dwelling unit, whichever is less; however, the BZA may approve a special permit for an increase in height. Additional height restrictions may apply, depending on the location of the structure in the side or rear yard, in accordance with subsection (b) below.<sup>421</sup>

**(d) Maximum Cumulative Square Footage**

When accessory to single family dwellings, the following standards apply in all districts except the R-A, R-C, and R-E Districts:

- 1. The cumulative square footage of all enclosed freestanding accessory structures on a lot may not exceed 50 percent of the gross floor area of the dwelling unit.
- 2. For the purpose of this section, enclosed freestanding accessory structures include all roofed structures containing three or more walls, and cumulative square footage is measured from the perimeter of the exterior of the structure measured to the outermost edge of the horizontal projection, as demonstrated in the figure below.

<sup>421</sup> This standard is still under review.



**(7) Solid Waste and Recycling Storage Containers**

Solid waste and recycling storage containers may be located in any yard, provided they comply with the following standards:<sup>422</sup>

- (a) Containers may not be located in any required parking space, driveway, parking aisle, open space, or landscaped area.
- (b) If located in a minimum front setback, the containers must be located at least fifteen feet from the front lot line and be screened from view from the abutting street by either plantings or solid fencing. The height of the solid fencing may not exceed the height of the containers by more than one foot.

**(8) Television and Satellite Dish Antennas**

Except as may be qualified by [reference to relocated Sect. 2-505], conventional television antennas and satellite dish antennas designed to receive television or video programming, voice, or data services with a diameter or diagonal measurement of 39 inches (one meter) or less may be located in any yard.<sup>423</sup>

**(9) Ground-Supported Amateur Radio Antenna Structures**

Ground-supported antenna structures for the operation of personal or amateur radio facilities under Parts 95 and 97 of the Federal Communications Commission regulations may be permitted in any residential district as follows:<sup>424</sup>

- (a) Structures 75 feet or less in height must not be located closer to any lot line than a distance equal to one-fifth of their height.
- (b) Structures greater than 75 feet in height must not be located closer to any lot line than a distance equal to their height.

<sup>422</sup> This carries forward Par. 11 of Sect. 10-104.

<sup>423</sup> This carries forward Par. 13 of Sect. 10-104, with reference to voice and data services added.

<sup>424</sup> This carries forward Par. 5 of Sect. 10-104.

**(10) Gates and Gate Posts**

Gates and gate posts may be located within any required minimum front yard as follows:<sup>425</sup>

- (a) Four gate posts not to exceed ten feet in height.
- (b) Two gates not to exceed eight feet in height.
- (c) Gates and gate posts exceeding four feet in height must not exceed a maximum of 15 percent of the width of the lot.

**(11) Fences and Walls**

Fences and walls must comply with the following standards:<sup>426</sup>

**(a) Materials**

1. Barbed wire fences are prohibited in all zoning districts except on lots of at least five acres in the R-A, R-C, R-E, and R-1 Districts.<sup>427</sup> However, barbed wire strands may be used to enclose storage yards, 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 feet.<sup>428</sup>
2. Electric fences are not allowed on lots of two acres or less that are located within a subdivision, as defined in Chapter 101 of The Code, The Subdivision Ordinance.

**(b) Height**

1. Unless otherwise allowed by subsection (c) below, the maximum allowed height for a fence or wall is as established in Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height.

<b>Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height</b>			
Yard where Fence or Wall Located	Location, Size, or Use of Lot	Material Fence or Wall Composed of	Maximum Allowed Height of Fence or Wall (ft.)
Front, Side, or Rear	Lot of 2 or more acres located in R-A, R-C, R-E, or R-1 Districts	No requirement	7
	Any Industrial use	No requirement	8
Front	No requirement	No requirement	4
	Residential corner lot that abuts a major thoroughfare [1]	Solid wood or masonry located flush to the ground	8
Side or Rear	No requirement	No requirement	7
	Reverse frontage lot or where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space located between the lot and the major thoroughfare	Solid wood or masonry located flush to the ground	8

NOTES:

[1] The driveway entrance to the lot must be from a street other than the major thoroughfare, and the principal entrance of the dwelling must face a street other than the major thoroughfare. Additionally, the lot must not be contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare. The fence may not extend into the front yard between the dwelling and a street other than the major thoroughfare.

<sup>425</sup> This carries forward Par. 4 of Sect. 10-104, except the provision allowing up to two trellises is deleted, and the maximum height of gate posts is changed from unlimited to ten feet.

<sup>426</sup> This carries forward Par. 5 of Sect. 10-103 and Par. 3 of Sect. 10-104.

<sup>427</sup> This increases the minimum lot size in Par. 5A of Sect. 10-103 for barbed wire fences from two to five acres.

<sup>428</sup> Reference to storage areas changed to storage yards to clarify this applies to a specific land use, not an area on a lot containing other uses.

2. Posts, not wider than six inches by six inches, finials, post caps, lighting fixtures, or similar decorative features as determined by the Zoning Administrator, may exceed the maximum or approved height of any fence or wall by not more than nine inches, provided such features are spaced an average distance of six or more feet apart and a minimum distance of three feet apart.
3. For a public use, a fence or wall which is to be provided in conjunction with the use may be of such height and location as approved by the Board.
4. A fence or wall that is an integral part of any accessory use, such as a tennis court or swimming pool, may exceed the maximum height in Table 4102.7.A(11)(b) above, if it conforms to the height and yard requirements for a freestanding accessory structure in subsection (6) above.

**(c) Allowed Increases in Height**

1. Table 4102.7.A(11)(c): Allowed Increases in Maximum Fence or Wall Height, summarizes the types of approval needed and the applicable standards for increases in fence, wall, gate, or gate post height.

<b>Table 4102.7.A(11)(c): Allowed Increases in Maximum Fence or Wall Height</b>			
<b>Yard where Fence or Wall Located</b>	<b>Increase in Maximum Height Permitted</b>	<b>Type of Approval</b>	<b>Applicable Standards</b>
Any Yard	Five Percent	Administrative	4102.7.A(11)(c)3
Front	Up to a maximum fence or wall height of 6 feet	Special Permit OR Special Exception	4102.7.A(11)(c)4
Side or Rear	No limit	Special Permit OR Special Exception	4102.7.A(11)(c)5
<b>Structures with Additional Permissions</b>	<b>Maximum Height Permitted</b>	<b>Type of Request</b>	<b>Applicable Standards</b>
Noise Barriers	No limit	Special Permit OR Special Exception	4102.7.A(11)(c)6
Containment Structures	No limit	Special Exception	4102.7.A(11)(c)7

2. All applications for an increase in height must be accompanied by illustrations supporting the need for the height increase and identifying the location(s) for which the relief is sought, including the height, location, color, and materials of the proposed fence, wall, gate, or gate post and any associated berming or landscaping in order to show the visual impact of the fence, wall, gate, or gate post on nearby properties.<sup>429</sup>
3. In any yard, the Zoning Administrator may approve up to a five percent increase in fence or wall height for an existing fence or wall which does not comply with the requirements in Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height, if the following requirements are met:<sup>430</sup>
  - A. The fence or wall is not subject to a height increase in accordance with subsections 4 or 5 below.

<sup>429</sup> This carries forward Paragraphs 3H(1) and 3I(5) of Sect. 10-104 and applies it generally to all fence increase applications. This standard may be relocated to submission requirements.

<sup>430</sup> This section may be relocated to where other requests for reductions are located.

- B.** The fence or wall must meet the sight distance requirements of [reference to relocated Sect. 2-505].
  - C.** The increase in fence or wall height is due to variations in topography on the site or of the fence materials.
  - D.** Any existing noncompliance was done in good faith and through no fault of the property owner.
  - E.** The fence or wall height increase must not be detrimental to the use and enjoyment of the other properties in the immediate vicinity.
- 4.** In any front yard, the Board may approve, in conjunction with a proffered rezoning or another special exception, or the BZA may approve a special permit, to allow a fence or wall height greater than the maximum height allowed by Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height, if the following requirements are met:<sup>431</sup>
- A.** The fence or wall height may not exceed six feet.
  - B.** The fence or wall must meet the sight distance requirements contained in [reference to relocated Sect. 2-505].
  - C.** The Board or BZA determines that the proposed fence or wall height increase is warranted based on the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, concerns related to safety or noise, or other similar factors.
  - D.** The Board or BZA determines that the proposed fence or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale, and any historic designations.
  - E.** The Board or BZA determines that the proposed fence or wall height increase will not adversely impact the use or enjoyment of other properties in the immediate vicinity.
  - F.** The Board or BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping, fence, or wall design requirements.
- 5.** In any side or rear yard, the Board may approve, in conjunction with a proffered rezoning or a special exception, or the BZA may approve, in conjunction with another special permit, a fence or wall height greater than the maximum height allowed by Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height, if the Board or BZA, as applicable, determines that the proposed fence or wall is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use or enjoyment of any nearby property. The Board or BZA, as applicable, may impose such conditions as it deems necessary to satisfy these criteria.
- 6.** For noise barriers, the Board may approve, in conjunction with a proffered rezoning or another special exception, or the BZA may approve, a fence or wall height greater

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<sup>431</sup> This carries forward Sect. 8-923, except application requirements will be relocated.

than the maximum height allowed by Table 4102.7.A(11)(b): Maximum Allowed Fence or Wall Height, where the noise barriers are designed to reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or noise impacts of commercial and industrial uses on adjacent properties, in accordance with the following:<sup>432</sup>

- A.** A noise impact study must be submitted with the application. The study must demonstrate the need for such a barrier and the level of mitigation to be achieved, and must include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier, and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming, and landscaping.
  - B.** The Board or BZA, as applicable, must determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.
  - C.** Before establishment, the noise barrier is subject to the provisions of [reference to relocated Article 17] or other appropriate submission as determined by the Director.
- 7.** For containment structures, an increase in fence or wall height may be approved by the Board or BZA in accordance with Sect. 4102.4.E, Community Swim, Tennis, and Recreation Club; Sect. 4102.5.R, Commercial Recreation, Outdoor; Sect. 4102.5.U, Golf Course or Country Club; or Sect. 4102.5.Y, Quasi-public Park, Playground, or Athletic Field.<sup>433</sup>

## **(12) Rear Setback Coverage Limitations**

The following limitations on coverage of the minimum rear setback apply to any lot developed with a single family detached dwelling:<sup>434</sup>

- (a)** Unless otherwise approved in accordance with subsection (e) below, all accessory structures and uses may cumulatively cover no more than:
  - 1.** 30 percent of the minimum rear setback on any lot located in a conventional residential district; or
  - 2.** 50 percent of the minimum rear setback on any lot located in a planned district and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition; or
  - 3.** 75 percent of the minimum rear setback for a lot located in a planned district and containing no more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition.

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<sup>432</sup> This carries forward Par. 3F of Sect. 10-104 and Sect. 8-919.

<sup>433</sup> This carries forward Par. 3E of Sect. 10-104. A standard for the community swim, tennis, and recreation club use will be added in the public, institutional, and community uses section.

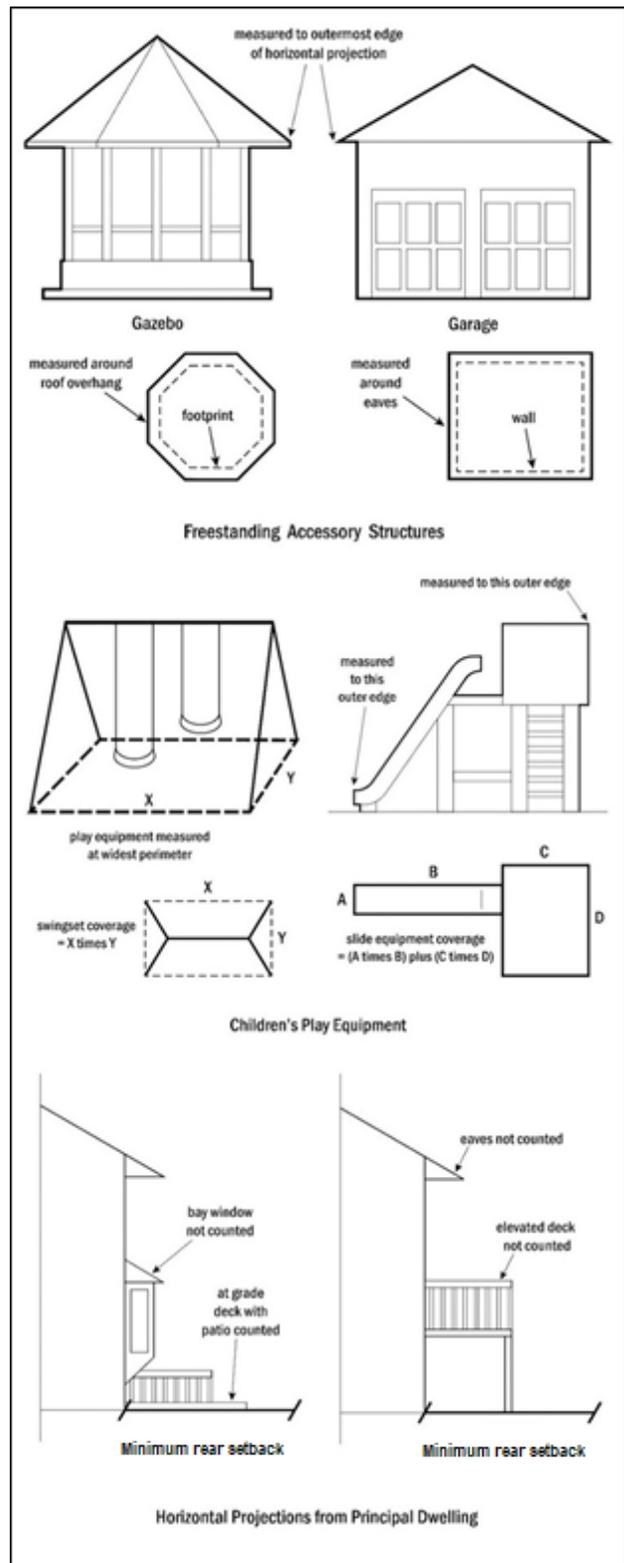
<sup>434</sup> This carries forward Par. 3 of Sect. 10-103. The illustrations are integrated from Appendix 2.

(b) Coverage of the minimum rear setback includes the following (see Figure 4102.7.A(12)(b): Determining Coverage):<sup>435</sup>

1. Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection;
2. Any other freestanding accessory structure, including any children’s play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal extensions of the equipment, structure, or surface;
3. Any horizontal projection from the principal dwelling that touches the ground, such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar projection. However, any horizontal projection from the principal dwelling that does not touch the ground (other than the support posts for a deck), including an eave, bay window, open deck, or other similar projection is not included in the minimum rear setback coverage;
4. Any driveway, parking space, walkway and sidewalk greater than five feet in width, regardless of the surface or edging material used.

(c) Any portion of the minimum rear setback covered by an approved encroachment of the principal dwelling is not included in the rear

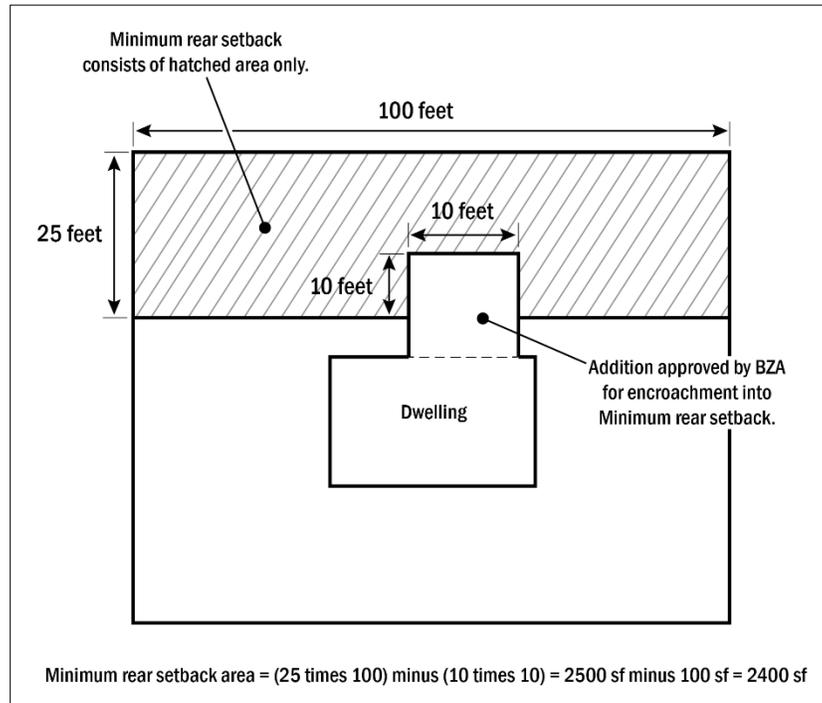
Figure 4102.7.A(12)(b): Determining Coverage



<sup>435</sup> Graphics will be revised for readability and consistent style as a part of the larger reorganization of the zoning ordinance.

setback calculation (see Figure 4102.7.A(12)(c): Approved Portions of Principal Dwelling).

Figure 4102.7.A(12)(c): Approved Portions of Principal Dwelling



- (d) For purposes of this provision, for any single family detached lot in a planned district that is not subject to a proffered condition establishing minimum rear setbacks, the minimum rear setback will be governed by the regulations of that conventional residential zoning district that most closely characterizes the given development.
- (e) An increase in the limitations on coverage of the minimum rear setback in subsection (a) above may be permitted in accordance with [reference to special permit procedure], except where the lot is located in a planned district that is subject to proffered yards, in which case an amendment to the development plan is required. Approval of the special permit by the BZA is subject to the following:<sup>436</sup>
1. The maximum percentage of the minimum rear setback that may be covered by accessory structures and uses is 60 percent.
  2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.
  3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.
  4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.

