

# FAIRFAX COUNTY



## ZONING ORDINANCE MODERNIZATION PROJECT

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DRAFT

PUBLIC, INSTITUTIONAL, AND COMMUNITY USES

NOVEMBER 30, 2018

### Background

Since early 2018, Clarion Associates has been assisting Fairfax County in modernizing its Zoning Ordinance through the zMOD project. Outreach meetings were conducted by Clarion Associates in January and May of 2018 to establish a new structure for these regulations and to outline a process for updating and recategorizing the land uses listed in the Zoning Ordinance. Drafts of the modernized use names and regulations will be released in four installments, in the following order:

- Industrial uses (October 2018)
- **Public, Institutional, and Community uses**
- Agricultural and Commercial uses (late January 2019)
- Residential, Accessory, and Temporary uses (March 2019)

In October of 2018, Clarion conducted another round of outreach meetings to present the first installment of this work, which included definitions and regulations for industrial uses. The proposed changes to industrial uses are posted on the zMOD website and can be reviewed [here](#). We encourage you to review that document to familiarize yourself with the recommended organization, format, and the proposed industrial use regulations.

This document presents the second installment of updated regulations – those related to public, institutional, and community uses. The proposed regulations include land use definitions that combine uses of similar impact for consistency and ease of implementation, and compatibility with how people live and businesses operate. They also remove inconsistencies and fill gaps in the current public, institutional, and community use regulations.

All revisions to the current zoning regulations are tracked in the document via footnotes. Footnotes will continue to be used in drafts throughout the zMOD process to identify the basis for any proposed revisions, but will not be included in the final adopted Ordinance.

## Proposed Revisions to Public, Institutional, and Community Uses

The major changes to the Public, Institutional, and Community use classification are summarized below.

### Uses

Fifty existing, individually listed uses are now combined into 26 uses, which are grouped into the following five categories:

- Community, Cultural, and Educational Facilities
- Funeral and Mortuary Services
- Health Care
- Transportation
- Utilities

The list includes three new uses: Solar Power Facility, and Adult Day Care Center and Continuing Care Facility which are part of a separate pending Zoning Ordinance amendment. As with the Industrial section, Clarion's approach includes consolidating similar uses into fewer uses with more broad definitions. The uses which have been consolidated are identified below:

Combined Uses	
New Use	Existing Uses
Club, Service Organization, or Community Center	Private clubs
	Private clubs and public benefit associations
	Community clubs, centers, meeting halls, swimming pools, archery ranges
	Any other recreational/social use operated by a non-profit, where membership is limited to residents of nearby residential areas
College or University	Seminary
	Colleges, universities
Child Care Center	Child care center and nursery schools
	Nursery schools
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Churches, chapels, temples, synagogues and other places of worship with a child care center or nursery school
	Churches, chapels, temples, synagogues and other places of worship with a child care center, nursery school or private school of general education
	Churches, chapels, temples, synagogues and other places of worship with a child care center, nursery school, or private school of general or special education
Cemetery	Cemetery for human or animal interment
	Columbarium/mausoleum with cemetery
	Funeral home in existing cemetery of more than 75 acres
Funeral Home	Funeral home
	Funeral chapel

Airport	Airports
	Heliports
Transit Facilities	Accessory electrically-powered regional rail transit facilities
	Bus or railroad station
	Bus or railroad terminals, car barns, garages, storage and inspection yards, railroad switching and classification yards, and railroad car and locomotive repair shops
	Regional non rail transit facilities
	Electrically-powered regional rail transit facilities
Utility Facility, Heavy	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
	Water purification facilities
Utility Facility, Light	Electric substations and distribution centers
	Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space
	Sewerage pumping facilities
	Telecommunication facilities, including central offices and repeat stations
	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.
	Water storage, control and pumping facilities
Wireless Telecommunications Facility	Mobile and land based telecommunication facilities
	Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations.

While the uses above are consolidated, the existing Private School of Special Education use has been divided into two separate uses: Specialized Instruction Center and Health/Exercise Facility, Small (which will be moved to the Commercial Use classification). With this separation, uses with an instructional focus (such as piano instruction or certification classes) will be treated as Specialized Instruction Centers, and fitness-based classes (such as yoga or karate schools) will fall under the Health/Exercise Facility, Small use.

### **Changes in Permissions**

A number of adjustments are proposed in where and how uses are permitted. The proposed changes are identified in the table below, followed by a discussion of the more notable changes:

Changes in Permissions		
Use	Affected District	Change in Permission SE = Special Exception Use SP = Special Permit Use
Alternate Uses of Public Facilities	R-A	From SE to not allowed
	PRM, PRC Convention/ Conference	From not allowed to permitted when shown on a development plan or by SE
Child Care Center	R-A and R-C	Nursery school from SE to not allowed
	R-E	From SE to not allowed
	C-1, C-4, I-I, I-6	Accessory service use (renamed to associated service use) is deleted because the use is permitted by right
Club, Service Organization, or Community Center	R-C	Private clubs: SE to not allowed
		Community clubs, centers, meeting halls and other recreational/social use by a non-profit (Community Uses "Group 4" #1 and #4): from SP to not allowed
	R-E - R-MHP, I-2 - I-4	Community clubs, centers, meeting halls and other recreational/social use by a non-profit (Group 4 uses #1 and #4): from SP to SE
	C-1 - C-4, I-5, I-6	Community clubs/meeting halls and other recreational/social use by a non-profit (Group 4 uses #1 and #4): from not allowed to SE
	C-5, C-6	Other recreational/social use by a non-profit (Group 4 use #4): from SP to by right
		Swimming pools/archery ranges (when part of a community center – Group 4, use #1): from SP to by right
	C-7, C-8	Other recreational/social use by a non-profit (Group 4 use #4): from not allowed to by right
		Swimming pools/archery ranges (when part of a community center – Group 4, use #1): from not allowed to by right
	PRC	From not allowed to permitted when shown on a development plan or by SE in the Conference/Convention area
		The use remains permitted when shown on a development plan, but the option for an SP is changed to an SE in all other areas
College or University	PRM	From not allowed to permitted when shown on a development plan or by SE
	C-1 - C-3	From SE to by right, subject to use standards
	PDC	From a secondary use to a principal use when shown on a development plan or by SE

Community Swim, Tennis, and Recreation Club	PRM	From not allowed to permitted when shown on a development plan or by SE
Cultural Facility/Museum	PRC Convention/Conference	From not allowed to permitted when shown on a development plan or by SE
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	I-I - I-6	From SP or SE to by right, subject to use standards (corrects an inconsistency for a religious assembly with a child care)
School, Private	R-A	From SE to not allowed
Specialized Instruction Center	R-E	From SE to not allowed
Funeral Home	PDC	From not allowed to permitted when shown on a development plan or by SE
Helipad	C-5	From not allowed to SE
	PRC Convention/Conference	From not allowed to permitted when shown on a development plan or by SE

- **Accessory service uses** are renamed **associated service uses**, to more accurately reflect the relationship among the uses. Associated service uses are intended to provide a convenient service to the residents in a multifamily development, or employees in an office or industrial park, and are not otherwise allowed by right in the districts where they are allowed as associated service uses. Other associated service uses will be presented as part of the Commercial Uses classification; the revised approach to these uses is included as part of this document to address Child Care Center as an associated service use.

The regulations for associated service uses are proposed to be included with the use tables and standards. The current standards from Articles 10 and 11 of the Ordinance are included in the general standards section with revisions to simplify the regulations in a manner that supports the purpose of associated service uses. The major revisions to the standards include: a) deleting the option for the use to be located in a freestanding building, which is only allowed in limited circumstances today; b) deleting the requirement that the use may not be located above the second floor; and c) deleting the specific hours of operation (Article 11, 6:00 a.m. to 6:00 p.m.) and instead requiring that in the non-residential districts, the hours for the associated service use generally conform to those of the principal use. A Child Care Center would be permitted as an associated service use in a multifamily development in the R-12 through R-30, PDH, PDC, and PRC Districts, subject to the general standards and the specific standards for a Child Care Center, which are listed with the other standards for that use. Because a Child Care Center is allowed by right in the C-1 through C-4 Districts and in the industrial districts, it is not necessary to allow a Child Care Center as an associated service use in those districts. Additional revisions to associated service uses, such as deleting outdated uses, will be included with the draft revisions to the Commercial Uses classification.

- In the R-A and R-C Districts, a **Nursery School**, which will now be consolidated into the **Child Care Center** use, is proposed to be changed from a special exception use to a use that is not allowed. In addition, in the R-E District, a **Child Care Center** is proposed to be changed from a special exception use to a use that is not allowed. These changes are recommended due to concerns about compatibility

in very low density residential districts. To date, only one special exception has been approved for the use in the R-E District.

- The multiple changes shown in the table for the **Club, Service Organization, or Community Center** use result from consolidating of two of the Community Group 4 special permit uses: a) Community Clubs, Centers, Meeting Halls, Swimming Pools, Archery Ranges, and b) Any Other Recreation or Social Use Operated by a Nonprofit Organization, with the Quasi-Public Category 3 special exception uses: Private Clubs and Public Benefit Associations.

The uses are proposed to be consolidated because there has been overlap in the various uses and how they have been applied. For instance, the Jewish Community Center was approved as a Public Benefit Association (Category 3 SE), and the Mott Community Center which has similar impacts was approved as a Community Center (Group 4 SP). Given the nature and scope of the potential activities, staff believes that the consolidated use should be carried forward as a special exception use. However, community swim, tennis and recreation clubs will continue to be subject to special permit approval. The current permissions for Private Clubs and Public Benefit Associations are carried forward and applied to the new consolidated use, which changes the previous Group 4 special permit uses of Community Clubs, Meeting Halls, Centers and Other Social/Recreation Use by a Non-Profit to special exception uses, and the differences in entitlements in the districts have been reconciled. As a result, the use would be allowed: a) by right in the retail districts (C-5 – C-8) and in the planned districts when shown on an approved development plan; b) by special exception in most residential and industrial districts; or c) by special exception in the planned districts, if the use is not shown on an approved development plan.

- **College or University** is changed from a special exception to a permitted use in the C-1, C-2, and C-3 Districts because it has similar impacts to other uses allowed in those districts, such as an office. It is also changed from a secondary to a principal use in the PDC District. A new use standard provides that any residential, athletic, or large-scale assembly facilities require special exception approval.
- **Funeral Home** is changed from a special exception use to a special permit use in the R-E through R-MHP Districts to make it consistent with the other Funeral and Mortuary Services uses.
- **Solar Power Facility** is added as a new use for utility-scale operations; this does not apply to the private collection of solar energy that is permitted as an accessory use. The new use is proposed with the same permissions as a Utility Facility, Light, which would allow a Solar Power Facility by right in the I-3 through I-6 Districts and with a special exception in all other districts. During the review process, staff will continue to review possible use standards to mitigate potential visual impacts for this use and for accessory solar facilities.
- For ease of implementation, as shown in the combined uses table above, the multiple transit-related uses have been combined into a single use - **Transit Facilities**. The current distinctions in permissions are carried forward in the use standards; however, with the consolidation, all bus or railroad terminals, storage, maintenance, and inspection yards will now be treated consistently, which will change such uses that are associated with regional rail or non-rail facilities from special exception to

by right uses in the I-6 District and will permit such uses that are not associated with regional facilities with special exception approval in all other districts.