<sup>436</sup> This carries forward Sect. 8-926, except application requirements will be relocated.

5. The BZA determines that the proposed increase in the minimum rear setback coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum rear setback; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well or septic field; the location of easements; and the preservation of historic resources.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.

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## B. Accessory Dwelling Units<sup>437</sup>

### Standards when permitted by administrative permit:

- (1) An accessory dwelling unit is permitted only in association with a single family detached dwelling unit, and there must be no more than one accessory dwelling unit per single family lot.
- (2) An accessory dwelling unit must be wholly contained within the structure of a single family detached dwelling unit and must have direct access to the principal dwelling through an interior space that is finished, temperature controlled, and fully enclosed.
- (3) Any proposed external entrances for an accessory dwelling unit must be located on the side or rear of the dwelling, and not on the same façade as the external entrances serving the principal dwelling. Any proposed garage or carport entrance must be located directly adjacent to any existing garage or carport, and the associated driveway and curb cut must be the same as that which serves the principal dwelling.
- (4) The gross floor area, including any cellar space, of the accessory dwelling unit must not exceed 1,200 square feet [advertised range: 700 to 1,200 square feet]. A larger size may be allowed by the BZA in accordance with [reference to special permit procedure].<sup>438</sup>
- (5) The accessory dwelling unit may not contain more than two bedrooms.
- (6) The occupancy of the accessory dwelling unit and the principal dwelling unit must be in accordance with the following:
  - (a) One of the dwelling units must be owner occupied.<sup>439</sup>
  - (b) One of the dwelling units must be occupied by:

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<sup>437</sup> This carries forward Sect. 8 918, except (i) accessory dwelling units that are located within the principal dwelling and comply with the standards may be approved by administrative permit, (ii) application requirements will be relocated to procedures, (iii) reference to the Board policy has been deleted, and (iv) standards for carports, garages, driveways, and curb cuts have been added. The special permit standard relating to a review of parking has been replaced with a standard requiring one designated parking space. Additional changes are noted below.

<sup>438</sup> The maximum size is revised to be based on square footage instead of a percentage.

<sup>439</sup> Alternatives to this standard will be proposed for discussion.

1. Any person 55 years of age or over; or
  2. Any person with a disability.<sup>440</sup>
- (c) The accessory dwelling unit may be occupied by a maximum of two people.
- (d) The principal single family dwelling unit may be occupied by not more than one of the following:<sup>441</sup>
1. Two or more persons related by blood or marriage and any number of natural children, foster children, stepchildren, adopted children, or children in kinship care;
  2. One or two persons with their dependent children, including natural children, foster children, stepchildren, adopted children, or children in kinship care, functioning as a single household; or
  3. A group of not more than four persons not related by blood or marriage, functioning as a single household.
- (e) An accessory dwelling unit occupied by a person with a disability must provide for reasonable access and mobility, based on the specific needs of the handicapped person. Measures for reasonable access and mobility must be specified in the permit application. Generally, reasonable access and mobility for persons with disabilities includes:
1. Uninterrupted access to at least one entrance; and
  2. Accessibility and usability of at least one full bathroom.
- (7) One designated parking space must be available for the accessory dwelling unit.
- (8) An accessory dwelling unit must meet all applicable regulations for building, safety, health, and sanitation, and the construction of an accessory dwelling unit is not deemed to be a subdivision of the lot on which located.
- (9) Prior to establishment of the accessory dwelling unit, the owner must record a copy of the administrative permit among the land records of Fairfax County. The permit must contain a description of the subject property and must be indexed in the Grantor Index in the name of the property owners.<sup>442</sup>
- (10) The owner must allow inspections of the property by County personnel during reasonable hours upon prior notice.
- (11) An administrative permit for an accessory dwelling unit may be issued to the owner and approved for a period not to exceed five years from the date of approval. Such administrative permits may be extended for succeeding five-year periods by the Zoning Administrator.
- (12) If the standards above are no longer being met, the accessory dwelling unit may not be occupied as a dwelling unit and the property must meet the occupancy limitations of a

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<sup>440</sup> The standard for disability is revised to reference a new definition based on the Fair Housing Act.

<sup>441</sup> The standards for occupancy of an accessory dwelling unit are revised, and the revisions will be carried forward to the general standards for occupancy in Sect. 2-502. A reference to kinship care is included and defined in Article 9, the standard for two single parents or guardians from Sect. 2-502 is revised and added to this use, and “functioning as a single household” is added to subsection (d)3 and will be defined in a future draft.

<sup>442</sup> This standard revises Par. 10 of Sect. 8-918. This standard may be relocated to Procedures.

single family dwelling in accordance with *[reference relocated Sect. 2-502]*. This standard does not require the removal of any kitchen or other facilities.<sup>443</sup>

**Standards when permitted by special permit:**

- (13) The BZA may approve a special permit for an accessory dwelling unit that does not meet the standards in subsections (2) or (3) above to permit an accessory dwelling unit in a freestanding structure on a lot of two acres or more or to modify the location of any external entrance and access from the street.
- (14) The accessory dwelling unit must conform to all other applicable standards in subsections (1), (5) through (8), (10), and (12) above.
- (15) The gross floor area, including any cellar space, of the accessory dwelling unit must not exceed 1,200 square feet [advertised range: 700 to 1,500 square feet].<sup>444</sup>
- (16) The BZA may require the provision of designated off-street parking spaces in addition to the requirements specified in *[reference to relocated Article 11]* for a single family detached dwelling unit.
- (17) Upon the approval of a special permit, the owner will record a copy of the BZA's approval, including all accompanying conditions among the land records of Fairfax County. The resolution must contain a description of the subject property and must be indexed in the Grantor Index in the name of the property owners.
- (18) A special permit for an accessory dwelling unit may be issued to the owner and approved for a period not to exceed five years from the date of approval. The special permit may be extended for succeeding five-year periods in accordance with *[reference to relocated Sect. 8-012]*.

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## C. Caretaker Quarters<sup>445</sup>

**Standards when permitted by special permit:**

- (1) The minimum lot size is two acres.
- (2) Caretaker quarters located in a structure detached from the principal dwelling must comply with the applicable zoning district bulk regulations for single family detached dwellings.
- (3) Prior to the establishment of caretaker quarters, a restrictive covenant must be recorded in the land records and attached to the deed of the property, which states that the structure cannot be used for any other use.<sup>446</sup>
- (4) The gross floor area of a caretaker quarters, including any cellar space, must not exceed 1,200 square feet [advertised range: 700 to 1,200 square feet].<sup>447</sup>

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<sup>443</sup> This standard is new.

<sup>444</sup> The maximum size of an accessory dwelling unit in a detached structure is revised to be based on square footage instead of a percentage.

<sup>445</sup> Permissions have been changed from accessory to special permit, and standards from existing interpretations have been codified. Documentation requirements will be included with submission requirements.

<sup>446</sup> This standard is based on a long-standing Zoning Administrator interpretation. It may be moved to Article 8: Administration and Procedures.

<sup>447</sup> This is a new standard.

- (5) The BZA may impose such conditions as it deems necessary, including, but not limited to, a time limit.<sup>448</sup>
- (6) The owner must allow inspections of the property by County personnel during reasonable hours upon prior notice.
- (7) A special permit for caretaker quarters may be issued to the owner and approved for a period not to exceed five years from the date of approval. The special permit may be extended for succeeding five-year periods in accordance with [*reference to relocated Sect. 8-012*].

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#### D. Child Care Center for Occasional Care<sup>449</sup>

##### Standards when permitted by right:

- (1) Child care provided to any child may not exceed four hours in any 24-hour day or ten days in any month.

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#### E. Donation Drop-off Box<sup>450</sup>

##### Standards when permitted by right:

- (1) The locations of donation drop-off boxes are limited to the following:
  - (a) The C-5, C-6, C-7, and C-8 Districts where the lot size is a minimum of 40,000 square feet;
  - (b) Residential zoning districts where the principal use of the property is not residential;
  - (c) Commercial areas of Planned Development districts when located with a principal use and when shown on an approved development plan; and
  - (d) Where specifically identified on a development plan that is approved in conjunction with a special permit or special exception for another use, or a proffered rezoning.
- (2) The owner or operator of the donation drop-off box must obtain written permission from the property owner, lessee, or their authorized agent to place the donation drop-off box on the property. When requested by Fairfax County, the property owner, lessee, donation drop-off box operator or owner, or their authorized agent must make such written consent available for review.
- (3) Donation drop-off boxes are not allowed in the following locations:
  - (a) Minimum front setback;
  - (b) Required open space, transitional screening yards, landscaped areas, private streets, sidewalks or trails, or required parking spaces;
  - (c) Any location that blocks or interferes with vehicular, bicycle, or pedestrian circulation;
  - (d) Any location that blocks or interferes with the sight distance provisions of [*reference to relocated Sect. 2-505*]; or

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<sup>448</sup> This is a new standard.

<sup>449</sup> This carries forward Par. 32 of Sect. 10-102 and portions of the definition of this use in Article 20.

<sup>450</sup> This carries forward Par. 34 of Sect. 10-102, with wording clarified and the requirement that the location not interfere with vehicular or pedestrian circulation was extended to bicycles.

- (e) Any location prohibited by applicable building and fire code regulations for fire protection and in order to ensure safe ingress and egress and access to utility shut-off valves.
- (4) Donation drop-off boxes must be screened from view from the first-story window of any neighboring residential use.
- (5) A maximum of two donation drop-off boxes may be permitted on any one lot, and they must be located within in a contiguous area of not more than 120 square feet.
- (6) No individual drop-off box may exceed dimensions of seven feet in height, six feet in width, or six feet in length.
- (7) Donation drop-off boxes must be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable Building Code and Fire Code regulations, and secured from unauthorized access.
- (8) All donated items must be collected and stored in the donation drop-off box.
- (9) Each donation drop-off box must be emptied as needed or within 48 hours of a request by the property owner or authorized agent. Items and materials including trash may not be located outside or in proximity to a donation drop-off box for more than 24 hours and must be removed by the property owner, operator of the donation drop-off box or their authorized agent.
- (10) Donation drop-off boxes must display the following information in a permanent and legible format that is clearly visible from the front of the container:
  - (a) The specific items and materials requested;
  - (b) The name of the operator or owner of the container, together with a telephone number where the owner, operator or agent of the owner or operator may be reached at any time;
  - (c) The entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;
  - (d) A notice stating that no items or materials may be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

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## F. Electric Vehicle Charging<sup>451</sup>

### Standards when permitted by right:

- (1) An electric vehicle charging space may be determined by the Zoning Administrator to be an accessory use in accordance with the following standards:
  - (a) The space must not interfere with vehicular, bicycle, or pedestrian circulation, including fire lanes and access to the site.
  - (b) When accessory to any residential development:
    - 1. Electric vehicle charging is allowed only for the residents and their guests; and

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<sup>451</sup> These are new standards for new use, based on a current Zoning Administration interpretation. Standards addressing lighting will be included with the relocated Article 14. These standards are still under discussion.

2. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.
- (c) When accessory to any nonresidential development:
1. The space must be located in a parking structure or parking lot that serves a principal use;
  2. An electric vehicle charging space may be counted towards the minimum required number of parking spaces if the space is not reserved exclusively for vehicle charging. Spaces in excess of the minimum required parking may be reserved for electric vehicle charging; and
  3. The minimum height of the dispenser is three feet.
- (d) When located in a surface parking lot and not mounted on the exterior of the principal structure, or when located on the top level of a parking structure open to the sky:
1. The maximum height of the dispenser and any other associated structure is eight and one-half feet;
  2. A canopy is not permitted in association with an electric vehicle charging space located in a surface parking lot. On the top level of a parking structure, a canopy may be allowed if it does not include signage or illumination on the sides of the canopy;
  3. Any electronic display screen is limited to a maximum of one square foot per dispenser. No other advertising display is permitted; and
  4. Electric vehicle charging spaces and related equipment cabinets or structures must not be located in any required transitional screening yard or impact any required internal parking lot landscaping in accordance with [reference to relocated Article 13]. In addition, related equipment, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, or evergreen landscaping combination.
- (2) An electrical charging space that does not conform to the standards in subsection (1) above is considered a vehicle fueling station.

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## G. Family Health Care Structure<sup>452</sup>

### Standards when permitted by administrative permit:

- (1) Family health care structures are allowed only on lots zoned for and developed with single family detached dwellings, subject to approval of a permit issued by the Zoning Administrator, and the following provisions. The Zoning Administrator may revoke a permit for a family health care structure due to failure of the applicant to comply with any of the following provisions.
- (2) Occupancy of the structure is limited to one mentally or physically impaired person, who is a Virginia resident and requires assistance with two or more daily living activities as defined in Sect. 63.2-2200 of the *Code of Virginia*, or, in the case of a married couple, two occupants, one of whom is mentally or physically impaired and the other requires assistance with one or more daily living activities.

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<sup>452</sup> This carries over Sect. 10-102.27, except application requirements are omitted, and the prohibition on signs will be addressed in Article 7: Signs.

- (3) The property must be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property must be used as the caregiver's primary residence. The adult caregiver must be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the family health care structure.
- (4) Only one family health care structure is permitted on a lot.
- (5) Family health care structures are limited to a maximum of 300 square feet of gross floor area and must meet the minimum yard requirements for single family detached dwellings of the zoning district in which it is located. When located in a Planned Development district, the family health care structure is subject to any proffered yards and/or yards depicted on an approved development plan. If there are no proffered yards or yards depicted on an approved development plan in a Planned Development district, the family health care structure will be deemed an alteration to a single family dwelling unit and subject to [reference to relocated subsection Par. 6 of Sect. 16-403].
- (6) Family health care structures may not be installed on a permanent foundation.
- (7) Family health care structures are subject to the Industrialized Building Safety Law and the Virginia Uniform Statewide Building Code.
- (8) Family health care structures may be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property, and must comply with all applicable Health Department requirements.
- (9) The caregiver must make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
- (10) Evidence of compliance with these provisions must be provided to the Zoning Administrator on an annual basis.
- (11) Family health care structures must be removed from the property within 60 days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for by the caregiver.

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## H. Garage Sale or Yard Sale<sup>453</sup>

### Standards when permitted by right:

- (1) In residential districts and residential areas of planned districts, garage sales and yard sales are limited to two per calendar year for each lot.

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## I. Home Day Care Facility<sup>454</sup>

### Standards when permitted by right:

- (1) The maximum number of people under the care of a provider permitted at any one time, in addition to the provider's own children, is:
  - (a) Seven children when the facility is located in a single family detached dwelling;

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<sup>453</sup> This carries forward Par. 9 of Sect. 10-102, with clarification that limits apply per lot.

<sup>454</sup> This carries forward Par. 6 of Sect. 10-103 and Sect. 8-305, with clarification that older adults may also be cared for under this use. Reference to stacked townhouse has been added to Par. (1)(b).

- (b) Five children when the facility is located in a single family attached, stacked townhouse, or multifamily dwelling, or a manufactured home; or
  - (c) Three persons who are aged or infirm or persons with disabilities receiving supportive services, health monitoring, protection, or supervision during part of a 24-hour day.
- (2) A home day care facility must be operated by the provider within the provider's primary residence. Except during emergency situations, the provider must be on the premises while the home day care facility is in operation, subject to the following exceptions:<sup>455</sup>
  - (a) A day care provider may operate in a dwelling other than the provider's own if the dwelling is the primary residence of at least one of the people being cared for by the provider. This day care provider will comprise the one nonresident person allowed by subsection (3) below.
  - (b) A substitute care provider may operate a home day care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- (3) One nonresident person, whether paid or not for their services, may be involved in the home day care use on the property at any one time. The hours of the nonresident person's involvement are limited to 7:00 AM to 6:00 PM, Monday through Friday.
- (4) There must be no exterior evidence that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by Sect. 4102.7.A, General Standards for Accessory Uses and Structures, are allowed.
- (5) An increase in the number of children permitted under subsection (1) above or the involvement of more than one nonresident person or an extension of the hours of attendance of such nonresident person as provided for under subsection (3) above may be permitted in accordance with [*reference to special permit procedure*].
- (6) The care of more than three aged, infirmed, or handicapped adults is considered to be an adult day care center and is subject to the applicable permissions and standards.

**Standards when permitted by special permit:**<sup>456</sup>

- (7) A home day care facility as a special permit use must comply with the standards in subsections (2) and (4) above.
- (8) A maximum of 12 children may be cared for in a home day care facility at any one time, excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use or an expansion of the hours and days for the nonresident person's involvement in the use beyond the hours and days permitted under subsection (3) above.
- (9) The BZA will review access to the site and all existing and proposed parking, including the availability of on-street parking and any alternative drop off and pick up areas located in proximity to the use, to determine if the proposed parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time.

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<sup>455</sup> "Licensed or permitted home child care provider" has been removed, as the general standard requires conformance with all applicable state or county licensing requirements.

<sup>456</sup> This carries forward Sect. 8-305, except application requirements will be located with the submission requirements.

- (10) The BZA may require the provision of landscaping and screening based on the specifics of each application.