#### **Other Notable Changes and Discussion Items**

- The uses in the **Health Care** category, which include Adult Day Care Center, Continuing Care Facility, Independent Living Facility, and Medical Care Facility, are part of a separate ongoing Zoning Ordinance amendment and will be revised based on the Board of Supervisors' decision. As such, the permissions and standards for that category do not appear in this document.
- The **Wireless Telecommunications Facility** use, permissions, and standards are brought forward from the current County, state, and federal permissions. This use will continue to be reviewed and updated due to recent revisions to federal regulations.
- In the **PRC District**, uses that are not shown on an approved development plan, but are currently presented as Group uses or listed in Section 6-303 are allowed with special permit approval by the BZA. Staff proposes that these uses be made consistent with the other planned districts, which require special exception approval by the Board if not shown on an approved development plan. In the Public, Institutional, and Community classification, the uses that would now require a special exception include: Community Swim, Tennis, and Recreation Club, Religious Assembly, Cemetery, and Crematory, as well as additional uses in the other classifications.
- Under today's regulations, **Private Schools of Special Education** (renamed **Specialized Instruction Center**) are allowed in conjunction with Churches, Chapels, Temples, Synagogues, and Other Places of Worship (renamed Religious Assembly). While the draft brings forward the permissions of the current Ordinance, staff proposes to remove Specialized Instruction Center from being allowed in conjunction with a Religious Assembly use. This change results in a Specialized Instruction Center not being permitted in the R-C, R-E, or I-6 Districts, as the use is not allowed as a standalone use under today's regulations and is only permitted in conjunction with a place of worship. In addition, Religious Assembly uses seeking to add a Specialized Instruction Center in the Residential Districts would need to seek a special exception in addition to their special permit approval.
- Currently, the Zoning Ordinance allows **Airports** in the R-E and R-1 with a special exception. As there are currently no existing airports in these districts, staff proposes to remove this use from those districts.

## Next Steps

- In the coming months, drafts of the remaining use classifications will be posted on the zMOD portion of the County's website for public review. Each posting will be advertised by email, Facebook, and other press releases.
- County staff are available to answer questions and receive feedback on the documents ([DPZZMODComments@fairfaxcounty.gov](mailto:DPZZMODComments@fairfaxcounty.gov)).
- Clarion Associates will return in mid-2019 for another round of public meetings to present the remaining use regulations.
- Work will continue in 2019 to develop a complete draft of the modernized Zoning Ordinance, with continued outreach along the way.

## Questions?

If you have questions or comments about any aspect of the zMOD project, please email zMOD staff at [dpzzmodcomments@fairfaxcounty.gov](mailto:dpzzmodcomments@fairfaxcounty.gov) or visit the project website at [www.fairfaxcounty.gov/planning-zoning/zmod](http://www.fairfaxcounty.gov/planning-zoning/zmod). If you would like to receive email updates about this project, please visit the project website and click "Add Me to the zMOD E-Mail List." You may follow us at <https://www.facebook.com/fairfaxcountyzoning/>



# 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, and PTC). The land uses allowed in each zoning district are identified in those tables as permitted (i.e. by right), special exception, special permit, accessory, or temporary uses. Each use is subject to the applicable general and use-specific standards (together referenced as “use 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, 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 “P” 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 PRC plan, if applicable, 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 applicable. When a use is being considered for approval as a special exception, the

<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 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>
- D.** A “✓/SP” in a cell of Table 4101.4 indicates that the use can be established only in that specified area of the PRC District 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 PRC plan, if applicable; or
  - (2) The use may be established with BZA approval of a special permit.<sup>6</sup> When a use is being considered for approval as a special permit, the applicable special permit use standards for the specific use apply.
  - (3) However, when a use is being considered for approval on a development plan in the PRC District, the applicable special permit use standards are used as a guide.<sup>7</sup>
- E.** 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>8</sup>
- F.** 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>9</sup>
- G.** 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>10</sup> An accessory use can be established by-right with a principal use unless a special exception or special permit is required by the applicable standards for the specific use.
- H.** A “T” in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only as a temporary use and may require approval of a temporary special permit by the Zoning Administrator, unless otherwise specified.
- I.** 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>11</sup>
- J.** 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.
- K.** A blank cell in Table 4101.3 or 4101.4 indicates that the use cannot be established in that zoning district.

<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. Subsection (3) may be relocated.

<sup>6</sup> This carries forward a provision of Sect. 6-303.

<sup>7</sup> This provision may be relocated.

<sup>8</sup> This provision is based on Par. 1 of Sect. 2-304.

<sup>9</sup> This provision is based on Par. 1 of Sect. 2-303.

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

<sup>11</sup> “Associated service use” is a new name for “accessory service use.”

## 2. Structure of the Use Classification System<sup>12</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: Agriculture; 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>13</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use 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	
PUBLIC, INSTITUTIONAL, AND COMMUNITY USES																													
Community, Cultural, and Educational Facilities: 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>14</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	4102.2.A/*
Child Care Center <sup>15</sup>				SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	SE	SE	SE	SE	P	P	P	P	P	P	4102.2.B/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>12</sup> This new section explains the three-tiered organization of uses in the use table.

<sup>13</sup> The R-P and I-1 districts are deleted because there is no land zoned to either district.

<sup>14</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>15</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. 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.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>13</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use 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	
Club, Service Organization, or Community Center <sup>16</sup>				SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P		SE	SE	SE	SE	SE	*
College or University <sup>17</sup>				SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P SE	P SE	P SE	P	P	P	P	P		SE	SE	SE		4102.2.C/*
Community Swim, Tennis, and Recreation Club <sup>18</sup>			SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	4102.2.D/*
Convention/Conference Center <sup>19</sup>																												4102.2.E/*	
Cultural Facility/Museum <sup>20</sup>			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	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	*	
Religious Assembly <sup>21</sup>		SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*	
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center <sup>22</sup>			SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	P	P	P	P	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	4102.2.F/*	

\*The general standards in Sect. 4-102.1 also apply.