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## J. Home-Based Business<sup>457</sup>

### Standards when permitted by administrative permit:

- (1) A home-based business is allowed in any dwelling unit subject to approval by the Zoning Administrator and the provisions listed below. Each permit for a home-based business is revocable by the Zoning Administrator because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit and the Zoning Ordinance.
- (2) A home-based business must be conducted by the home-based business permit applicant within the dwelling that is their primary residence or in an accessory building permitted by this Ordinance that is normally associated with a residential use that is clearly subordinate to the principal use of the lot as a dwelling.
- (3) A home-based business may not include uses within the following use categories or classification:
  - (a) Health care uses;
  - (b) Animal-related uses;
  - (c) Food and lodging, except for Cottage Food Operations approved by the Fairfax County Health Department;<sup>458</sup>
  - (d) Personal and business services, except a barbershop or hair salon, dressmaker, seamstress, or tailor;
  - (e) Recreation and entertainment uses, except a health and exercise facility, small;
  - (f) Retail sales uses, except a photography or art studio;
  - (g) Vehicle-related uses; and
  - (h) Industrial uses, except home crafts such as jewelry making or ceramics.
- (4) The premises must have the exterior appearance of a dwelling or residential accessory building. Other than a sign as permitted by *[reference relocated Article 12]*, there must be no exterior evidence that the property is used in any way other than for a dwelling. The home-based business must take place entirely within enclosed structures.<sup>459</sup>

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<sup>457</sup> This carries forward and consolidates Sections 8-905 and 8-907, and Part 10-300, with numerous changes. The non-exclusive list of possible home occupations in Sect. 10-302 was dated and was not carried forward, and the list of prohibited uses was revised. Limitation on mechanical or electrical equipment from 10-304.4 was not carried forward as outdated and difficult to enforce. Reference to outdoor lighting standards in Article 14 was deleted as unnecessary, as they apply by law. Reference to BZA review of area for impacts of home professional offices from Sect. 8-907.4 was deleted as outdated and very subjective to enforce. Reference to secondary use in the PDH, PRC, and PTC districts not carried forward because this use is by definition secondary to a dwelling use. Provisions prohibiting stock in trade on the premises were not carried forward. Limitations on numbers of customers and clients have been significantly revised. Other changes are noted below.

<sup>458</sup> This is still under review with the Health Department.

<sup>459</sup> The last sentence was added for clarity.

- (5) Outside display or storage of goods, equipment, or materials used in connection with the home-based business is not allowed.
- (6) **Employees:**<sup>460</sup>  
Employees on the premises are limited to persons who use the dwelling as their primary residence, except, in a single family detached dwelling, one employee who does not use the dwelling as their primary residence is allowed on the premises, regardless of the number of home-based businesses or home day care facilities operating on the lot. This nonresident employee, whether paid or not, may work on the premises only between the hours of 7:00 AM to 6:00 PM.<sup>461</sup>
- (7) **Customers or clients:** <sup>462</sup>
- (a) If a home day care facility is operated on the lot, visits to the premises by customers or clients of the home-base business are not allowed.
  - (b) In a single family detached dwelling, a maximum of four customers or clients are permitted on the premises at any given time. In a single family attached, stacked townhouse, multifamily, or manufactured home dwelling, a maximum of two customers or clients are permitted on the premises at any given time.
  - (c) A cumulative maximum of eight customers or clients are permitted on the premises in any one day, including all home-based businesses and short-term lodging that are operated on the lot.
  - (d) The hours during which customers or clients may visit the premises are limited to 8:00 AM to 9:00 PM.
  - (e) Customers or clients must be scheduled on an appointment basis, with a minimum of 15 minutes between appointments.
  - (f) The limitations on visits by customers or clients may be exceeded in accordance with [*reference to special permit procedure*].
- (8) Only one commercial vehicle is permitted per dwelling unit, subject to the provisions of [*reference to relocated Sect. 10-102*].
- (9) The dwelling where the home-based business is being conducted must be open for inspection to County personnel during reasonable hours.
- (10) A permit for a home-based business is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home-based business permit becomes null and void.

**Standards when permitted by special permit:**

- (11) The BZA may approve a special permit for a home-based business which exceeds the limitations above for employees, customers, or clients, subject to all other standards above and only if the BZA determines that the proposed business, together with all other

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<sup>460</sup> Standards have been significantly revised.

<sup>461</sup> Hours revised from 8:00 to 5:00pm for a home professional office, to mirror the hours for a home day care.

<sup>462</sup> New standards to allow limited customers or clients for all home-based businesses, which are currently only allowed for schools of special education and horseback riding lessons.

nonresidential uses in the area, will not modify or disrupt the predominantly residential character of the area.<sup>463</sup>

## K. Keeping of Animals<sup>464</sup>

### Standards when permitted by right:

- (1) The keeping of commonly accepted pets is allowed as an accessory use on any lot, provided such pets are for personal use and enjoyment, and not for the purpose of commercial breeding or boarding, or any other activity meeting the definition of a kennel. However, up to four commonly accepted pets not owned by the resident are allowed to be sheltered, fed, and watered in exchange for a fee, subject to the animal unit limitations set forth below.<sup>465</sup>
- (2) The keeping of dogs, except as kennel, is allowed as an accessory use on any lot in accordance with the following standards:
  - (a) The total number of dogs on-site must comply with the limits shown in the table below. These limits apply regardless of the ownership of any of the dogs. Only dogs six months or older in age are counted towards these limits.<sup>466</sup>

Maximum Number	Minimum Lot Size
2	No requirement
3	10,000 square feet
4	12,500 square feet
6	20,000 square feet
More than 6	25,000 square feet plus 5,000 square feet for each dog above 7

- (3) The keeping of livestock or poultry, excluding roosters, is allowed as an accessory use on any lot of two acres or more in size. Roosters are only permitted as part of a bona fide agricultural operation. The keeping of permitted livestock or poultry must be in accordance with the following:
  - (a) The number of livestock kept on a given lot may not exceed the ratio of one animal unit per one acre, with an animal unit identified as follows:

Number of Livestock	Equivalent Animal Unit
2 head of cattle	1 animal unit
5 sheep	1 animal unit
3 horses	1 animal unit
5 swine	1 animal unit
5 goats	1 animal unit
5 llamas	1 animal unit
5 alpacas	1 animal unit

1. Horses includes ponies, mules, burros and donkeys.
2. In determining the number of livestock permitted, only horses six months or older in age and cattle, sheep, goats, and swine one year or older in age are counted.

<sup>463</sup> Standards for special permit approvals have been simplified.

<sup>464</sup> This carries forward and integrates Sections 2-512, 8-917, and 10-102.31, except application requirements in Sect. 8-917 are omitted.

<sup>465</sup> This language comes from the definition of a boarding establishment in Sect. 3.2-6500 of the Virginia Code.

<sup>466</sup> This brings forward the permissions for the number of dogs, except three dogs are reduced to requiring a 10,000 square-foot lot rather than a 12,000 square-foot lot based on special permit approvals since 2008.

3. In determining the number of livestock permitted, combinations of animals are allowed, provided that the ratio of one animal unit per one acre is maintained.
- (b) The number of domestic fowl kept on a given lot must not exceed the ratio of one bird unit per one acre, with a bird unit identified as follows. Only fowl two months or older in age are counted towards these limits.

Number of Fowl	Equivalent Bird Unit
32 chickens	1 bird unit
16 ducks	1 bird unit
8 turkeys	1 bird unit
8 geese	1 bird unit
2 ostriches or emus <sup>467</sup>	1 bird unit

- (4) The keeping of honeybees in four beehives or less is allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four beehives may be kept, provided there is an additional lot area of 2,500 square feet for each hive. In all instances, there must be one adequate and accessible water source provided on site and located within 50 feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten feet of any lot line, there must be a flight path barrier, consisting of a fence, structure or plantings not less than six feet in height, located in front of the hive. The beekeeper is not required to reside on the property.
- (5) The keeping of racing, homing, or exhibition (fancy) pigeons is allowed as an accessory use on any lot 10,000 square feet or more in size.
- (6) Structures for the housing of animals must set back from lot lines as follows:
- (a) Barns and other structures used for the confining or sheltering of livestock and poultry must be located at least 100 feet from all lot lines when used in connection with an agricultural operation and must be located at least 50 feet from all lot lines when used as permitted by this section. Additional provisions governing the location of hog pens are set forth in Chapter 41.1. of the Code.<sup>468</sup>
- (b) Structures used for the confining or sheltering of horses or ponies must be located at least 40 feet from front and side lot lines and at least 20 feet from rear lot lines.
- (c) Barns used for the purposes of subsection (a) or (b) above are excluded from the maximum height regulations.
- (d) Cages, lofts, hives, pens, and other structures that are eight and one-half feet or less in height and that are used for the keeping of homing, racing, or exhibition (fancy) pigeons or honeybees must be located at least three feet from all lot lines. Any such structure that exceeds eight and one-half feet in height must be located on the lot in accordance with Sect. 4102.7.A, General Standards for Accessory Uses and Structures.<sup>469</sup>
- (e) Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of dogs and other commonly accepted pets must be located on the lot in accordance with Sect. 4102.7.A, General Standards for Accessory Uses and Structures, except a structure, run, or pen for three or more dogs must be located at least 25 feet from all lot lines.

<sup>467</sup> This codifies an existing interpretation.

<sup>468</sup> The sentence in Par. 3 of Sect. 10-102 stating that a barn or other agricultural structure may not be used for retail sales is not carried forward, as it is unnecessary.

<sup>469</sup> Height limit increased from seven feet.

**Standards when permitted by special permit:**

- (7) The BZA may approve a special permit to modify the provisions of subsections (1) through (6) above, or to allow the keeping of animals that are not commonly accepted pets, in accordance with the following:
  - (a) In reviewing an application, the BZA must consider the following:
    1. The kinds and numbers of animals proposed to be kept;
    2. The characteristics of those animals;
    3. The proposed management techniques; and
    4. The location that such animals will be kept on the lot.
  - (b) The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on any adjacent property and no emission of noise or odor detrimental to other property in the area.
  - (c) Such modification may be approved if it is established that the resulting use will be harmonious and compatible with the adjacent area.
- (8) The BZA may not approve an activity meeting the definition of a riding or boarding stable or a kennel as an accessory use of property.
- (9) The BZA may not approve the keeping of wild, exotic, or vicious animals. The keeping of wild, exotic, or vicious animals is subject to Chapter 41.1 of The Code.

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**L. Limited Riding or Boarding Stable<sup>470</sup>**

**Standards when permitted by right:**

- (1) On lots containing two to less than five acres, up to five horses may be boarded, and on lots containing five or more acres, up to eight horses may be boarded. Boarding of horses in excess of these numbers is deemed a riding or boarding stable and requires special exception or special permit approval.

**Standards when permitted by administrative permit:**

- (2) Riding lessons are permitted on lots containing a minimum of two acres, subject to approval by the Zoning Administrator and this section (4102.7.L). Each permit is revocable by the Zoning Administrator because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit and the Zoning Ordinance.
- (3) Riding lessons are subject to the following standards. Riding lessons that do not comply with these standards are deemed a riding or boarding stable and require special exception or special permit approval in those districts where permitted.
  - (a) On lots containing a minimum of two acres but less than five acres, no more than two students are allowed at any given time and up to eight students are allowed in any one day.
  - (b) On lots containing five acres or more, a maximum of four students are allowed at any given time and up to eight students are allowed in any one day.
  - (c) The primary residence of the permit applicant must be located on the same lot where the horseback riding lessons are given; however, the applicant is not required to

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<sup>470</sup> This carries forward Sect. 10-302.8, 10-304.12, and 10-305.

conduct the horseback riding lessons or care for the horses that are kept, boarded, or maintained on the property.

- (d) The hours of horseback riding lessons are limited to 7:00 AM to 7:00 PM. During that time, one nonresident person, whether paid or not for their services, may assist with the horseback riding lessons or care for the horses.
- (e) All horses used in the horseback riding lessons must be kept on the property and no horses may be transported or ridden onto the property for the lessons.
- (4) If there is a lighted outdoor riding ring or riding area, the use of outdoor lighting for such areas is limited to 7:00 AM to 7:00 PM.
- (5) A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District must be submitted for the property, and all activity on the property must conform to that Plan.

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## M. Sawmilling<sup>471</sup>

### Standards when permitted by special permit:

- (1) Sawmilling operations are limited to timber grown on the same property.
- (2) A permit issued for a sawmilling operation must not exceed two years in duration. The permit may be extended in conformance with the provisions of [*reference to relocated Sect. 8-012*] for up to two successive periods of two years each, but the sawmilling operation may not exist for more than a total of six years.
- (3) No structure and no storage of lumber, logs or timber may be located closer than 100 feet to any lot line. No structure housing or enclosing a saw may be located closer than 400 feet to any lot line that abuts a residential district.
- (4) The mill may operate only one saw at any one time, and no blade may exceed 48 inches in diameter.
- (5) There may be a maximum of five employees per shift, and no more than one shift is permitted in any 24-hour period.
- (6) The on-site stockpile is limited to not more than 100 unsawn logs and not more than 8,500 board feet of sawn lumber at any one time.
- (7) The hours and days of operation will be established by the BZA, except that the operation may not occur between 8:00 PM and 8:00 AM.
- (8) The BZA may require screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirement that will minimize impacts of the sawmilling use on the surrounding area.

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<sup>471</sup> These carry forward Sect. 8-910.

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## N. Short-term Lodging<sup>472</sup>

### Standards when permitted by administrative permit:

- (1)** Short-term lodging is permitted in a dwelling or manufactured home only upon the Zoning Administrator's issuance of a permit.
  - (a)** An application for a short-term lodging permit must be submitted to the Zoning Administrator on a form furnished by the County.<sup>473</sup>
  - (b)** The permit will be valid for two years from the date of issuance.
  - (c)** A permit for short-term lodging may be revoked by the Zoning Administrator because of the failure of the short-term lodging operator to comply with all applicable regulations set forth in this Section (4102.7.N) or elsewhere in the Zoning Ordinance. The Zoning Administrator will give notice of any such revocation by letter to the short-term lodging operator and the property owner, where applicable, setting forth the grounds upon which the permit was revoked, the date and time when the revocation is effective, and the appeals procedure. These provisions do not preclude the Zoning Administrator's use of any other remedy prescribed by law with respect to violations of this Ordinance.
- (2)** A dwelling or manufactured home used for short-term lodging must:
  - (a)** Be open, upon request, for inspection by County personnel during reasonable hours;
  - (b)** Comply with the requirements of the applicable version of the Virginia Uniform Statewide Building or Virginia Manufactured Home Safety Regulations, as determined by the Building Official;
  - (c)** Have a working multi-purpose fire extinguisher and interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service);
  - (d)** Have a plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling or manufactured home; and
  - (e)** Have one designated parking space available for lodgers, which the operator has the authority to reserve for short-term lodging purposes.
- (3)** A short-term lodging operator must:
  - (a)** Be a permanent resident of the property hosting the short-term lodging use, as demonstrated at the time of application for a permit to operate short-term lodging;
  - (b)** Obtain written consent from the owner of the property for the short-term lodging use;
  - (c)** Assume responsibility for determining whether any regulations, prohibitions, and covenants applicable to the dwelling or manufactured home prohibit short-term lodging; and
  - (d)** Designate at least one person who consents to serve as an authorized agent for the short-term lodging operator. Contact information (name, address, telephone, and email address) for the authorized agent(s) must be provided on the application for a short-term lodging permit, posted in a prominent location within the area made available for

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<sup>472</sup> This carries forward Sect. 10-105. Definitions are relocated to Article 9: Definitions and Ordinance Interpretation.

<sup>473</sup> Fee amount was deleted but will be listed with other fees related to the Zoning Ordinance.

short-term lodging, and provided in any written material given to lodgers during their overnight stay.

- (4) The short-term lodging use is subject to the following use limitations:
- (a) A dwelling or manufactured home may be used for short-term lodging for no more than 60 nights per calendar year.
  - (b) The maximum number of lodgers per night may not exceed six adults, except where the Virginia Uniform Statewide Building Code requires fewer occupants.
  - (c) All lodgers occupying a short-term lodging must be associated with the same rental contract. The maximum number of rental contracts per night is one.
  - (d) Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.
  - (e) All advertisements for short-term lodging, posted on any platform online or in any other format, must include the short-term lodging permit number and identify the location of the parking space required by subsection (2)(e), above, and any other available parking or public transportation options.
  - (f) A short-term lodging operator must maintain a guest log including the name, address and telephone number of all overnight lodgers. The guest log must be made available upon request to any County employee or agent tasked with enforcing the Zoning Ordinance or other applicable part of the County Code.
  - (g) Short-term lodging is prohibited in a detached accessory structure, accessory dwelling unit, temporary family health care structure, affordable dwelling unit or workforce dwelling unit.
  - (h) The Zoning Administrator's issuance of a permit does not abrogate, nullify, or invalidate any other provision of federal, state, or local law; any restrictive covenant; or any property owners' association by-law.

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## 0. Solar Collection System<sup>474</sup>

### Standards when permitted by right:

- (1) A solar collection system mounted on the roof of a building may extend up to five feet above the applicable maximum building height in the district where it is located, or, if mounted on an existing building that exceeds the maximum building height in the district where it is located, up to five feet above the existing building height.
- (2) A solar collection system mounted on a structure, other than the roof of a building, having a principal purpose other than supporting the solar collection system, such as a light pole, may extend up to five feet above the applicable maximum height for the structure.
- (3) A solar collection system mounted on a structure having the principal purpose of supporting the solar collection system must comply with the height and yard requirements for freestanding accessory structures in Sect. 4102.7.A(6).

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<sup>474</sup> These are new standards.

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## P. Wayside Stand<sup>475</sup>

### Standards when permitted by right:

- (1) A wayside stand is permitted only on a lot containing at least two acres and during the crop-growing season.
- (2) A wayside stand may not exceed 400 square feet in gross floor area and must be removed after the crop-growing season.
- (3) Wayside stands may only be used for the sale of agricultural products grown on the same property, or the sale of products of approved home-based businesses conducted on the same property. Plants that are balled, burlapped, and bedded are not considered as having grown on the same property.
- (4) Wayside stands are not subject to the location requirements set forth in Sect. 4102.7.A, but must be located a minimum distance of 25 feet from any lot line.
- (5) Wayside stands must be located to allow adequate off-street parking spaces and safe ingress and egress to the adjacent street.