<sup>16</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, except “private clubs” are changed from SE to not allowed in R-C. 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 SP to not allowed in R-C, from not allowed to SE in C-1 through C-4 and I-5 and I-6, and from SP to SE in R-E 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 C6.

<sup>17</sup> This changes the permissions from SE to permitted in the C-1, C-2, and C-3 Districts, subject to use standards.

<sup>18</sup> This carries forward permissions for “swimming club and tennis club/courts.”

<sup>19</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>20</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>21</sup> This carries forward the permissions for “churches, chapels, temples, synagogues and other places of worship.”

<sup>22</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.” Currently, the applicant may choose to have the use approved as either a special exception or special permit. Permissions in the I districts are changed to allow the use as a permitted use with a child care center if the child care center meets certain criteria, consistent with the treatment of stand-alone child care centers.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>13</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use 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				
School, Private <sup>23</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	SE	P	SE	SE	SE	SE	SE	SE	4102.2.G/*
Specialized Instruction Center <sup>24</sup>				SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P		P	P	P	P	P			*	
Funeral and Mortuary Services: establishments that provide services related to the death of a human being or an animal																																
Cemetery <sup>25</sup>			SP	SP	SP	SP	SP																								4102.2.H/*	
Crematory			SP	SP	SP	SP	SP																				P	P	P		4102.2.I/*	
Funeral Home <sup>26</sup>			SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P	P	P	P	P		P	P	P	P	P			4102.2.J/*	
Health Care: 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 <sup>27</sup>																															4102.2.K/*	
Continuing Care Facility <sup>28</sup>																															4102.2.L/*	
Independent Living Facility <sup>29</sup>																															4102.2.M/*	
Medical Care Facility <sup>30</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		4102.2.N/*	
Transportation: uses associated with the operation of airplanes, trains, and buses																																
Airport <sup>31</sup>																					SE		SE	SE	SE	SE	SE	SE	SE		4102.2.O 4102.2.P/*	
Helipad <sup>32</sup>			SE	SE													SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		4102.2.O/*	

\*The general standards in Sect. 4-102.1 also apply.

<sup>23</sup> This carries forward permissions for “private schools of general education.” This use is changed from SE to not allowed in R-A.

<sup>24</sup> This carries forward permissions for “private schools of special education,” but no longer allows it in the RE District. Standards in Sect. 9-310 are not carried forward.

<sup>25</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>26</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.

<sup>27</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>28</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>29</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>30</sup> This use includes nursing facilities and assisted living facilities.

<sup>31</sup> This carries forward and consolidates current permissions for “airports” and “heliports,” except the uses are changed from SE uses to not allowed in the R-E and R-1 Districts. Use-specific standards limit this use to heliports in the C-7 and I-I Districts, consistent with current permissions for this use.

<sup>32</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.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>13</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use 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	
Transit Facilities <sup>33</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	P SE	4102.2.O 4102.2.Q/*
<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>34</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	4102.2.R/*
Utility Facility, Heavy <sup>35</sup>		SE	SE	SE	SE																		SE	SE	SE	SE	SE	P	4102.2.S/*
Utility Facility, Light <sup>36</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	4102.2.T/*
Wireless Telecommunications Facility <sup>37</sup>	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	4102.2.U/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>33</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>34</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>35</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.

<sup>36</sup> This carries forward the permissions for multiple uses currently grouped under Category 1 Light Public Utility Uses.

<sup>37</sup> This carries forward current permissions, modified to conform to state and federal law.

## 4. Use Table for Planned Development Districts

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

✓ = permitted on final development plan/development plan and PRC plan;

✓/SE = permitted on final development plan/development plan and PRC plan, or as special exception if not on plan(s)

✓/SP = permitted on development plan and PRC plan, or as special permit if not on plans

SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
PUBLIC, INSTITUTIONAL, AND COMMUNITY USES													
Community, Cultural, and Educational Facilities: 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>38</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.A/*
Child Care Center <sup>39</sup>		✓/SE A+	✓/SE A+	✓/SE A+	✓/SE A+	✓/SE A+	✓/SE A+		✓/SE A+		✓/SE	✓/SE	4102.2.B/*
Club, Service Organization, or Community Center <sup>40</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	*
College or University <sup>41</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE	✓/SE	4102.2.C/*
Community Swim, Tennis, and Recreation Club <sup>42</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE	4102.2.D/*
Convention/Conference Center <sup>43</sup>							✓	✓				✓	4102.2.E/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>38</sup> This carries forward the current permissions, except in the PRM District and in the PRC Convention/Conference Center development area, the use is changed from not allowed to a ✓/SE use.

<sup>39</sup> This carries forward permissions for “child care centers” and “nursery schools.”

<sup>40</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 development 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>41</sup> This carries forward the current permissions, except the use is changed from Secondary to Principal use in the PDC District.

<sup>42</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.

<sup>43</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 4101.4: Use Table for Planned Development Districts**

✓ = permitted on final development plan/development plan and PRC plan;

✓/SE = permitted on final development plan/development plan and PRC plan, or as special exception if not on plan(s)

✓/SP = permitted on development plan and PRC plan, or as special permit if not on plans

SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Cultural Facility/Museum <sup>44</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	*
Public Use	✓		✓	✓	✓	✓	✓	✓		✓		✓	*
Religious Assembly <sup>45</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	*
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center <sup>46</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.F/*
School, Private <sup>47</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.G/*
Specialized Instruction Center <sup>48</sup>		✓/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>49</sup>		✓/SE	✓/SE										4102.2.H/*
Crematory <sup>50</sup>		✓/SE	✓/SE										4102.2.I/*
Funeral Home <sup>51</sup>					✓	✓			✓/SE			✓/SE	4102.2.J/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>44</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 development 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>45</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>46</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>47</sup> This carries forward permissions for “private school of general education.”

<sup>48</sup> This carries forward permissions for “private school of special education.”

<sup>49</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 seventy five (75) acres,” but the use is changed from ✓/SP to ✓/SE in the PRC District.

<sup>50</sup> This carries forward permissions for “crematory, human or animal,” but the use is changed from ✓/SP to ✓/SE in the PRC District.

<sup>51</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.



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

✓ = permitted on final development plan/development plan and PRC plan;  
 ✓/SE = permitted on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 ✓/SP = permitted on development plan and PRC plan, or as special permit if not on plans  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Health Care: 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 <sup>52</sup>													4102.2.K/*
Continuing Care Facility <sup>53</sup>													4102.2.L/*
Independent Living Facility <sup>54</sup>													4102.2.M/*
Medical Care Facility <sup>55</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE	4102.2.N/*
Transportation: uses associated with the operation of airplanes, trains, and buses													
Airport <sup>56</sup>		✓/SE	✓/SE			✓/SE			✓/SE		SE	SE	4102.2.O/* 4102.2.P/*
Helipad <sup>57</sup>		✓/SE	✓/SE			✓/SE	✓/SE		✓/SE		SE	SE	4102.2.O/*
Transit Facilities <sup>58</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.O/* 4102.2.Q/*
Utilities: 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>59</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.R/*
Utility Facility, Heavy <sup>60</sup>			SE										4102.2.S/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>52</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>53</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>54</sup> Part of a pending text amendment. Table and standards will be updated when the amendment is finalized.

<sup>55</sup> This use includes nursing facilities and assisted living facilities.

<sup>56</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 development area.

<sup>57</sup> This carries forward permissions for “helistop,” except the use is changed from not allowed to ✓/SE in the PRC Convention/Conference Center development area.

<sup>58</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>59</sup> This is a new use. Solar panels as an accessory use are addressed separately.

<sup>60</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**

✓ = permitted on final development plan/development plan and PRC plan;  
✓/SE = permitted on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
✓/SP = permitted on development plan and PRC plan, or as special permit if not on plans  
SE = special exception; SP = special permit  
A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Utility Facility, Light <sup>61</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.T/*
Wireless Telecommunications Facility <sup>62</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.2.U/*

\*The general standards in Sect. 4-102.1 also apply.

## 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>63</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>64</sup>
- (3) All uses except Extraction Activities must comply with the performance standards in [new reference for Article 14].<sup>65</sup>

<sup>61</sup> This carries forward the permissions for multiple uses currently grouped under Category 1 Light Public Utility Uses.

<sup>62</sup> This carries forward current permissions, modified to conform to state and federal law.

<sup>63</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>64</sup> This consolidates the references to additional regulations that are repeated for each district.

<sup>65</sup> Carries forward provisions from Sections 14-101 and 14-102, and other repeated references.

- (4) Before establishment, every use, including any modifications or alterations to an existing use, is subject to [reference to relocated current Article 17, Site Plans].<sup>66</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.

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## B. Standards for Uses in Residential Zoning Districts

The sale of goods or products is not permitted, except as accessory to an established permitted, special permit, or special exception use.<sup>67</sup>

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## C. Standards for Uses in Commercial Zoning Districts<sup>68</sup>

- (1) All refuse must be kept in enclosed containers that are screened from view.
- (2) The following are not allowed in the minimum required yards:<sup>69</sup>
  - (a) Goods displayed, stored, or offered for sale; 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 are allowed.
- (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>70</sup>
- (4) In the C-5, C-6, C-7, and C-8 Districts, any operations, storage, activity, or display of goods may be permitted as follows:
  - (a) The use may 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 250 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 site plan; and
  - (c) The outdoor storage and display of goods is limited to those goods that are customarily used outside, including such things as fertilizers, peat moss, shrubbery, mulch, and items permitted to be sold at a vehicle fueling station.
  - (d) In addition to the standards above, the following apply to the C-8 District:
    - 1. The limitations on outdoor storage in (c) above do not preclude outdoor storage by a contractor's office and shop.

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<sup>66</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>67</sup> Consolidates a use limitation repeated for each residential district.

<sup>68</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.

<sup>69</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>70</sup> This extends the provisions for outdoor seating to a craft beverage production establishment.

2. All outdoor storage and loading areas must be completely enclosed by screening.
3. 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.

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#### D. Standards for Uses in Industrial Districts<sup>71</sup>

- (1) The following are not allowed in the minimum required yards:<sup>72</sup>
  - (a) Goods displayed, stored, or offered for sale;
  - (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 are allowed.
- (2) In the I-2, I-3, and I-4 Districts, all operations, activities, and storage must be conducted within a completely enclosed building, except for those uses which, by their nature, must be conducted outside a building, and any outdoor seating provided in association with a restaurant or craft beverage production establishment.<sup>73</sup>
- (3) In the I-5 District, outside storage may not be located within a minimum required front yard 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 a development plan must be in substantial conformance with the approved development plan as required by [reference to relocated Sect. 16-202]. 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>74</sup>

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#### F. Standards for Special Exception and Special Permit Uses<sup>75</sup>

- (1) In addition to the standards for specific uses, 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, by its nature, design, or operational characteristics,<sup>76</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

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<sup>71</sup> This carries forward provisions in Sections I-105, I-205, I-305, I-405, I-505, and I-605.

<sup>72</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>73</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>74</sup> Consolidates Par. 4 of Sections 6-106, 6-206, 6-305, 6-505, and Par. 11 of Sect. 6-406.

<sup>75</sup> This combines the general standards in Sections 8-006 and 9-006.