## 8. Temporary Uses

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### A. General Standards for Temporary Uses<sup>476</sup>

- (1) Upon application as provided for in [*reference to relocated Sect. 8-010*], the Zoning Administrator may issue an administrative permit for any temporary use, except where Table 4101.3 or Table 4101.4 requires that the temporary use be approved by special exception or special permit.
- (2) The application for an administrative permit for any temporary use must be filed at least six weeks prior to the date on which the use permitted by the permit is to take effect, unless the Zoning Administrator approves a lesser time period. The application forms must provide such information as the Zoning Administrator finds to be reasonably necessary for the proper administration of this Section.
- (3) Upon the finding that the application sufficiently complies with the standards set forth for the use in question as well as those general standards set forth in Sect. 4102.1.F, Standards for Special Exception and Special Permit Uses, the Zoning Administrator will issue an administrative permit, setting forth the duration of the permit and specifying such conditions as to hours, location, parking, traffic access, and safety requirements as will protect the health, safety, and welfare of the public and that will protect adjoining properties from any adverse effects of the activity.
- (4) The Zoning Administrator may revoke an administrative permit for a temporary use at any time on the failure of the owner or operator of the use 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. Notice of such revocation will 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

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<sup>475</sup> This carries over Sect. 10-102(30) and 10-104(8). Some wording revised for clarity.

<sup>476</sup> This carries over Sect. 8-803, except it changes the requirement for an application submission from three weeks to six weeks prior to the date on which the event will take place.

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 must close operation of the activity forthwith. The foregoing provisions do not preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

- (5) An appeal by any person aggrieved by an action of the Zoning Administrator in granting or denying an administrative permit for a temporary use may be made in accordance with the provisions of [*reference to relocated Part 3 of Article 18*].
- (6) In the case of an appeal from the revocation of an administrative permit for a temporary use, the aggrieved party may request a meeting with the Zoning Administrator to present grounds for appeal. The Zoning Administrator will meet with the aggrieved party within 48 hours of the date upon which the appeal is received. Within 24 hours of the date of the meeting, the Zoning Administrator will then inform the aggrieved party, in writing, of his decision to affirm, modify, or rescind the revocation of the administrative permit.

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## **B. Business Promotional Activities<sup>477</sup>**

### **Standards when permitted by administrative permit:**

- (1) An administrative permit may be issued for a period not to exceed 14 days in any three-month period.
- (2) The promotional activities involving the outdoor display of goods and merchandise must be conducted in an area immediately adjacent to the place where such items are customarily sold.
- (3) The display may not be located in any required parking space, service drive, or loading area.
- (4) The outdoor display of automobiles, manufactured homes, trailers, camping equipment, boats, antiques, and similar large items may not include the sale of such items in conjunction with and on the site of the display.
- (5) The administrative permit may not authorize the outdoor display of used appliances, used furniture, used housewares, used plumbing, used building materials, and other similar used merchandise.

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## **C. Construction Site Office and Storage<sup>478</sup>**

### **Standards when permitted by administrative permit:**

- (1) An administrative permit may be issued for a period beginning no earlier than 30 days prior to the commencement of actual construction and terminating no later than 20 days after completion of the last building to be constructed in the project. All buildings, materials, supplies, and debris must be completely removed from the temporary use site before the administrative permit expires.<sup>479</sup>

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<sup>477</sup> This carries forward Sect. 8-807. The special permit for additional time has not been carried forward.

<sup>478</sup> This carries over and consolidates Sections 8-805 and 8-806. The timeframe is based on Sect. 8-806 instead of Sect. 8-805, so the special permit for additional time is no longer needed.

<sup>479</sup> Standard has been simplified by deleting allowed days from specific events and referencing the permit expiration date.

- (2) The use must be located within the recorded subdivision that it serves or on the same lot where the construction project is located.
- (3) No portion of the use may be located closer than 50 feet to any right-of-way line of any public street existing prior to the recording of the subdivision served by the use or existing prior to the commencement of the construction project.
- (4) No portion of the use may 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 the use.
- (5) If the use is to be used in connection with the construction of 100 or more single family detached dwellings, then the distances specified in subsections (3) and (4) above are doubled.
- (6) All areas of the use site and access roads to the use must be treated or maintained to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. The use site must be maintained in a clean and orderly manner, and building material and construction residue and debris must not be permitted to accumulate.
- (7) The use may commence no earlier than 30 days before the beginning of actual construction.
- (8) When the use is located in or adjacent to a residential district, the Zoning Administrator may require that appropriate screening or fencing measures be provided.

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#### D. Farmers Market<sup>480</sup>

*[standards to be inserted]*

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#### E. Food Truck<sup>481</sup>

##### Standards when permitted by administrative permit:

- (1) Prior to the operation of a food truck, a food truck location permit and an annual food truck operation permit are required (see subsection (5) below).
- (2) The sale or offering for sale of goods or services from any vehicle is deemed to be a commercial use.
- (3) Food trucks are permitted as an accessory use in the following locations:
  - (a) In a planned district, but only in commercial areas;
  - (b) In any industrial or commercial district;
  - (c) On any construction site with an active building permit and on-going construction activity; and
  - (d) In conjunction with any approved nonresidential use in a residential district or a residential area of a planned district, limited to 12 times per calendar year. This time limitation may be exceeded in accordance with *[reference to special exception procedure]* or *[reference to special permit procedure]*, or as specifically permitted on an approved final development plan or executed proffers.

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<sup>480</sup> This is a placeholder for the standards that are the subject of a separate recently adopted Zoning Ordinance amendment.

<sup>481</sup> This carries forward Sect. 2-510, reorganized and with wording revised for clarity. Availability expanded to non-residential uses in residential districts and limits on frequency at such locations were added. Fee amount was deleted but will be listed with other fees related to the Zoning Ordinance.

- (4)** Each food truck must be in substantial conformance with any proffered condition, development plan, special exception, or special permit for the site on which it operates. If any proffered condition, development plan, special exception or special permit approval specifically precludes food trucks or otherwise regulates food trucks, including the location, hours of operation, or number of food trucks, the zoning approval will govern that aspect of the food truck location or operation in lieu of the standards in this section (4102.8.E). Unless otherwise specified in any zoning approval, all provisions of this section (4102.8.E) apply.
- (5)** Food trucks may be operated from an approved location, subject to the following procedures:

  - (a)** The owner of property on which a food truck may be located must file a food truck location permit application with the Zoning Administrator on forms furnished by the County.
  - (b)** Each year, the owner and/or operator of any food truck doing business in the County must file a food truck operation application with the Zoning Administrator on forms furnished by the County. The permit application must be accompanied by the written consent of the private property owner or authorized agent authorizing the food truck to be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one site, only one food truck operation application is required to be obtained from the Zoning Administrator for such food truck, provided that the property owner on any additional sites has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck is subject to all Health Department and Department of Cable and Consumer Services permits/licenses.
  - (c)** Upon the finding that the application complies with the standards set forth in Paragraph (7) below, the Zoning Administrator will approve the permit application, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.
- (6)** All food trucks must be located and operated in compliance with the following standards:

  - (a)** Food trucks must be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit.
  - (b)** Food trucks may only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity.
  - (c)** Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down.
  - (d)** A maximum of three food trucks are permitted at any one location at the same time, provided that additional food trucks may be permitted in conjunction with temporary special permits or other special events regulated by any proffered condition, development condition, special exception or special permit.
  - (e)** Food trucks may not be located in any fire lane, travel lane, entrance/exit or any required parking space.

- (f) Food trucks must be located on a level, paved, or gravel surface with safe pedestrian access.
- (g) The vicinity around the food truck must be kept clean and free of debris.
- (h) Trash receptacles must be provided.
- (7) Food trucks may also be permitted on County or Park Authority owned and controlled property or in conjunction with the approval of an administrative permit, provided that such food trucks comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.
- (8) Any food truck location permit or food truck operation permit is revocable by the Zoning Administrator because of the failure of the property owner or the food truck operator to comply with any of the provisions of this Sect. 4102.8.E.
- (9) All other sale of goods or services from any vehicle other than a food truck are subject to all the regulations for the zoning district in which the sale is conducted, but this regulation does not prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.

**Standards when permitted by special exception or special permit:**

- (10) The Board or BZA, as applicable, in conjunction with the approval for a nonresidential use in a residential district or a residential area of a planned district, may allow food trucks in excess of twelve times per calendar year.

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## F. Interim Off-street Parking in Metro Station Area<sup>482</sup>

**Standards when permitted by special exception:**

- (1) The purpose of this special exception is to provide for an interim solution to Metro Station parking deficiencies by allowing private property within a specified distance of a Metro Station to be used temporarily for Metro-related parking. The temporary parking lot use is intended only as an interim use to serve a public need and not as a transitional use to a higher density or intensity development than currently is planned. The Board may approve a special exception to allow a privately operated off-street parking lot, as a temporary use, in Metro Station areas, but only in accordance with the following provisions:
- (2) The site for the proposed parking area must not be used for any purpose other than to provide ground surface parking of motor vehicles for the general public. No motor vehicle repair work except emergency service is permitted in association with any such off-street parking area.
- (3) The applicant must demonstrate that the use of a site for temporary off-street parking and all improvements made to the site will not preclude the ultimate development of the site in accordance with the existing zoning, any proffered conditions, approved development plans, and the adopted comprehensive plan.
- (4) In addition to the submission requirements set forth in [*reference to relocated Sect. 9-011*], grading plans and plans for drainage provisions must be provided. Any grading associated with the use of a site for temporary off-street parking is limited to that which should be allowed for the permanent development of the site in accordance with the existing zoning,

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<sup>482</sup> This carries forward Sect. 9-520.

- any proffered conditions, approved development plans, and/or the adopted comprehensive plan.
- (5) Accessible off-street parking spaces and related access aisles and accessible routes must be provided as set forth in [*reference to relocated Article 11*]. All other provisions of [*reference to relocated Article 11*], however, do not apply and, in lieu of those provisions, all such parking areas are subject to the following.<sup>483</sup>
- (a) A temporary surfacing material for all such parking areas may be permitted if maintained in good condition at all times in accordance with the standards approved by the Director and provided that:
1. Pavement must be placed from the edge of existing pavement for a minimum distance of 25 feet into the interior of the site at each entrance and exit to prevent the parking area surfacing materials from entering the abutting street.
  2. Temporary paved sidewalks must be provided within and adjacent to the parking area at those locations where significant pedestrian traffic is anticipated and safe and convenient pedestrian access must exist from the parking area to the station entrance.
- (b) Parking must be organized, parking spaces delineated, adequate aisle clearance provided, and safe and convenient access to a street maintained.
- (c) Additional conditions may include but need not be limited to the imposition of speed limits and provisions of dust control techniques.
- (6) Parking spaces and parking kiosks may be located in any required yard if they are located at least ten feet from all public rights-of-way and private streets, except no parking of vehicles may occur closer to any lot line that abuts a Residential district than a distance equal to the dimension of the abutting corresponding yard as required by this Ordinance.
- (7) Adequate lighting must be provided and is subject to the outdoor lighting performance standards set forth in [*reference to relocated Part 9 of Article 14*].
- (8) The Board may impose such other conditions and restrictions as it may deem necessary to assure that the off-street parking area will be compatible with and will not adversely impact the adjacent area or adversely impact the site itself so as to hinder future development in accordance with the existing zoning and adopted comprehensive plan. Among other conditions and restrictions, the Board may limit the size and location of the parking lot to ensure retention of such natural site features, including vegetation, that should be preserved for future analysis at the time of the establishment of the permanent use of the property.
- (9) On land zoned and planned residential, in addition to subsections (1) through (8) above:
- (a) The major portion of the proposed parking area must be located within a 1,500-foot radius of a Metro Station platform entrance.
- (b) Any property to be used for temporary off-street parking must be a minimum of five acres in size.
- (c) The temporary parking use is limited to replacing Metro Station parking spaces temporarily displaced during construction on the Metro Station site.

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<sup>483</sup> Reference to accessible aisles and routes has been added.

- (d) The number of temporary off-street parking spaces allowed within the vicinity of any one Metro Station must not exceed the number of temporarily displaced Metro Station parking spaces.
- (e) Notwithstanding the provisions of [*reference to relocated Article 13*], at a minimum, Transitional Screening 3 is required at the outer boundaries of the lot where the lot abuts or is across the street from residentially zoned land. In addition, the Board may require the preservation of any natural screening and plant materials, and must require that adequate landscaping and screening be provided to assure compatibility of the parking area with adjacent property and the surrounding vicinity.
- (f) The Board must impose a time limitation on the special exception such to ensure that the use will not be operational prior to the displacement or subsequent to the re-establishment of the Metro Station parking spaces; provided, however, that such special exception may be renewed in accordance with the provisions of [*reference to relocated special exception renewal provisions*].
- (a) On land zoned commercial or industrial, or on land zoned residential but planned commercial or industrial, in addition to subsections (1) through (8) above:
  - (i) The major portion of the proposed parking area must be located within a 2,000-foot radius of a Metro Station platform entrance.
  - (ii) The number of temporary off-street parking spaces allowed within the vicinity of any one Metro Station must not exceed the difference between the ultimate number of Metro Station parking spaces planned for the respective station and the number existing at the time the application is filed; provided, however, in the case of an in-line station serving temporarily as a terminus, the Board may allow an appropriate portion of the future Metro Terminal Station's parking allocation to be temporarily located in the vicinity of the in-line station. The applicant must demonstrate that there is presently a need for the provision of additional parking space.
  - (iii) The provisions of [*reference to relocated Article 13*] do not apply; provided, however, that the Board may require the preservation of any natural screening and plant materials, and must require that adequate landscaping and screening be provided to assure compatibility of the parking area with adjacent property and the surrounding vicinity.
- (10) The Board may approve a special exception for this use for a period not to exceed three years from the date of approval of the Non-Residential Use Permit; provided, however, that such special exception may be renewed in accordance with the provisions of [*reference to relocated special exception renewal provisions*]. Once established, the parking lot use may be continued for the duration of the special exception unless one-year written notice of intent to cease the use is given to the Board. No approvals to permit the commencement of land-disturbing activity contrary to the temporary parking use may be issued during the life of the special exception or the one-year notice period, whichever is applicable.

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## G. Model Home Sales and Leasing Office<sup>484</sup>

### Standards when permitted by administrative permit:

- (1) An administrative permit may be issued for a period not to exceed two years. The office use is allowed only until the end of the two-year period or until all units in the development are sold or leased, whichever occurs first. This permit may be extended if approved by the Zoning Administrator based on the continued existence of units that have not had an initial sale or lease executed at the end of the two-year period.
- (2) The model home sales and leasing office must be incidental to and located within the recorded subdivision that it serves or on the same lot where the sales project is located.
- (3) If located in a permanent structure, such structures must comply with all of the requirements of this Ordinance, including the applicable zoning district regulations.

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## H. Portable Storage Container<sup>485</sup>

### Standards when permitted by right:

- (1) Portable storage containers are allowed as a temporary use only on lots containing a dwelling and may be located in any yard.
- (2) Portable storage containers are permitted for the following time periods:
  - (a) On a lot containing 36,000 square feet or less and developed with a single family detached dwelling, for a period not to exceed 30 consecutive days within a six-month period.
  - (b) On a lot containing more than 36,000 square feet and developed with a single family detached dwelling, for a period not to exceed 60 consecutive days within a six-month period.
  - (c) On lots developed with single family attached, stacked townhouse, or multiple family dwellings, for a period not to exceed seven consecutive days within a six-month period.
  - (d) Where a dwelling has been damaged by casualty, a period of time established in accordance with subsection (7) below.
- (3) Portable storage containers must not exceed eight and one-half feet in height.
- (4) Portable storage containers must not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.
- (5) Portable storage containers must not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular or pedestrian circulation, and must be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.
- (6) Portable storage containers are also subject to the sight distance provisions of [*reference to new location of sight distance triangle provisions in Sect. 2-505*].

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<sup>484</sup> This carries forward Sect. 8-808 and Sect. 2-509. Limit on sleeping accommodations was deleted. Provision for extension of the permit has been added.

<sup>485</sup> This carries forward Sections 8-812, 10-102.28, and 10-104.15. The general special permit option for a longer timeframe has been replaced with an administrative procedure.

**Standards when permitted by administrative permit:**

- (7) An administrative permit may be issued for a period longer than set forth in subsection (2) above, but only in accordance with all of the following:
  - (a) Only in instances where a dwelling has been destroyed or damaged by casualty and only when such dwelling is to be rebuilt or repaired.
  - (b) An administrative permit may be issued for a period not to exceed six months or for the period of an active Building Permit, whichever is shorter. This permit may be extended by the Zoning Administrator if construction of the dwelling is being diligently pursued.