<sup>76</sup> This part of the standard is derived from Sect. 9-505, which currently applies to commercial uses. It is made applicable here to the review of all SP and SE uses.

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 more strict requirements for a given use than those set forth in this Ordinance.
- (2) 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*].
- (3) 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*].
- (4) 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>77</sup>

- (1) In addition to the standards for specific uses, all associated service uses must comply with the following general standards:
- (a) The associated service use must primarily serve the residents or employees of the principal use with which it is associated.
  - (b) The associated service use must be located in the same building as the principal use or in one of the buildings of a multi-building complex.
  - (c) The combined gross floor area of all associated service uses must not exceed 15 percent of the gross floor area of the building.
  - (d) In the C-1 through C-4 and I-2 through I-6 Districts, the hours of operation must generally conform to the business hours of the principal use.
  - (e) An associated service use may use the parking rate for the principal use.

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<sup>77</sup> This carries forward provisions in Sect. 10-203 and Par. 22 of Sect. 11-102 that apply to accessory service uses, with modifications.

## 2. Public, Institutional, and Community Uses

### Community, Cultural, and Educational Facilities

#### A. Alternate Use of Public Facilities<sup>78</sup>

**Standards when permitted by special exception:**

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

- (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>79</sup>

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

- (1) The outdoor recreation area required under Chapter 30 of the Code must:<sup>80</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 required front yard, unless specifically approved by the Board in accordance with *[reference to SE procedures]* in commercial and industrial districts only; and
  - (e) Not include areas covered by buildings or off-street parking.

**Standards when permitted by right:**

- (2) In industrial districts, a child care center is permitted by right if it complies with the following standards:<sup>81</sup>

<sup>78</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>79</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>80</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.

- (a) The center must be located in an office or industrial park, regardless of the number of different tenants in the park; 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:**

- (3) 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>82</sup>
- (4) 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>83</sup>

**Standards when permitted as an associated service use:<sup>84</sup>**

- (5) In the R-12 through R-30, PDH, PDC, or PRC Districts, a child care center is allowed as an associated service use to a multifamily building or complex if the center complies with Sect. 4102.1.G, Standards for Associated Service Uses, and the following additional standards:
  - (a) The child care center may be located within common areas such as party rooms or club houses, but must not be located within individual dwelling units;
  - (b) Enrollment is limited to persons who live in the building or complex where the child care center is located.

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## C. College or University

**Standards when permitted by right:**

In the C-1, C-2, and C-3 Districts, a college or university:<sup>85</sup>

- (1) Must be located within an enclosed building or buildings; and
- (2) May not include residential uses or athletic or large-scale assembly-type facilities, unless permitted in accordance with *[reference SE procedure]*.

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<sup>81</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>82</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.

<sup>83</sup> This modifies the current standard to provide more specificity.

<sup>84</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 paragraph 1 above, and the reference to state regulations is addressed in the general standards for all uses.

<sup>85</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.



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## D. Community Swim, Tennis, and Recreation Club<sup>86</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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## E. Convention/Conference Center<sup>87</sup>

### Standards when permitted by right:

In the PDC District, the minimum gross floor area of a convention/conference center is 100,000 square feet.

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

### Standards when permitted by right:

- (1) In the C-5, C-6, C-7, and C-8 Districts, religious assembly with a private school or specialized instruction center<sup>88</sup> is permitted by right.
- (2) In Industrial districts, religious assembly with a child care center is permitted by right if it complies with the following standards:<sup>89</sup>
  - (a) The facility must be located in an office or industrial park, regardless of the number of different tenants in the park; 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 or special permit:

- (3) Except as allowed in the industrial districts in accordance with subsection F(2) above, religious assembly with a child care center is permitted in accordance with [reference special permit] or [reference special exception].
- (4) 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

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<sup>86</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>87</sup> This carries forward the minimum gross floor area requirement in Sect. 6-202.

<sup>88</sup> The current ordinance treats a nursery school as a special exception or special permit use when it is included in a place of worship. In this draft, a nursery school is now considered a private school and is permitted by right in the C-5 through C-8 Districts.

<sup>89</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 will be included in the generally-applicable use regulations.



applicant. The use must comply with the standards for a private school, specialized instruction center, or child care center, as applicable.<sup>90</sup>

## G. School, Private<sup>91</sup>

### Standards when permitted by right:

- (1) In industrial districts, a private school is permitted only if it complies with the following standards:<sup>92</sup>
  - (a) The facility must be located in an office or industrial park, regardless of the number of different tenants in the park; 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) A private school must include the following minimum usable outdoor recreation area:
  - (a) 200 square feet for each child in pre-school through grade 3 who may use the space at any one time; and
  - (b) 430 square feet for each child in grades four through 12 who may use the space at any one time.
- (3) Required outdoor recreation areas must:
  - (a) Be developable, designed, or 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 required front yard, unless specifically approved by the Board in commercial and industrial districts only; and
  - (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

## H. Cemetery<sup>93</sup>

### Standards when permitted by special permit:

- (1) Any columbarium or mausoleum must be located a minimum of 50 feet from any lot line.

<sup>90</sup> This carries forward current County practices based on the use being both a special exception and special permit use.

<sup>91</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.

<sup>92</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.

<sup>93</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).

- (2) A funeral home is allowed as an accessory use only if the cemetery has a minimum area of 75 acres.

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## I. Crematory<sup>94</sup>

### Standards when permitted by special permit:

A crematory must be located a minimum of 250 feet from any lot line.

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## J. Funeral Home<sup>95</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
- (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>96</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.
  - (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

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## K. Adult Day Care Center<sup>97</sup>

[standards to be inserted]

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<sup>94</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>95</sup> This translates into use standards the current definitions and use permissions for “funeral home” and “funeral chapel.”

<sup>96</sup> These standards are carried forward from Sect. 9-510. Language regarding stacking for funeral processions has been simplified.

<sup>97</sup> Standards for this use are part of a pending text and amendment and will be inserted after they are finalized.

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## L. Continuing Care Facility<sup>98</sup>

[standards to be inserted]

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## M. Independent Living Facility<sup>99</sup>

[standards to be inserted]

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## N. Medical Care Facility<sup>100</sup>

[standards to be inserted]

## Transportation

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## O. Transportation Uses<sup>101</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.

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## P. Airport<sup>102</sup>

### Standards when permitted by special exception:

- (1) Any area used by an aircraft under its own power must be located at least 200 feet from any lot line;
- (2) Any area used by an aircraft under its own power must be provided with an all-weather, dustless surface;
- (3) Any area used by an aircraft under its own power must 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.
- (4) In the C-7, I-I, PDH, PDC, PRC, PRM, and PTC Districts, this use is limited to heliports.<sup>103</sup>

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<sup>98</sup> Standards for this use are part of a pending text and amendment and will be inserted after they are finalized.

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<sup>100</sup> Standards for this use are part of a pending text and amendment and will be inserted after they are finalized.

<sup>101</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>102</sup> This carries forward provisions from Sect. 9-404 that pertain specifically to airports.

<sup>103</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.

## Q. Transit Facilities<sup>104</sup>

### Standards when permitted by right:

- (1) Transit facilities are permitted only in accordance with *[reference to special exception procedure]*, except:
  - (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) Terminals (bus or railroad); and storage, maintenance, and inspection yards are allowed by right only in the I-6 District.<sup>105</sup>

### 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 procedures]*. A support rail transit facility not so located is 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.

<sup>104</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>105</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.

- (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 paragraph.
- (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

### R. Solar Power Facility<sup>106</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.

<sup>106</sup> These are new standards for a new use.

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## S. Utility Facility, Heavy<sup>107</sup>

### Standards when permitted by special exception:

- (1) The Board may not approve a special exception for a proposed heavy utility facility unless it finds that the facility is necessary where proposed to provide efficient utility service to consumers.<sup>108</sup>
- (2) In the R-C, PRC, and I-I Districts, only regional sewage treatment and disposal facilities are allowed.
- (3) In the R E, R 1, and R 2 Districts, only electrical generating plants and facilities, and water purification facilities are allowed.
- (4) Supply yards for any public utility are only allowed in the I-5 District.
- (5) In all districts except the I-5 and I-6 districts, 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.

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## T. Utility Facility, Light<sup>109</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 telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a government entity or a public utility including customary meter pedestals, telephone pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or aboveground.
  - (b) This exemption does not include any substation located on or above the surface of the ground or any distribution facility.
- (2) Light utility facility uses do not have 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.

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<sup>107</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).

<sup>108</sup> The reference to consumers “within the immediate area of the location” has been deleted because it is vague and undefined.

<sup>109</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).

**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 Board must find 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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**U. Wireless Telecommunications Facility<sup>110</sup>**

- (1) Wireless telecommunications facility uses do not have to comply with the lot size requirements or the bulk regulations for the zoning district where they are located.
- (2) All facilities require approval of a zoning permit, subject to the standards below, or approval of a special exception in accordance with *[reference to special exception procedure]*.

**Standards for zoning permit approval:**

- (3) A small cell facility must comply with the following standards:
- (a) The equipment and antenna sizes contained in the definition must not be exceeded. The following types of associated equipment are not included in the equipment volume calculations: electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer structures, cut-off switches, and vertical cable runs for the connection of power and other services.
  - (b) The facility must be located on an existing structure which means any structure that is installed or approved for installation at the time a wireless service provider or wireless infrastructure provider provides notice to be inserted]the County or VDOT of an agreement with the owner of the structure to co-locate equipment on that structure.
  - (c) A written statement from the owner of the existing structure consenting to co-location on the existing structure must be provided.
  - (d) The small cell facility must not cause material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
  - (e) The small cell facility must not adversely impact public safety or other critical public service needs.

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<sup>110</sup> These standards build on standards for small cell facilities and modifications to existing wireless towers or base stations in Sections 2-519 and 2-520. The current standards are modified to conform to state and federal law, and definitions are moved to Article 5: Definitions.

- (f) When the facility is on publicly owned or publicly controlled property the installation must not have an adverse aesthetic impact and must receive the required approvals from all departments, authorities, and agencies with jurisdiction over the property.
  - (g) When located in a Historic Overlay District, such location must meet Part 2 of Article 7.
  - (h) The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes will not be subject to these standards. For the purposes of this provision, a micro-wireless facility is a small cell facility that is no greater than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, no more than 11 inches in length.
- (4) An Administrative Review Eligible Project for a new wireless support structure must satisfy the requirements included in the definition for such project and must comply with the following standards:
  - (a) Wiring, Cables, and Conduit Requirements
    - 1. All wiring and cables should be firmly secured to the support structure.
    - 2. All mounting brackets and wiring, cables, and conduits that are not located in a fully enclosed structure should be of a color that matches or blends with the existing structure.
    - 3. Spools or coils of excess fiber optic or cables or any other wires may not be stored on the pole except completely within approved enclosures or cabinets.
  - (b) Equipment
    - 1. All equipment and support structures must be the same color as the pole and covered by rust-proof treatment or materials.
    - 2. All equipment must be flush mounted to the pole or supported by mounting brackets. The equipment and support brackets should not extend beyond the pole by more than 8 inches.
  - (c) Pole specifications
    - 1. All new wireless support structures must be constructed of materials designed to match or closely replicate existing utility poles within the same right-of-way or line of poles.
    - 2. All poles must be designed to support small cell facilities.
  - (d) Applicants must provide documentation of the property owner's permission to install a new structure.
- (5) An Administrative Review Eligible Project for co-location must comply with the following standards:
  - (a) Co-location must be on an existing structure.
  - (b) The wireless facility to be installed or mounted may not be a small cell facility.
  - (c) Antennas must be enclosed in a canister or other enclosure, be flush mounted, or be fully screened by a wall, vegetation or other existing structure.
  - (d) All facilities must be of a material or color that closely matches or blends with the exterior of the building or structure on which they are mounted.
  - (e) The related equipment cabinet or structure must be fully enclosed in an existing structure or designed to match or blend with the structure on which it is located.