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**I. Special Event**

**Standards when permitted by administrative permit:**<sup>486</sup>

- (1) An administrative permit may be issued for a period not to exceed 21 days. Any request for a longer period of time or any renewal or extension of a permit may be approved by the BZA, subject to the same procedure as specified in [*reference to relocated Sect. 8 009*] for the original issuance of the permit.
- (2) All permitted activities must be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, place of worship or religious organization, sports or hunt club, or charitable, educational, or nonprofit organization operating within the County.
- (3) The sponsoring organization must furnish the Zoning Administrator the name and address of the owner and operator of the special event.
- (4) The sponsoring organization must submit to the Health Department information as to sanitary arrangements and facilities to be used by the public and employees.
- (5) The Zoning Administrator may not issue an administrative permit for a carnival or circus where the proposed activity will:
  - (a) Occur within two miles of any other special event for which an administrative permit has been previously obtained; and
  - (b) Commence within a time period of three weeks from the ending date of any other special events within a two-mile radius for which an administrative permit has been previously obtained.
- (6) No administrative permit may be issued unless adequate provision is made for off-street parking and loading requirements.
- (7) The Zoning Administrator will notify the Animal Services Division of the Police Department upon receipt of an application for an administrative permit involving the display or exhibition of animals. In addition to the requirements of this Ordinance, the owners or operators of any special event such as a carnival, circus, side show, dog and pony show, trained animal show, traveling animal exhibition, menagerie or any other show, exhibition, or similar performance, must obtain a County license in accordance with the provisions of

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<sup>486</sup> This carries forward Sect. 8-804. Provisions applicable to circuses, carnivals, and fairs have been made generally applicable to all special events, except time and geographic spacing requirements, and Par. (3) now covers both owners and operators. Requiring a determination of good repute and that the principal administrative offices of the sponsor be located in the County were not carried forward.

Chapter 25 of The Code, and a permit in accordance with the provisions of Chapter 41.1 of The Code.

**Standards when permitted by special permit:**

- (8) An application for any such approval by the BZA must be filed 120 days prior to the date on which the permit is to take effect.<sup>487</sup>
- (9) A special event as a special permit use must comply with the standards in subsections (1) through (7) above.

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**J. Temporary Dwelling or Manufactured Home<sup>488</sup>**

**Standards when permitted by administrative permit:**

- (1) A temporary dwelling or manufactured home may be allowed where a single family detached dwelling has been destroyed or damaged by fire or other disaster to an extent that the dwelling is uninhabitable, if the destroyed or damaged dwelling is to be rebuilt or repaired, and subject to the following:
  - (a) An administrative permit may be issued for a period not to exceed nine months or for the period of an active Building Permit, whichever is shorter. This permit may be extended by the Zoning Administrator if construction of the dwelling is being diligently pursued.
  - (b) A temporary dwelling or manufactured home may be allowed only on a lot where a single family detached dwelling is permitted by the provisions of this Ordinance.
  - (c) Occupancy of a temporary dwelling or manufactured home is allowed only if appropriate sanitary facilities are provided as approved by the Health Department
  - (d) Occupancy of a temporary dwelling or manufactured home must terminate the earlier of:
    - 1. The date of completion of construction of the dwelling on the same lot; or
    - 2. At the expiration of the nine-month administrative permit period. The Zoning Administrator may extend this time period if it is determined that the applicant is diligently pursuing the rebuilding or repair of the single family detached dwelling.
  - (e) Additional conditions and requirements may be imposed by the Zoning Administrator to mitigate any impacts of the temporary dwelling or manufactured home on surrounding properties.<sup>489</sup>
  - (f) An administrative permit for a temporary dwelling or manufactured home may be issued in a residential district.
  - (g) An administrative permit for a temporary dwelling or manufactured home may be issued in the commercial or industrial districts only if the single family detached dwelling was occupied as a nonconforming dwelling use prior to the damage or destruction in accordance with [*reference to relocated Sect. 15-101*].

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<sup>487</sup> The submission timeframe is changed from 90 days to 120 days.

<sup>488</sup> This carries forward Sect. 8-809 and Par. D of Sect. 2-507. The general special permit option for a longer timeframe has been replaced with an administrative procedure.

<sup>489</sup> Requirement for any standards proposed by the Zoning Administrator to be sent to the BZA for action was deleted as unnecessary.

**Standards when permitted by special exception or special permit:**

- (2) Manufactured homes may be allowed as temporary dwellings for faculty, staff, or students in conjunction with the approval of a special exception or special permit for a child care center; religious assembly; religious assembly with private school, specialized instruction center, or child care center; private school; or specialized instruction center. Such manufactured homes must be connected to public sewer or an approved septic field, public water or an approved well, and to electricity and must be subject to the regulations of the zoning district in which they are located. In approving the special exception or special permit, the Board or BZA, as appropriate, may impose conditions of approval to ensure that the use will be compatible with the use of adjacent properties, including limitations on location and duration and landscaping and screening requirements.

# Article 9: Definitions

## 9100. Uses

### 1. Purpose

This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a form or example of a use listed as an allowable principal use in the use table in [reference to use table], or is subject to other use-specific provisions in this Ordinance. This subsection is also intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use table.

### 2. Agricultural and Related Uses

#### A. Agricultural and Related Uses

The Agricultural and Related Uses category is characterized by activities related to the bona fide production of plants or animals for food and other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.

##### **Agricultural Operation**<sup>490</sup>

Any commercial operation, including related structures, on a minimum of five acres of land that is devoted to the bona fide production, harvesting, and sale of agricultural products, including livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silviculture, and other agricultural products. An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, or the above ground application or storage of sewage sludge. Agricultural operations must specifically qualify under all state and local laws in order to use any exemptions or special provisions afforded to such uses by the Code of Virginia.

##### **Agritourism Activity**<sup>491</sup>

Any activity carried out on a farm that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. A farm, in this context, means land used for the production, cultivation, growing, harvesting, or processing of agricultural products. An activity is an agritourism activity whether or not participants pay to participate in the activity.

<sup>490</sup> This replaces the definition of “agriculture” in the current Zoning Ordinance.

<sup>491</sup> This definition, from the Code of Virginia, is a placeholder, pending finalization of an ongoing Zoning Ordinance amendment project to address this use. References to ranches have been deleted.

### **Farm Winery, Limited Brewery, or Limited Distillery<sup>492</sup>**

An establishment located on a property used for an agricultural operation where agricultural products are grown, processed, and containerized on the premises, as specifically regulated and licensed by the Virginia Alcoholic Beverage Control Board. This use is more specifically identified as:

#### **Farm winery**

A farm winery must include a producing vineyard, orchard or similar growing area and facilities for fermenting and containerizing wine or cider on the premises.

#### **Limited brewery**

A limited brewery must include a growing area for barley, hops, other grains, or fruit and facilities to produce and containerize beer on the premises.

#### **Limited distillery**

A limited distillery must include a growing area for agricultural products used in the production of spirits and facilities to produce and containerize alcoholic beverages other than wine, cider, or beer on the premises.

### **Stable, Riding or Boarding<sup>493</sup>**

An establishment where horses or ponies, not including horses or ponies owned by resident(s) of the property, are kept, maintained, or boarded, or where riding lessons are made available to the general public or members of a private club. Such services may be offered for a fee or free of charge. This use may include the hosting of events, competitions, exhibitions, or other displays of equestrian skills. The keeping of horses or ponies as an accessory use in accordance with [reference to keeping of animals] and [reference to limited riding or boarding stable] is not considered a riding or boarding stable.

## **3. Residential Uses**

### **A. Household Living**

The Household Living category includes uses characterized by the residential occupancy of a dwelling unit that functions as a single household (see Sect. <>, Definitions).

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<sup>492</sup> This definition carries forward, reorganizes, and simplifies the definitions of “farm winery,” “limited brewery,” and “limited distillery” in the current Zoning Ordinance. The use carries forward the uses “farm winery,” “limited brewery,” and “limited distillery” and “expansion of an existing or development of a new farm winery, limited brewery, and limited distillery in the R-C District and for certain events and activities associated with such uses when located in the R-A, R-P, R-E and R-1 Districts” in the current Zoning Ordinance.

<sup>493</sup> This definition builds on the definition of “riding/boarding stable” in the current Zoning Ordinance. It includes new language regarding events, competitions, exhibitions, and other displays of equestrian skill, which is intended to clarify that those activities are a part of this use. Provisions addressing the number of horses or ponies and minimum lot size are included in the standards for this use.

**Dwelling, Multifamily<sup>494</sup>**

A residential building, other than a single family attached dwelling or stacked townhouse dwelling, containing individual dwelling units located on a single lot or parcel of ground. A multifamily dwelling, which can include rental or condominium ownership, generally has one or more common outside entrance(s) for all the dwelling units, and the units may be located side-by-side, stacked vertically, or both.

**Dwelling, Single Family Attached<sup>495</sup>**

A single family dwelling unit that is in a single structure with other single family dwelling units, and in which:

- Each dwelling unit is separated from the others by a fire-rated vertical common party wall running from the foundation to the roof of the building; and
- Each dwelling unit has its own individual entry to an outdoor sidewalk or walkway without the need to pass through a lobby or shared use area of the structure.

This definition includes dwellings commonly referred to as rowhouses, “side-by-side” townhouses, “back-to-back” townhouses, and duplexes. The dwelling units may be located on a single parcel or on adjoining lots.

**Dwelling, Single Family Detached<sup>496</sup>**

A residential building, other than a manufactured home, containing only one principal dwelling unit on a single lot.

**Dwelling, Stacked Townhouse<sup>497</sup>**

A building in which dwelling units are arranged in vertical stacks of two units, with each vertical stack separated from other stacks by a fire-rated vertical common party wall running from the foundation to the roof of the building. This definition includes dwellings commonly referred to as “piggyback” townhouses and “two-over-two” townhouses.

**Group Residential Facility<sup>498</sup>**

A residential facility, with one or more resident or nonresident staff persons, in which no more than: (a) eight persons with disabilities reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight persons who are aged or infirm or persons with disabilities reside and such home is licensed by the Virginia Department of Social Services; or (c) eight persons with disabilities. The terms handicapped, mental illness and developmental disability may not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in

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<sup>494</sup> This replaces the current definition of “dwelling, multiple family.”

<sup>495</sup> This replaces the current definition of “dwelling, single family attached.” Standards in the current definition are carried forward in Article 4.

<sup>496</sup> This simplifies the current definition of “dwelling, single family detached.” It no longer excludes “zero lot line” development.

<sup>497</sup> This is a new definition for a new use. A new parking rate will be reviewed as part of the draft of the new Article 11.

<sup>498</sup> This definition carries forward the definition of “group residential facility” in the current Zoning Ordinance, with minor modifications, including the addition of a reference to the Virginia Code.

Sect. 102 of the Controlled Substance Act (21 U.S.C. 802). Group residential facilities are considered residential occupancy by a single household under this Ordinance in accordance with § 15.2-2291 of the Code of Virginia.

**Live-Work Development<sup>499</sup>**

A structure or part of a structure in which areas designed for occupancy by a single owner, tenant, or user are specifically designed to accommodate a residential dwelling unit, a flexible work space, or both. This use does not include a home-based business that would be permitted in a single family detached dwelling.

**Manufactured Home<sup>500</sup>**

A transportable residential structure that was: (a) fabricated at an off-site manufacturing facility on a permanent chassis, and (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels. For purposes of administering the floodplain regulations contained in Sect. <>, the definition of “manufactured home” in Sect. <> applies. This use does not include a modular dwelling or a recreational vehicle.

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**B. Group Living**

The Group Living category includes uses characterized by residential occupancy by a group of persons who do not constitute a household (see Sect. <>, Definitions). Group living structures typically have a common eating area for residents, and individual living units often consist of a single room or group of rooms that may or may not include cooking and eating facilities. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. This use category does not include uses where persons generally occupy living units for periods of less than 30 days, such as a hotel or motel, which are categorized in the Food and Lodging use category, or uses where residents or inpatients are routinely provided healthcare services, such as assisted living and nursing facilities, which are categorized in the Health Care use category. This use category does not include group residential facilities, which are considered residential occupancy of a dwelling unit as required by § 15.2-2291 of the Virginia Code.

**Congregate Living Facility<sup>501</sup>**

A facility that provides housing and general care on a permanent or temporary basis, including the provision of on-site supportive services, such as special care and treatment, in a supervised setting with on-site counselors or other staff. This includes facilities providing in-patient alcohol and addiction treatment and services and facilities for the care of more than eight persons with disabilities. This term does not include a group household unit, group residential facility, assisted living facility, specialized instruction center, or any facility providing services or treatment to anyone who does not reside at the facility.

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<sup>499</sup> This is a new definition for a new use.

<sup>500</sup> This is a new definition for a use which encompasses the current uses “dwelling, manufactured home” and “dwelling, mobile home.”

<sup>501</sup> This carries forward the current definition for a congregate living facility.

**Group Household<sup>502</sup>**

A dwelling unit that does not meet the occupancy limitations for a household (see Sect. <>, Definitions), which contains: (a) five to ten persons not related by blood or marriage, or (b) a family and more than two roomers or boarders. This definition does not include a group residential facility, congregate living facility, religious group living, residence hall, assisted living facility, continuing care facility, or independent living facility.

**Religious Group Living<sup>503</sup>**

A place of residence, such as a convent or monastery, for persons under religious vows.

**Residence Hall<sup>504</sup>**

A place of residence that is used by, occupied by, and maintained for persons associated with an educational or a religious institution. This definition does not include a bed and breakfast, group household, hotel or motel, or other accommodations used for occupancy that is typically more transient in nature. This definition includes dormitories and fraternity and sorority houses.

## 4. Public, Institutional, and Community Uses

### A. Community, Cultural, and Educational Facilities<sup>505</sup>

The Community, Cultural, and Educational Facilities category includes uses generally of a public, quasi-public, nonprofit, or charitable nature that provide a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community. This category does not include commercial health clubs or recreational facilities (categorized in the Recreation and Entertainment use category), or counseling in an office setting (categorized in the Office use category).

**Alternate Uses of Public Facilities<sup>506</sup>**

A use that is conducted in a facility held or controlled by the Fairfax County Government under the direct authority of the Board of Supervisors, the Fairfax County School Board, or the Fairfax County Park Authority, that is otherwise allowed as a special exception or special permit use in the district where the facility is located.

<sup>502</sup> This is a new definition for the current use “group housekeeping unit.”

<sup>503</sup> This is a new definition for a use that encompasses “convents, monasteries, seminaries, and nunneries,” which are not currently defined.

<sup>504</sup> This is a new definition to encompass “dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls,” which are not defined in the current Zoning Ordinance.

<sup>505</sup> This category includes institutions and facilities primarily characterized by the fact that they support community activities, regardless of whether they are commercial or non-profit enterprises.

<sup>506</sup> This is a new definition for a term that is not currently defined.

**Child Care Center<sup>507</sup>**

A facility where, in the general absence of a parent or guardian, a person or organization has responsibility for the supervision, protection, and well-being of one or more children for less than a 24-hour period. This use does not include a home day care facility.

**Club, Service Organization, or Community Center<sup>508</sup>**

A facility operated by a nonprofit corporation, fraternal organization, association, or group of people for social, educational, recreational, or service-oriented activities. This use may include meeting rooms, game rooms, clubhouses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include standalone community swim, tennis, and recreation clubs, which are a different use in this category, or commercial indoor or outdoor recreation facilities, which are in the Recreation and Entertainment category.

**College or University<sup>509</sup>**

An institution that is certified to operate as a college or university by the State Council of Higher Education for Virginia, that offers a program of post-secondary education and instruction leading to degrees or certificates. This use does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest.

**Community Swim, Tennis, and Recreation Club<sup>510</sup>**

An outdoor facility not operated for profit providing primarily recreation facilities with membership limited to residents of nearby residential areas. This use must be under the control and direction of a board of managers that includes residents of the area served by the facility.

**Convention or Conference Center<sup>511</sup>**

A building or buildings containing exposition halls, exhibit halls, and facilities to house cultural or civic events, conferences, or conventions of political, industrial, fraternal, commercial, trade, or other similar associations.

**Cultural Facility or Museum<sup>512</sup>**

A building or area operated to present cultural, historic, heritage, scientific, or academic material, or to provide access to a location having particular historic significance, which may include curated exhibits, interactive or experiential exhibits or events, live theater and dance

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<sup>507</sup> This is a new definition.

<sup>508</sup> This is a new definition. This use consolidates the following uses in the current Zoning Ordinance: “private club,” “public benefit association,” “community clubs, centers, meeting halls,” and “community clubs, centers, meeting halls, swimming, pool, archery ranges,” and “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas.”

<sup>509</sup> This is a new definition for a use that is not currently defined.

<sup>510</sup> This use carries forward language in Sect. 8-403 pertaining to the current use “swimming club and tennis club/courts.”

<sup>511</sup> This definition incorporates language in Sections 6-202, 6-302, and 6-502 of the current Zoning Ordinance. This use carries forward the current use “exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations.”

<sup>512</sup> This combines the definitions of “cultural center” and “museum” in the current Zoning Ordinance. The requirement for a cultural center to be a nonprofit enterprise has not been carried forward.

performances, musical concerts, cinema, or lectures; or an institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value. Accessory uses may include offices, meeting rooms, gift shops, restaurants or snack bars, and gardens.

#### **Public Use<sup>513</sup>**

Any area, building or structure held, used, or controlled primarily for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Fairfax County government under the direct authority of the Board of Supervisors, the Fairfax County School Board, or the Fairfax County Park Authority, without reference to the ownership of the building or structures or the realty upon which the use is situated. For the purpose of this Ordinance, any use that is (a) sponsored or operated by another county, city, or town within or outside of the Commonwealth of Virginia or an agency such as the Fairfax County Water Authority, Social Services Board, Redevelopment and Housing Authority, Economic Development Authority, Juvenile Court, or Fairfax-Falls Church Community Services Board, and (b) not under the direct authority of the Fairfax County Board of Supervisors, is not considered a public use and is subject to the applicable Zoning Ordinance provisions for the proposed use.

#### **Religious Assembly<sup>514</sup>**

A structure or place for worship or ceremonies, rituals, and education, together with its accessory buildings and uses (including buildings used for educational, social, and recreational activities), operated, maintained, and controlled under the direction of a religious group. Examples include churches, mosques, synagogues, and temples. This use includes those activities and functions sponsored and administered directly by the religious group in furtherance of its religion.

#### **School, Private<sup>515</sup>**

Any school offering a curriculum for the elementary school or secondary school level leading to a high school diploma, that is not a public use. For purposes of this Ordinance, a private school includes a public school operated by other counties, cities, or towns within or outside of the Commonwealth of Virginia.

#### **Specialized Instruction Center<sup>516</sup>**

A center primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, or other special subjects. This use does not include a child care center, home day care facility, Health and Exercise facility, or riding school.

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## **B. Funeral and Mortuary Services**

The Funeral and Mortuary Services category consists of establishments that provide services related to the death of a human being or an animal.

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<sup>513</sup> This carries forward the definition of “public use” in the current Zoning Ordinance, with minor revisions for readability.

<sup>514</sup> This is a new definition. This use carries forward the use “churches, chapels, temples, synagogues and other places of worship” in the current Zoning Ordinance.

<sup>515</sup> This definition builds on the definition of “private school of general education” in the current Zoning Ordinance.

<sup>516</sup> This definition builds on the definition for “private school of special education” in the current Zoning Ordinance.

**Cemetery**<sup>517</sup>

A place where lots or niches are sold for the burial of human or animal remains, which may include columbaria and mausoleums but not crematories.

**Crematory**<sup>518</sup>

A place where human or animal bodies are incinerated and the ashes are collected for permanent burial, scattering, or storage in urns.

**Funeral Home**<sup>519</sup>

A building or part of a building used for funeral services. The 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; or (d) the storage of funeral vehicles. This use does not include a crematory.

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**C. Health Care**

The Health Care category includes uses providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, and nursing care. Care may be provided on an inpatient, overnight, or an outpatient basis. Although continuing care facilities include household living uses and health care uses (e.g., nursing facilities), they are categorized as a Health Care use because of their focus on the present or future provision of health and personal care. This category does not include professional offices for physicians, dentists, or certified massage therapists.

**Adult Day Care Center**<sup>520</sup>

A facility licensed by the State of Virginia where four or more adults who are aged or infirm or persons with disabilities receive supportive services, health monitoring, protection, and supervision on a regular basis during part of a 24-hour day. This use does not include any licensed facility that provides for the primary diagnosis or treatment of a medical or mental health condition or any facility licensed by the Virginia Departments of Health Professions or Behavioral Health and Developmental Services. This use also does not include an assisted living facility or nursing facility.

**Continuing Care Facility**<sup>521</sup>

A development under unified operation that provides a variety of accommodation options offering a continuum of care and services. A continuing care facility must be developed as an integrated continuum of accommodation types and service features that allows for the ability to move between levels of support as an individual's care needs change. At a minimum, a continuing care facility must offer or provide care and services to include the on-site provision

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<sup>517</sup> This is a new definition. This use consolidates the current uses "cemetery for human or animal interment" and "columbarium/mausoleum w/cemetery."

<sup>518</sup> This carries forward the definition of "crematory" in the current Zoning Ordinance.

<sup>519</sup> This carries forward the definition of "funeral home" in the current Zoning Ordinance. This use consolidates the current uses "funeral home," and "funeral chapel."

<sup>520</sup> This carries forward the current definition of "adult day care center."

<sup>521</sup> This carries forward the current definition of "continuing care facility."

of meals, general housekeeping, facilitation of transportation, recreation, health- or hygiene-related care, assistance with activities of daily living, and other services integral to the personal, health, and therapeutic care of persons.

#### **Independent Living Facility<sup>522</sup>**

A residential development that is primarily limited to occupancy by persons who qualify for the age-related exemptions of the Federal Fair Housing Amendments Act of 1988 (FFHA) or persons with disabilities. Such a facility must include: (a) dwelling units with complete kitchen facilities; and (b) adequate and appropriate supportive services, which could include a meal program, in-unit personal emergency response systems, recreation and transportation services, or other individually or communally used features, amenities, or services for residents of the facility; and (c) universal design features in common areas and individual units, which may include such features as wider doorways and hallways, accessible-ready bathrooms, door levers and lower light switches, or any other feature that facilitates the use of the units by the intended residents; and (d) on-site staff.

This use does not include a continuing care facility or any development providing only age-restricted housing with no on-site meal service, supportive services, or staff.

#### **Medical Care Facility<sup>523</sup>**

Any institution, place, building, or agency that offers or provides health services and medical, psychiatric, or surgical care to two or more persons, primarily as inpatients, suffering from a health condition, illness, disease, injury, deformity, or other physical or mental condition, including but not limited to persons with disabilities. This use includes facilities that offer or provide acute, chronic, convalescent, aged, nursing, or mental/intellectual/physically disability services and includes facilities offering or providing these services. For the purposes of this Ordinance, this term includes a hospital, assisted living facility, nursing facility, and other facilities that may be described as a sanatorium/sanitarium, mental hospital, intermediate/extended care facility, medical school, and other similar institutions or facilities. This term does not include a congregate living facility, continuing care facility, group residential facility, independent living facility, physician's office, first aid station for emergency medical or surgical treatment, medical laboratory, or medical office providing out-patient services.

#### **Assisted Living Facility<sup>524</sup>**

A licensed facility for persons who are unable to live independently that provides all of the following: (a) private or semi-private accommodations, which include a sleeping area, access to an accessible bathroom, and may include limited food and drink preparation facilities (excluding an oven and cooktop), (b) supervision and general care, including but not limited to the provision of daily meals, general housekeeping, health- or hygiene-related care, and (c) assistance with activities of daily living. For purposes of this Ordinance, an assisted living facility includes facilities for memory care.

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<sup>522</sup> This carries forward the current definition of "independent living facility."

<sup>523</sup> This carries forward the current definition of "medical care facility."

<sup>524</sup> This carries forward the current definition of "assisted living facility," except the reference to medical care facility is deleted.

**Hospital**<sup>525</sup>

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.

**Nursing Facility**<sup>526</sup>

A licensed facility containing beds for two or more patients, established for the purpose of providing domiciliary or nursing care for chronic or convalescent patients on a temporary or permanent basis. Such facility is not for the primary care of persons with a drug or alcohol addiction, or mental or developmental disability, when any such person does not also require nursing care. This use includes facilities that may otherwise be referred to as a nursing home, extended care home, rehabilitation center, skilled nursing facility, rest home, or convalescent home.

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**D. Transportation**

The Transportation category includes uses associated with the operation of airplanes, trains, buses, and other vehicles designed and used for the transport of people or goods.

**Airport**<sup>527</sup>

A place where aircraft, including airplanes and helicopters, may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. This definition includes any landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas.

**Helipad**<sup>528</sup>

A designated takeoff and landing area for helicopters. A helipad includes only tie down space and additional facilities required by law, ordinance, or regulation.

**Regional Rail Transit Facilities**<sup>529</sup>

Transit facilities associated with a rapid rail transit system that serves only the Washington metropolitan region or parts thereof, including but not limited to WMATA Metrorail facilities.

**Transit Facilities**<sup>530</sup>

Stations and their associated pedestrian connections, bus bays, parking areas, service yards and inspection yards associated with rail or non-rail transit systems, including but not limited

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<sup>525</sup> This carries forward the current definition of “hospital.”

<sup>526</sup> This carries forward the current definition of “nursing facility,” except the reference to medical care facility is deleted.

<sup>527</sup> This is a new definition for a use that consolidates the current uses “airports” and “heliports.”

<sup>528</sup> This revises the definition of “helistop” in the current Zoning Ordinance.

<sup>529</sup> This is a new definition for a term used in the use standards for Transit Facilities.

<sup>530</sup> This simplifies and generalizes the definition of “electrically powered regional rail transit facilities” in the current Zoning Ordinance. It includes all transit facilities, including “electrically powered regional rail transit facilities,” “accessory electrically powered regional rail transit facilities,” and “regional non-rail transit facilities.”

to WMATA Metrorail and Virginia Railway Express (VRE) facilities. Transit facilities do not include facilities containing only administrative offices operated by a transit facility authority or entity.

## E. Utilities

The Utilities category includes both heavy utilities, which are infrastructure services that provide regional or community-wide service, and light utilities, which are infrastructure services that need to be located in or near where the service is provided. Solar power facilities and telecommunications facilities are included in this category. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, and storage areas.

### **Solar Power Facility**<sup>531</sup>

A facility that is the principal use of a lot, consisting of a system of components that produces heat or electricity, or both, from sunlight.

### **Utility Facility, Heavy**<sup>532</sup>

A major component of an infrastructure system. Examples of heavy utility facilities include potable water treatment plants, wastewater treatment plants, solid waste facilities, gas compressor stations, and electricity generating plants and facilities, other than solar power facilities. This use does not include a petroleum products storage facility.

### **Utility Facility, Light**<sup>533</sup>

A structure or facility generally related to the distribution or collection of utility products or services, rather than the production of those products or services, that needs to be in or near the neighborhood or near utility consumers. Examples of light utility facilities include water and sewage pump stations, telephone local exchanges, water storage facilities, and electrical substations including distribution centers and transformer substations. This use does not include ordinary distribution facilities for delivery of utilities to customers that are in the public right-of-way or in easements or strips of property owned in fee simple not more than

<sup>531</sup> This is a new definition for a new use. It is based on the definition of “solar energy system” in Sect. 56-576 of the Code of Virginia.

<sup>532</sup> This is a new definition. This use consolidates the following uses in the current Zoning Ordinance: “electrical generating plants and facilities,” “local office space and maintenance facility incidental to heavy public utility use,” “sewage treatment and disposal facilities,” “sewage treatment and disposal facilities (regional only)” “supply yards for any public utility” and “water purification facilities.”

<sup>533</sup> This is a new definition. This use consolidates the following uses in the current Zoning Ordinance: “electric substations and distribution centers including transformer stations,” “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,” “sewerage pumping facilities,” “telecommunication facilities,” “telecommunication facilities, including central offices and repeat 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,” and “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.”

25 feet in width; or transmission lines approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

**Wireless Facility**<sup>534</sup>

[definition to be inserted]

## 5. Commercial Uses

### A. Animal-Related Services

The Animal-Related Services use category is characterized by uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals.

**Animal Shelter**<sup>535</sup>

A place designated to provide for the temporary accommodation of five or more animals that are stray or abandoned by their owner. This definition does not include a kennel, a veterinary hospital, or a zoo.

**Kennel**<sup>536</sup>

An establishment primarily engaged in boarding, keeping, training, breeding, or handling dogs, cats, birds, or other small domestic animals for a fee.

**Pet Grooming Establishment**<sup>537</sup>

An establishment, other than a kennel or veterinary hospital, for cleaning and maintaining the appearance of dogs, cats, birds, or other small domestic animals.

**Veterinary Hospital**<sup>538</sup>

A building or structure for the diagnosis and medical or surgical care of animals, including facilities for the temporary housing of such animals.

### B. Food and Lodging

The Food and Lodging use category consists of establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, and establishments providing lodging units or rooms for transient stays of fewer than 30 consecutive nights for rent, lease, or interval occupancy. This use category does not include rooming houses,

<sup>534</sup> This is a placeholder for a recently adopted Zoning Ordinance amendment on Wireless Facilities. All associated definitions will be integrated. For reference, the adopted amendment text is located here:

<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/adopted%20amendments/zo19480.pdf>

<sup>535</sup> This definition carries forward the definition and use of “animal shelter” in the current Zoning Ordinance, with refinement and excluding language regarding the disposition of pets.

<sup>536</sup> This definition builds on the definitions of “kennel” in the current Zoning Ordinance, and clarifies that a kennel may provide services to domestic animals besides dogs. Provisions pertaining to density were deleted. The use consolidates the following uses from the current Zoning Ordinance: “kennels,” “kennels (indoors),” and “kennels, outdoor.”

<sup>537</sup> This is a new definition for a new use.

<sup>538</sup> This carries forward the definition of “veterinary hospital” in the current Zoning Ordinance.

which are generally occupied for tenancies of a month or longer; or short-term lodging accessory to an owner- or tenant-occupied dwelling.

**Bed and Breakfast<sup>539</sup>**

An establishment located in an owner- or manager-occupied dwelling unit in which five or fewer guest rooms without cooking facilities are rented to transient visitors for a period of fewer than 30 consecutive nights.

**Catering<sup>540</sup>**

An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. Catering may include retail sale of food or beverages for consumption on the premises as an ancillary use.

**Hotel or Motel<sup>541</sup>**

A building, portion of a building, or group of buildings that provide sleeping accommodations in six or more separate units or rooms for transient visitors on a daily, weekly, or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel includes any establishment that provides residential living accommodations for transient visitors on a short-term basis, such as an apartment hotel. A hotel or motel may include accessory restaurants, meeting rooms, and conference facilities.

**Restaurant<sup>542</sup>**

An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises. A restaurant with drive-through, carryout restaurant, convenience store, or craft beverage production establishment as defined herein, is not considered a restaurant.

This use does not include a snack bar or refreshment stand at a public or non-private recreational facility that is operated solely by the agency or group operating the recreational facility as an accessory use for the convenience of the patrons of the facility. Entertainment that is provided for the enjoyment of the patrons and is incidental to the principal dining function may be considered accessory to a restaurant. Such entertainment may include dancing by patrons. Provisions for dancing made available under this definition are subject to the licensing requirements of Chapter 27 of The Code.

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<sup>539</sup> This carries forward the definition of “bed and breakfast” in the current Zoning Ordinance. The requirement that the bed and breakfast be a single family detached dwelling unit is not included in the definition but is instead addressed in the use-specific standards.

<sup>540</sup> This is a newly defined use. Catering establishments are currently interpreted to be either a business service and supply establishment or an establishment for production/processing.

<sup>541</sup> This carries forward the definition and use of “hotel, motel” in the current Zoning Ordinance, with refinements. Limitations on the location of restaurants are included as use-specific standards in Article 4: Use Regulations.

<sup>542</sup> This carries forward the definition of “restaurant” in the current Zoning Ordinance. The limit on the size of a dance floor has been modified and relocated to the use standards.

**Restaurant, Carryout<sup>543</sup>**

Any establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state, primarily for consumption off the premises. Up to eight seats may be provided for on-site consumption or customer waiting. A restaurant with more than eight seats is considered a restaurant. A carryout restaurant does not include drive-through facilities. A convenience store or craft beverage production establishment is not considered a carryout restaurant.

**Restaurant with Drive-through<sup>544</sup>**

Any establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises and that contains a drive-through. A food truck that does not comply with the provisions set forth in Sect. 4102.8.E, Food Truck, is considered a restaurant with drive-through.

**Retreat Center<sup>545</sup>**

A facility used for professional, educational, or religious meetings, conferences, or seminars, which may provide meals, housing, and recreation only for participants during the period of the retreat program. This use does not include any use meeting the definition of a hotel or a restaurant.

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**C. Office and Financial Institutions**

The Office and Financial Institutions use category includes buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), and medical and dental services. Office uses may also include research and experimentation, including the production of prototypes, computer software production, demographic and market research, technical or academic consulting services, data processing, wet labs, research and experimentation in a laboratory, and similar activities.

**Alternative Lending Institution<sup>546</sup>**

An establishment providing short-term loans to individuals, including pay day lenders as regulated by Chapter 18, Title 6.2, Code of Virginia and motor vehicle title lenders as regulated by Chapter 22, Title 6.2, Code of Virginia. For purposes of this Ordinance, an alternative lending institution is not deemed to include an office, pawnshop, drive-in financial institution, financial institution or any other state or federally chartered bank, savings and loan institution, or credit union.

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<sup>543</sup> This carries forward the definition and use of “carryout restaurant” in the current Zoning Ordinance.

<sup>544</sup> This carries forward the definition and use of “restaurant with drive-through” in the current Zoning Ordinance.

<sup>545</sup> This is a new definition. This use carries forward the use “conference centers and retreat houses, operated by a religious or nonprofit organization” from the current Zoning Ordinance. The requirement for the center to be operated by a religious or nonprofit organization has not been carried forward.

<sup>546</sup> This carries forward the definition and use of “alternative lending institution” in the current Zoning Ordinance.

**Drive-through Financial Institution<sup>547</sup>**

Any financial institution that offers its services to persons within motor vehicles.

**Financial Institution<sup>548</sup>**

Any establishment where the primary occupation is State regulated businesses such as banking, savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-through window or drive-through automated teller machine will be deemed to be a drive-through financial institution.

**Office<sup>549</sup>**

A building or portion of a building used for conducting professional, executive, management, financial, research, or administrative business of commercial entities, such as those providing professional services, financial services, medical or dental services, research and experimentation in a laboratory, massage establishments and certified massage therapists in accordance with Chapter 28.1 of The Code, and artists.

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**D. Personal and Business Services**

The Personal and Business Services use category includes businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals.

**Business Service<sup>550</sup>**

An establishment primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community. Examples of this use include packing and shipping services and printing services. This definition does not include any use listed separately in this Ordinance.

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<sup>547</sup> This carries forward the current definition “drive-in financial institution,” but deletes the inclusion of a standalone automated teller machine.

<sup>548</sup> This carries forward the current definition “financial institution.”

<sup>549</sup> This is a new definition for a use that consolidates the following uses in the current Zoning Ordinance: “establishment for scientific research, development, and training,” “establishments for scientific research and development,” “establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use,” “establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training,” “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,” “offices,” and “offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.”

<sup>550</sup> This builds on the definition of “business service and supply service establishment” in the current Zoning Ordinance.

**Household Repair and Rental Service<sup>551</sup>**

Any establishment in which the primary occupation is the repair, general service, or rental of common home goods and appliances such as photocopiers, televisions and radios, washing machines, dryers, vacuum cleaners, power tools, refrigerators, ovens, lawnmowers, sewing machines, or musical instruments.

**Personal Service<sup>552</sup>**

An establishment primarily engaged in rendering frequent or recurrent services of a personal nature to individuals. Examples of this use include barber shops and beauty salons, tattoo parlors, massage establishments, laundromats, limited-scale laundry and dry-cleaning sites, tailors, shoe cleaning or repair shops, and other similar places of business. This definition does not include any use listed separately in this Zoning Ordinance.

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**E. Recreation and Entertainment**

The Recreation and Entertainment use category includes uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. It does not include public uses or facilities that are reserved for use by a particular residential development's residents and their guests.

**Banquet or Reception Hall<sup>553</sup>**

Any establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

**Campground<sup>554</sup>**

An establishment renting space to transient visitors for occupancy of camping trailers, self-propelled campers, tents, or lodges.

**Commercial Recreation, Indoor<sup>555</sup>**

An establishment providing activities predominantly conducted indoors for recreation that does not meet the definition for another use in this Ordinance. Instruction may be provided on-site. Examples of this use include movie theaters, bowling alleys, indoor skating facilities,

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<sup>551</sup> This builds on the definition of "repair service establishment" in the current Zoning Ordinance. Interior decorating services have not been carried forward as they have been interpreted to be office.

<sup>552</sup> This definition builds on the current definition of "personal service establishment." This use consolidates the current uses "garment cleaning establishments" and "personal service establishments."

<sup>553</sup> This is a new definition for a new use.

<sup>554</sup> This carries forward portions the definition of "camp or recreation ground" in the current Zoning Ordinance. Text pertaining to miniature golf courses, golf ranges, etc., is deleted.

<sup>555</sup> This is a new definition for a new use that consolidates a number of indoor recreation and entertainment uses in the current Zoning Ordinance, including: "amusement arcades," "bowling alley," "commercial recreation centers," "commercial recreation use, any other similar," "commercial swimming pools, tennis courts and similar courts (indoor only)," "indoor archery ranges, fencing and other similar indoor recreational uses," "indoor firing ranges," "indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses," "miniature golf courses, indoor," "skating facilities, indoor," and "theaters."

amusement arcades, indoor shooting and archery ranges, tennis and similar courts, and similar establishments where the predominant recreation or entertainment activity takes place inside a building. Consumption of food and beverages may occur but is not the primary activity. This use does not include any use meeting the definition of a Golf Course or Country Club; Quasi-Public Park, Playground, or Athletic Field; Restaurant; or Public Entertainment.

**Commercial Recreation, Outdoor<sup>556</sup>**

Commercial facilities devoted to passive or active recreation where activities predominately take place outdoors that do not meet the definition for another use in this Ordinance. This use includes outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a Golf Course or Country Club or Quasi-Public Parks, Playgrounds, and Athletic Fields.

**Entertainment, Adult<sup>557</sup>**

Any establishment that the public may enter, with or without an admission charge, where nudity is exhibited by employees, entertainers or other persons. For the purpose of this Ordinance, “nudity” means any exposure to public view of the human male or female genitals, pubic area, buttocks or any portion of the female breast below the top of the areola, with less than a fully opaque covering. This use also includes the showing of films, motion pictures, or similar photographic reproductions 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 within the facility, or an establishment used for presenting such material that limits its customers to persons over 18 years of age.

For the purpose of this definition, “Specified Sexual Activities” is defined as:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse or sodomy;
- Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And “Specified Anatomical Areas” is defined as:

- 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

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<sup>556</sup> This is a new definition for a new use that consolidates a number of outdoor recreation and entertainment uses in the current Zoning Ordinance, including: “baseball hitting and archery ranges, outdoor,” “commercial recreation parks, including mechanical or motorized amusement rides/devices,” “commercial recreation use, any other similar,” “commercial swimming pools, tennis courts and similar courts,” “drive-in motion picture theaters,” “golf driving ranges,” “miniature golf course,” “miniature golf course ancillary to golf driving ranges,” “skating facilities,” and “skeet and trapshooting ranges.”

<sup>557</sup> This consolidates and carries forward the definitions for “commercial nudity establishment” and “adult mini motion picture theatre” in the current Zoning Ordinance.

- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition may be construed to limit the application of any State Statute relating to obscenity or relating to distribution of materials to juveniles.

**Entertainment, Public<sup>558</sup>**

An establishment resembling a nightclub or bar that is open to the general public, where the primary use includes music, dancing, live entertainment, or other similar activities predominantly catering to adult customers. This use typically has business hours that extend beyond 10:00 p.m., may serve alcohol, and may require payment of an entrance fee through ticket sales or a cover charge.

**Golf Course or Country Club<sup>559</sup>**

A tract of land designed with a course containing nine or more holes for playing the game of golf and improved with tees, greens, fairways and hazards, or an area designed for driving golf balls into an open area for collection and reuse. This use may include one or more structures containing a clubhouse, restaurant, meeting facilities, lounges, snack bars, swimming pool, tennis or squash courts, shelters, and maintenance facilities. This use may include putting and chipping greens, but may not include a miniature golf course in which only golf putters are used.

**Health and Exercise Facility, Large<sup>560</sup>**

An indoor facility, other than a small health and exercise facility, where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs and gyms. Accessory uses to serve the members may include child care, restaurant, retail sales, and personal service. This definition does not include a community center.

**Health and Exercise Facility, Small<sup>561</sup>**

An indoor facility having a maximum gross floor area of 6,000 square feet where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs, fitness classes, training, and instruction. Accessory uses to serve the members may include child care, restaurant, retail sales, and personal service. This definition does not include a community center or a specialized instruction center.

**Marina, Commercial<sup>562</sup>**

A waterfront facility that provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips;

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<sup>558</sup> This is a new definition for a use that subsumes the current uses “billiard and pool halls” and “dance halls.”

<sup>559</sup> This is a new definition for a use that consolidates “golf courses, country clubs” and “golf driving ranges.” It builds on the current definition of “country club” in Article 20.

<sup>560</sup> This definition replaces the definition of “health club” in the current Zoning Ordinance.

<sup>561</sup> This is a new definition for a new use based on the current use “health club” and the exercise-related classes that are currently a school of special education.

<sup>562</sup> This is a new definition of a use that carries forward the current use “marina, dock, and boating facilities, commercial.”

boat fueling; dry land boat maintenance and storage; pump-out stations; boat and boat part sales; and restaurants.

**Marina, Private Noncommercial<sup>563</sup>**

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.

**Quasi-public Park, Playground, or Athletic Field<sup>564</sup>**

An outdoor land area designed or designated to be used for community recreation leagues, exercise, sports, education, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, under private ownership or control that does not meet the definition of a Public Use; Commercial Recreation, Indoor; Commercial Recreation, Outdoor; or Golf Course or Country Club. This use may include outdoor playfields, athletic fields or courts, and other recreation facilities, or water features, picnic areas, natural areas, boating facilities, fishing facilities, arboreta, and botanic gardens.

**Smoking Lounge<sup>565</sup>**

An establishment where the principal activity is the recreational inhaling of smoke or other vapors. This may include cigar or pipe bars, hookah lounges, vapor bars, and other similar establishments. This use does not include any use meeting the definition of a Restaurant or Public Entertainment.

**Stadium or Arena<sup>566</sup>**

A building or structure for use for spectator sports, entertainment events, expositions, and other public gatherings.

**Zoo or Aquarium<sup>567</sup>**

A facility in which animals are kept for viewing or contact by the public. This definition does not include pet stores, kennels, riding or boarding stables, horse or dog shows, horse races, or temporary events such as State and County fairs, livestock shows, and rodeos.

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## F. Retail Sales

The Retail Sales use category includes uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. This use category does not include sales or service establishments related to vehicles (the Vehicle Sales and Services use categories), establishments primarily selling supplies to contractors or retailers (categorized as the Warehousing, Wholesaling, and Freight Movement use category), the provision of financial, professional, or business services in an office setting

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<sup>563</sup> This carries forward the definition for “private noncommercial marina” in the current Zoning Ordinance. This use carries forward the current use “marina, dock, and boating facilities of a private, nonprofit nature.”

<sup>564</sup> This is a new definition for a use that carries forward “quasi-public parks, playgrounds, athletic fields, and related facilities.”

<sup>565</sup> This is a new definition for a new use.

<sup>566</sup> This is a new definition. This use carries forward the use “sports arenas, stadiums as a principal use.”

<sup>567</sup> This replaces the definition “zoological park” in the current Zoning Ordinance.

(categorized in the Offices use category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use categories).

**Convenience Store<sup>568</sup>**

Any building that contains less than 6,000 square feet of gross floor area and is characterized by the frequent turnover of customers, and the retail sale of food, beverages, and other frequently needed items for household use or consumption. This definition does not include a Vehicle Fueling Station, and is not intended to include small grocery, specialty or gourmet food stores, which are considered retail sales, general.

**Drive-through, Other<sup>569</sup>**

Any use of land not otherwise defined that provides goods or services to the occupants of a motor vehicle. This definition does not include parking spaces designated for curbside pickup, which are considered accessory to the principal use.

**Drive-through Pharmacy<sup>570</sup>**

A retail sales establishment that provides medicine and other items, such as toiletries, various sundries, and packaged foods for sale, and that offers drop-off and pick-up service exclusively for prescriptions and associated medical items to persons within a motor vehicle.

**Drug Paraphernalia Establishment<sup>571</sup>**

Any retail sales establishment wherein drug paraphernalia is displayed, sold, offered for sale or given away.

**Garden Center<sup>572</sup>**

An establishment for the propagation, cultivation, and growing of nursery stock, such as trees, plants, shrubs, sod, and seeds, and the sale of nursery stock. A garden center may also include the sale of related items. Landscape contracting services using nursery stock grown on the property may be permitted as an accessory use to the garden center.

**Pawnshop<sup>573</sup>**

An establishment where the business of a pawnbroker is conducted. A pawnbroker includes any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

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<sup>568</sup> This carries forward the definition of “quick service food store” in the current Zoning Ordinance, with minor revisions. The net floor area limit in the current definition is converted to gross floor area.

<sup>569</sup> This carries forward the definition of “automobile-oriented use” in the current Zoning Ordinance.

<sup>570</sup> This carries forward the definition of “drive-through pharmacy” in the current Zoning Ordinance.

<sup>571</sup> This carries forward the definition of “drug paraphernalia establishment” in the current Zoning Ordinance.

<sup>572</sup> This carries forward the current definition of “plant nursery” in the current Zoning Ordinance, modified for readability and to remove reference to limited retail sales approved by the Board of Supervisors, which is addressed in the standards for this use. The garden center use would apply in all districts where permitted and the retail/wholesale distinctions in the current definition are not carried forward.

<sup>573</sup> This carries forward the definition and use of “pawnshop” in the current Zoning Ordinance.

A pawnshop is not deemed to be retail sales, general, except for the purposes of determining off-street parking and transitional screening and barrier requirements.

**Retail Sales, General**<sup>574</sup>

An establishment where the primary occupation is the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, that does not meet the definition for another use in this Ordinance. This use includes grocery stores, drug stores, photographic and portrait studios, specialty or gourmet food stores, hardware stores, bookstores, clothing stores, discount stores, auction houses, and similar establishments.

**Retail Sales, Large**<sup>575</sup>

Any establishment containing 80,000 square feet or more of gross floor area where merchandise is sold primarily for consumption by the immediate purchaser, rather than to a reseller. This definition does not include any uses in the Vehicle Sales and Services category.

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**G. Vehicle-Related Uses**

The Vehicle Related Uses category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. This category does not include the repair of special equipment and heavy vehicles (categorized in the Industrial Services use category). Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

**Car Wash**<sup>576</sup>

A structure, or portion of a structure, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

**Commercial Off-street Parking**<sup>577</sup>

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.

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<sup>574</sup> This is a new definition for a use that consolidates the following uses in the current Zoning Ordinance: “auction establishments,” “adult book stores,” “convenience centers” “prescription establishments and the selling of pharmaceutical supplies,” and “retail sales establishments.”

<sup>575</sup> This builds on the definition of “retail establishments-large” in the current Zoning Ordinance. This use consolidates the current uses “retail establishment-large” and “retail sales establishments-large, when located in a multiple story structure designed to contain at least one or more other permitted uses.”

<sup>576</sup> This carries forward the definition of “car wash” in the current Zoning Ordinance.

<sup>577</sup> This carries forward the current definition of “commercial off-street parking.” This use carries forward the current use “parking, commercial off-street as a principal use.”

**New Vehicle Storage<sup>578</sup>**

An area where new vehicles are parked or stored off-site from the associated vehicle sale and rental service establishment.

**Truck Rental Establishment<sup>579</sup>**

Buildings and premises for the rental and ancillary minor servicing of truck, utility trailers, and related items generally used by persons to move their personal and household belongings.

**Vehicle Fueling Station<sup>580</sup>**

An establishment engaged in the retail sale of motor vehicle fuel that is stored on site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance.

**Vehicle Repair and Maintenance, Heavy<sup>581</sup>**

A building or premises in which the primary use is vehicle repair and servicing, such as major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding, or other similar work.

**Vehicle Repair and Maintenance, Light<sup>582</sup>**

A building or premises primarily used for the maintenance and servicing of vehicles or repairing of vehicles that does not require the removal of engines or transmissions or require body or frame work.

**Vehicle Sales, Service, and Rental<sup>583</sup>**

Buildings and premises for the sale, rental, and ancillary servicing of vehicles in operating condition, including the following:

- Automobiles and motorcycles;
- Vans, but not including any vehicle designed primarily for the transportation of ten or more passengers;
- Boats such as outboard motor boats, Sunfishes and other similar-sized boats; and
- Specialized vehicles such as motor homes, campers, and boat trailers having a maximum length of 17 feet.

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<sup>578</sup> This carries forward the definition of “new vehicle storage” in the current Zoning Ordinance, except standards in current definition are now in Sect. 4102, Use Standards.

<sup>579</sup> This carries forward the definition and the use of “truck rental establishment” in the current Zoning Ordinance, except that some standards in current definition are now in Sect. 4102, Use Standards.

<sup>580</sup> This is a new definition for a use that consolidates the uses “service station” and “service station/mini-mart” in the current Zoning Ordinance. Standards in the current definitions of those uses are included in Sect. 4102, Use Standards.

<sup>581</sup> This carries forward and simplifies the definition of “vehicle major service establishment” in the current Zoning Ordinance.

<sup>582</sup> This replaces the definition of “vehicle light service establishment” in the current Zoning Ordinance.

<sup>583</sup> This carries forward and refines the current definition of “vehicle sale, rental and ancillary service establishment.”

### **Vehicle Transportation Services<sup>584</sup>**

Buildings and premises for “for hire” chauffeured transportation services involving the storage and dispatch of taxicabs, limousines, executive sedans, ambulances, passenger vans, or other similar vehicles, administrative offices, and the ancillary servicing and maintenance of company vehicles.

## **6. Industrial Uses**

### **A. Freight Movement, Warehousing, and Wholesale Distribution**

The Freight Movement, Warehousing, and Wholesale Distribution category includes uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present. This use category does not include contractor’s office and shop, which is located in the Industrial Services use category, or uses included in the Waste and Recycling Facilities use category.

#### **Data Center<sup>585</sup>**

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and/or power generators, cooling units, fire suppression systems, and enhanced security features.

#### **Freight Distribution Hub<sup>586</sup>**

A building or area in which freight that is brought in by truck is assembled or stored for routing and reshipment, or in which semitrailers, including tractor or trailer units, are parked or stored.

#### **Goods Distribution Hub<sup>587</sup>**

A facility for the receipt, transfer, short-term storage, and dispatching of retail and other similar goods transported by truck.

#### **Self-storage<sup>588</sup>**

A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods.

#### **Warehouse<sup>589</sup>**

An establishment primarily engaged in the storage of products, supplies, and equipment.

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<sup>584</sup> This carries forward the definition of “vehicle transportation services establishment” in the current Zoning Ordinance.

<sup>585</sup> This is a new definition for a use that is currently interpreted under the use “telecommunication facilities,” but is a separate and distinct use in this draft.

<sup>586</sup> This carries forward the definition of “motor freight terminal” in the current Zoning Ordinance.

<sup>587</sup> This is a new definition for a new use.

<sup>588</sup> This carries forward the definition of “mini-warehousing establishment” in the current Zoning Ordinance, except it deletes reference to storage of contractor’s supplies.

<sup>589</sup> This carries forward the definition of “warehousing establishment” in the current Zoning Ordinance with the replacement of “goods and merchandise” with “products, supplies, and equipment.”

**Wholesale Facility<sup>590</sup>**

A facility in which the sale of commodities in quantity to retailers, other businesses, industries, or institutions occurs.

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**B. Industrial Services and Extraction of Materials**

The Industrial Services category includes uses involving the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products, or uses involving the extraction of natural resources from the ground. Few customers from the general public come to the site. Examples of Industrial Services uses include welding shops, landscaping and lawn maintenance companies, electric motor repair services, and HVAC services.

**Building Materials Storage and Sales<sup>591</sup>**

An establishment for the storage and sale of lumber, rock, sand, gravel, landscaping, and other similar materials. Operations may be indoor or outdoor. Sales are principally to the commercial, industrial, or institutional community, and not to the general public except as a secondary and subordinate activity.

**Contractor's Office and Shop<sup>592</sup>**

Establishments that provide services and store necessary materials for the installation and servicing of items which may include, but are not limited to, air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, and ventilating. This use also includes establishments for the planting and maintenance of gardens, grounds, and yards, such as landscape contractors and lawn maintenance services. This use cannot include retail sales to the general public, except as an accessory use.

**Extraction Activities<sup>593</sup>**

Activities related to the extraction of naturally occurring materials. This use includes excavating, stripping, dredging, mining, quarrying, and similar activities to remove soil, sand, gravel, stone, and similar naturally occurring materials.

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<sup>590</sup> This carries forward and modifies the definition for "wholesale trade establishment." The limit on retail sales has been placed in a use standard.

<sup>591</sup> This is a new definition that incorporates language in Sect. 5-502 and Sect. 5-602 of the current Zoning Ordinance. This use carries forward the use "lumber yards and building material yards to include rock, sand and gravel" in the current Zoning Ordinance.

<sup>592</sup> This carries forward the definition and use of "contractor's offices and shops" in the current Zoning Ordinance, except language pertaining to specific standards is not included here but in the standards for this use.

<sup>593</sup> This definition includes language from Sect. 8-101 of the current Zoning Ordinance. This use consolidates the following current uses: "crushing, treating, washing and/or processing of materials resulting from a use permitted as an extraction and excavation use when conducted on the same property," "extraction of materials other than those specified in Group 1 SP uses," "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," "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," and "stone quarrying."

**Petroleum Products Storage Facility**<sup>594</sup>

A facility for the storage of natural gas, oil and other petroleum products. This use does not include a vehicle fueling station.

**Specialized Equipment and Heavy Vehicle Sale, Rental, or Service**<sup>595</sup>

Buildings and premises for the sale, rental, and servicing of any of the following:

- Farm and construction machinery or equipment;
- Trucks that have more than two axles, are more than 17 feet long or 12 feet in height, or require a commercial driver's license to operate;
- Buses and vans designed primarily for the transportation of ten or more passengers;
- Motor homes, recreational vehicles, trailers, and boats larger than those permitted as part of a vehicle sale and rental establishment, and manufactured homes.

**Storage Yard**<sup>596</sup>

The use of any space, inside or outside of a building, for the storage or keeping of construction or landscaping equipment and materials, machinery, vehicles or vehicle parts, boats, farm machinery, or other large items.

**Vehicle Storage or Impoundment Yard**<sup>597</sup>

An area designed for the temporary storage of wrecked, inoperative, or abandoned motor vehicles. This use does not include the dismantling, wrecking, or sale of vehicles or their parts.

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**C. Production of Goods**

The Production of Goods use category includes uses involving the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, transfer to other industrial operations, or for order by businesses or consumers.

**Craft Beverage Production Establishment**<sup>598</sup>

A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 20,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. An establishment exceeding those production quantities is deemed a production or processing use.

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<sup>594</sup> This is a new definition for the current use "storage facilities for natural gas, oil and other petroleum products."

<sup>595</sup> This carries forward the definition of "heavy equipment and specialized vehicle sale, rental, and service establishment" in the current Zoning Ordinance.

<sup>596</sup> This builds on the definition of "storage yard" in the current Zoning Ordinance.

<sup>597</sup> This carries forward the definition and use of "motor vehicle storage and impoundment yard" in the current Zoning Ordinance.

<sup>598</sup> This carries forward the definition and use of "craft beverage production" in the current Zoning Ordinance.

**Production or Processing<sup>599</sup>**

An establishment primarily engaged in the printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of goods or products, that does not meet the definition for a Production or Processing, Heavy use. Goods are generally not displayed or sold on-site; however, limited retail sales and other related non-production activities may be permitted, if they are accessory to the primary production activity.

**Production or Processing, Heavy<sup>600</sup>**

An establishment engaged in large-scale fabrication, assembly, storage, processing, or heavy industrial activities. This includes, but is not limited to, stockyards, slaughterhouses, and rendering facilities; processing of animal hides, wool, and similar materials; manufacturing of glue, gelatin, soap, and similar products; manufacturing of explosives, fertilizer, insecticides, ammonia, chlorine, corrosive acid, alcohol, plastic or synthetic resins, and similar substances; manufacturing of lime, cement, gypsum, or plaster of paris; refining and production of petroleum; processing of charcoal or coal; refining and casting of metals; mixing or batching of asphalt or concrete; garbage incineration other than incidental to the operation of hospital, hotels, and dwellings; and similar activities.

**Small-scale Production Establishment<sup>601</sup>**

An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to, vertical farming or the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs. Agriculture, craft beverage production establishment, restaurant, restaurant with drive-through, or carryout restaurant are not small-scale production establishments.

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<sup>599</sup> This is a new definition that includes language from use descriptions in various locations (e.g., Sect. 6-502.11) of the current Zoning Ordinance. This use consolidates the following uses from the current Zoning Ordinance: “establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products and associated retail sales,” “establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales,” “establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products,” and “food and beverage manufacturing, production and processing establishments.” Current prohibitions on outdated list of heavy industrial uses in Sect. 9-501.13 has been generalized to a prohibition on all heavy industrial uses meeting this definition.

<sup>600</sup> This is a new definition. This use consolidates many of the heavy industrial uses in Sect. 9-501 of the current Zoning Ordinance.

<sup>601</sup> This carries forward the definition of “small-scale production establishment.”

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## D. Waste and Recycling Facilities

The Waste and Recycling Facilities use category includes uses involving receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal. This use category also includes uses that manufacture or produce goods or energy from the composting of organic material, and the reuse, recycling, or processing of scrap or waste material.

### **Junkyard<sup>602</sup>**

The use of any space, inside or outside of 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, other vehicles or machinery, or their parts. This use includes any lot or place that is exposed to the weather on which more than five motor vehicles of any kind that are incapable of being operated are placed.

### **Mixed Waste Reclamation Facility<sup>603</sup>**

A facility for the removal or reclamation of recyclable materials from solid waste. This use does not include a recycling center.

### **Recycling Center<sup>604</sup>**

A facility for the collection of nonputrescible recyclable materials that have been separated at their source (source-separated) prior to shipment to others who will use those materials to manufacture new products. A recycling center use can include a Materials Recovery Facility as defined by Chapter 109.1 of The Code (Solid Waste Management), and commonly referred to as a “clean” MRF.

### **Solid Waste Disposal Facility<sup>605</sup>**

A land depository, excavation, or area operated in a controlled manner for the dumping of debris or inert material; a facility for the temporary storage or collection and transfer of solid waste; a disposal site that compacts and covers solid waste at least once each day with an approved material; or a facility for incinerating solid waste. This use includes both debris landfills and sanitary landfills as defined in Chapters 104 and 109.1 of the County Code.

## 7. Accessory Uses

### **Accessory Dwelling Unit<sup>606</sup>**

A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit.

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<sup>602</sup> This carries forward the definition of “junk yard” in the current Zoning Ordinance, with minor revisions.

<sup>603</sup> This carries forward the definition of “mixed waste reclamation facility” in the current Zoning Ordinance.

<sup>604</sup> This carries forward the definition of “recycling center” in the current Zoning Ordinance.

<sup>605</sup> This builds on the definition of “landfill” in the current Zoning Ordinance, modified to include incinerators and facilities for temporary storage or collection and transfer of solid waste. This use consolidates the uses “landfills” and “solid waste disposal and treatment facilities including incinerators and landfills” in the current Zoning Ordinance.

<sup>606</sup> This carries forward the definition of “dwelling unit, accessory” in the current Zoning Ordinance.

**Accessory Structure<sup>607</sup>**

A building or structure that:

- Is subordinate in purpose to a principal building or a principal use legally existing on the same lot; and
- Contributes to the comfort, convenience, or necessity of the occupants, business or industry of the principal structure or principal use served on that lot.

**Accessory Use<sup>608</sup>**

A use that:

- Is clearly subordinate to, customarily found in association with, and serves a principal use;
- Is subordinate in purpose, area, or extent to the principal use served;
- Contributes to the comfort, convenience or necessity of the occupants, business enterprise, or industrial operation within the principal use served; and
- Is located on the same lot as the principal use.

**Associated Service Use<sup>609</sup>**

A use that:

- Is located in the same building as the principal use it serves; and
- Is primarily designed to provide goods and services to occupants, business enterprises, or industrial operations in that principal building.

**Caretaker Quarters<sup>610</sup>**

A dwelling or rooms in which a caretaker of a residential or agricultural property and the caretaker's family resides. Caretakers must provide domestic services for the occupants of the dwelling, such as child care, housekeeping, or grounds maintenance. This use does not include a dwelling in a nonresidential use, which is considered a residence for a manager or employee.

**Child Care Center for Occasional Care<sup>611</sup>**

A facility located within the main structure in a regional shopping center where one or more children receive care, protection, and supervision on an occasional basis unattended by a parent or guardian.

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<sup>607</sup> New definition.

<sup>608</sup> This carries forward the definition of "accessory use," except the language deeming agricultural buildings to be accessory is not included, as agricultural buildings are considered part of the use of an Agricultural Operation.

<sup>609</sup> This is a new definition to replace the current definition of "accessory service use."

<sup>610</sup> This definition is new. This use consolidates "quarters of a caretaker, watchman or tenant farmer, and his family" and "servants quarters."

<sup>611</sup> This carries forward the definition of "child care center for occasional care" and incorporates the requirement that the center be located within a regional shopping center from Par. 32 of Sect. 10-102. The time limits in the current definition are included in the use standards.

**Donation Drop-off Box<sup>612</sup>**

Any portable outdoor container intended or used for the donation, collection, and short-term storage of items, such as clothing, toys, books, and shoes, which are removed from the container on a periodic basis.

**Electric Vehicle Charging<sup>613</sup>**

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

**Family Health Care Structure<sup>614</sup>**

A transportable residential structure that is permitted by Sect. 15.2-2292.1 of the Code of Virginia, is primarily assembled at a location other than its site of installation, is accessory to a single family detached dwelling, and that provides an environment that facilitates a caregiver’s provision of care for a mentally or physically impaired person.

**Garage Sale or Yard Sale<sup>615</sup>**

The temporary and occasional use of the premises of a dwelling for the sale to the public, of typical household and personal items that have not been specifically purchased, produced, refurbished, or fabricated for resale.

**Gardening and Composting<sup>616</sup>**

*[definition to be inserted]*

**Home Day Care Facility<sup>617</sup>**

A dwelling where at least one but not more than 12 children, exclusive of children who reside in the dwelling, receive care, protection, and supervision during only part of a 24-hour day, unattended by a parent or legal guardian; or up to three persons who are aged or infirm or persons with disabilities receive supportive services, health monitoring, protection, or supervision during part of a 24-hour day.

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<sup>612</sup> This carries forward the definition of “donation drop-off box” in the current Zoning Ordinance, with minor revisions.

<sup>613</sup> This is a new definition for a new accessory use.

<sup>614</sup> This carries forward the definition of “temporary family health care structure” in the current Zoning Ordinance.

<sup>615</sup> This is a new definition. This use carries forward the current use “garage and yard sales.”

<sup>616</sup> This is a placeholder for a definition that is the subject of a separate recently adopted Zoning Ordinance amendment.

<sup>617</sup> This carries forward the definition of “home child care facility” in the current Zoning Ordinance, with minor revisions, and adds the ability to care for adults in accordance with State law.

**Home-Based Business<sup>618</sup>**

An occupation, profession, or trade that is conducted within a dwelling unit by a resident of the dwelling unit as a use that is clearly incidental and subordinate to the residential purpose of the dwelling unit. A home-based business does not include any use that meets the definition of another accessory use listed in this Ordinance, including but not limited to, home day care facility or short-term lodging. Examples of home-based businesses include home offices, music lessons, and art studios.

**Keeping of Animals<sup>619</sup>**

The provision of accommodations for one or more animals on the premises of any lot for personal enjoyment.

**Limited Riding or Boarding Stable<sup>620</sup>**

A riding or boarding stable operated as accessory to a residence, where horses or ponies, not including those owned by resident(s) of the property, are kept, maintained, or boarded, or where riding lessons are made available to the general public or members of a private club. Such services may be offered for a fee or free of charge.

**Residence for a Manager or Employee<sup>621</sup>**

A residence for manager or employee and his/her family located in the same building as his/her place of occupation.

**Sawmilling<sup>622</sup>**

An operation or facility established for the purpose of sawing or planing of logs or trees into rough slabs.

**Short-term Lodging<sup>623</sup>**

The provision of a room or space that is suitable or intended for transient occupancy, in exchange for a charge for the lodging. Such use does not include accessory dwelling unit, bed and breakfast, hotel/motel, or family health care structure. For purposes of Sect. 4102.7.N, Short-term Lodging, the following definitions apply:

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<sup>618</sup> This is a new definition for a use that is described in Sect. 10-300 et seq. of the current Zoning Ordinance but is not currently defined. This use supersedes the following current uses: “barber shop or beauty parlor as a home occupation,” “home occupation,” and “home professional office.”

<sup>619</sup> This is a new definition for an accessory use described in Sect. 2-512 of the current Zoning Ordinance.

<sup>620</sup> This is a new definition. This use carries forward the current use “horseback riding lessons” as an accessory use.

<sup>621</sup> This is a new definition. This use consolidates the following current uses: “dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use,” “residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation,” and “residence for an employee and his/her family located within the same building as a funeral home or chapel.”

<sup>622</sup> This is a new definition. This use carries forward the current use “sawmilling of timber.”

<sup>623</sup> This carries forward the current definition of “short-term lodging” and supporting definitions in Sect. 10-105.

**Authorized Agent**

An adult designated by a short-term lodging operator who consents to be available to address issues or emergencies that may arise during any short-term lodging stay.

**Permanent Resident**

A person who occupies or intends to occupy a dwelling or mobile home for at least 185 days out of the calendar year for the purposes of establishing the dwelling or mobile home as that person’s primary residence. A person may have only one permanent residence.

**Short-Term Lodging Operator**

An owner or tenant of a property who offers that property for short-term lodging.

**Solar Collection System<sup>624</sup>**

A system, accessory to a principal use, consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. Components may be mounted on the roof(s) of principal or accessory structures, other parts of structures, or the ground. Ground-mounted solar collection systems are designed to primarily meet on-site demands but may include transfer of excess electricity to an electric utility grid.

**Wayside Stand<sup>625</sup>**

A temporary structure or use of land designed for the display and retail sale of agriculture products grown on the premises, with no space for customers within the structure itself.

## 8. Temporary Uses

**Business Promotional Activities<sup>626</sup>**

Temporary outdoor display of goods and merchandise as part of promotional activities.

**Community Garden<sup>627</sup>**

Land or rooftop area used for the cultivation of herbs, fruits, flowers, vegetables, or ornamental plants by more than one person, household, or a nonprofit organization for personal or group use, consumption, or donation and not for the bona fide production of crops, animals, or fowl. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas and accessory structures maintained and used by group members. A community garden does not include a private garden on a lot that contains a

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<sup>624</sup> This is a new definition.

<sup>625</sup> This carries forward the definition and use of “wayside stand” in the current Zoning Ordinance. The prohibition on using a tent is not carried forward.

<sup>626</sup> This is a new definition for “promotional activities of retail merchants” in the current Zoning Ordinance.

<sup>627</sup> This definition was adopted with a recent Zoning Ordinance amendment.

single family detached dwelling. Except when located as an accessory use on a lot that is principally used for agriculture, community gardens are not deemed to be an agricultural use.

**Construction Site Office and Storage**<sup>628</sup>

A temporary structure, facility, or space associated with the staging, management, and security of new construction located on or adjacent to the construction site. This definition includes an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, employee parking areas, and areas for the storage of materials and supplies used in the actual construction of buildings on the site.

**Farmers Market**<sup>629</sup>

A regularly occurring market that sells farm products or value-added farm products directly to the general public.

**Food Truck**<sup>630</sup>

Any readily movable mobile food service establishment, to include vehicles that are self-propelled, pushed, or pulled to a specific location.

**Interim Off-Street Parking in Metro Station Area**<sup>631</sup>

A temporary, privately-operated off-street parking lot located near a Metro station.

**Model Home Sales or Leasing Office**<sup>632</sup>

A trailer or model unit that is used for the real estate sales or leasing activities of the development pending construction and the initial sales of homes or units in the development.

**Portable Storage Container**<sup>633</sup>

A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

**Special Event**<sup>634</sup>

Temporary activities, including, but not limited to, seasonal sales, cultural events, musical events, celebrations, festivals, fairs, carnivals, and circuses, held on private property.

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<sup>628</sup> This is a new definition that supersedes the definition for “construction materials yard” in the current Zoning Ordinance. This use consolidates the current uses “construction materials yard accessory to a construction project” and “contractor’s offices and equipment sheds to include trailers accessory and adjacent to an active construction project.”

<sup>629</sup> This definition was adopted with a recent Zoning Ordinance amendment.

<sup>630</sup> This carries forward the definition of “food truck” in the current Zoning Ordinance.

<sup>631</sup> This is a new definition for the current use “commercial off-street parking in Metro station areas as a temporary use.”

<sup>632</sup> This is a new definition. This use supersedes the use “subdivision and apartment sales and rental offices” as a temporary use in the current Zoning Ordinance.

<sup>633</sup> This carries forward the definition of “temporary portable storage container” in the current Zoning Ordinance.

<sup>634</sup> This is a new definition. This use subsumes the current use “carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.”

**Temporary Dwelling or Manufactured Home<sup>635</sup>**

The temporary use of a dwelling or manufactured home.

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**Kinship Care**

The raising of children by grandparents or other extended family members, which may not include legal guardianship.<sup>636</sup>

**Person with a Disability<sup>637</sup>**

An individual who has a mental, physical, or developmental impairment that substantially limits one or more of the person's major life activities. This term includes a person who is handicapped, as defined in the Fair Housing Amendments Act of 1988, as amended.

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<sup>635</sup> This is a new definition for the current use "temporary dwellings or mobile homes."

<sup>636</sup> This is a new definition for a term that is referenced in the standards for accessory dwelling unit and will be included in the general occupancy standards.

<sup>637</sup> This new non-use definition is included because it is referred to and needed to understand the scope of several use definitions.