- (f) Applicants must provide documentation of the existing structure owner's permission to co-locate wireless facilities on that structure.
- (6) A 6409 Review Project for modification of an existing tower or base station may not substantially change the physical dimensions of those structures. A modification is considered a substantial change if it meets any of the following criteria:
  - (a) For towers outside of public rights-of-way, it increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10 percent or 10 feet, whichever is greater.
  - (b) For towers outside of public rights-of-way, it involves adding an appurtenance to the body of the tower that protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet.
  - (c) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
  - (d) It entails any excavation or deployment outside the current site of the tower or base station.
  - (e) It would defeat the existing concealment elements of the tower or base station.
  - (f) It does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding substantial change thresholds identified above.

**Standards when permitted by special exception:**

- (7) A standard process project may be approved in accordance with [*reference to special exception procedure*] if it complies with the following standards:<sup>111</sup>
  - (a) Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be of a material or color that closely matches and blends with the structure on which it is mounted.
  - (b) Commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
  - (c) Signals, lights or illumination are not permitted unless required by the Federal Communications Commission, the Federal Aviation Administration or the County; provided, however, that on all antenna structures that exceed 100 feet in height, a steady red marker light must be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights must be shielded to prevent the downward transmission of light.

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<sup>111</sup> Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations are part of this use and are changed from not allowed in R-A and I-I to SE.

- (d) All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

# Article 5: Definitions

## 5100. Uses

### 1. Public, Institutional, and Community Uses

#### A. Community, Cultural, and Educational Facilities<sup>112</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/Entertainment use category), or counseling in an office setting (categorized in the Office use category).

##### Alternate Uses of Public Facilities<sup>113</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.

##### Child Care Center<sup>114</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 child care facility.

##### Club, Service Organization, or Community Center<sup>115</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/Entertainment category.

<sup>112</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>113</sup> This is a new definition for a term that is not currently defined.

<sup>114</sup> This is a new definition.

<sup>115</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, swimming pools, archery ranges,” and “any other recreational/social use operated by a by non-profit, where membership is limited to residents of nearby residential areas.”

**College or University<sup>116</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>117</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/Conference Center<sup>118</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/Museum<sup>119</sup>**

A building or area operated to present exhibits of cultural, scientific or academic material, and related live theater and dance performances, musical concerts, cinema, or lectures; or an institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

**Public Use<sup>120</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.

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<sup>116</sup> This is a new definition for a use that is not currently defined.

<sup>117</sup> This use carries forward language in Sect. 8-403 pertaining to the current use “swimming club and tennis club/courts.”

<sup>118</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>119</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.

<sup>120</sup> This carries forward the definition of “public use” in the current Zoning Ordinance, with minor revisions for readability.

**Religious Assembly<sup>121</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>122</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>123</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 child care facility, health/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.

**Cemetery<sup>124</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>125</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>126</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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<sup>121</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>122</sup> This definition builds on the definition of “private school of general education” in the current Zoning Ordinance.

<sup>123</sup> This definition builds on the definition for “private school of special education” in the current Zoning Ordinance.

<sup>124</sup> This is a new definition. This use consolidates the current uses “cemetery for human or animal interment” and “columbarium/mausoleum w/cemetery.”

<sup>125</sup> This carries forward the definition of “crematory” in the current Zoning Ordinance.

<sup>126</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.”

## 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>127</sup>**

*[definition to be inserted]*

### **Assisted Living Facility<sup>128</sup>**

*[definition to be inserted]*

### **Continuing Care Facility<sup>129</sup>**

*[definition to be inserted]*

### **Independent Living Facility<sup>130</sup>**

*[definition to be inserted]*

### **Medical Care Facility<sup>131</sup>**

*[definition to be inserted]*

### **Nursing Facility<sup>132</sup>**

*[definition to be inserted]*

## 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>133</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.

<sup>127</sup> This is part of a pending text amendment.

<sup>128</sup> This is part of a pending text amendment.

<sup>129</sup> This is part of a pending text amendment.

<sup>130</sup> This is part of a pending text amendment.

<sup>131</sup> This is part of a pending text amendment.

<sup>132</sup> This is part of a pending text amendment.

<sup>133</sup> This is a new definition for a use that consolidates the current uses of “airports” and “heliports.”

**Helipad<sup>134</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>135</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>136</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 to WMATA Metrorail facilities. Transit facilities do not include facilities containing only administrative offices operated by a transit facility authority or entity.

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**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>137</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>138</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.

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<sup>134</sup> This revises the definition of “helistop” in the current Zoning Ordinance.

<sup>135</sup> This is a new definition for a term used in the use standards for Transit Facilities.

<sup>136</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.”

<sup>137</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>138</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.”

**Utility Facility, Light<sup>139</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 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 Telecommunications Facility<sup>140</sup>**

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including a) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and b) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

The following definitions relate to regulation of Wireless Telecommunications Facilities.

**6409 Review<sup>141</sup>**

Modifications to existing wireless facilities that are subject to Sect. 6409(a) of the Spectrum Act, codified at 47 U.S.C. §1455. The Spectrum Act requires state and local governments to approve eligible facilities requests for modifications of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment. Modifications that substantially change the physical dimensions of a tower or base station are not eligible facilities requests and fall outside of Sect. 6409(a).

**Administrative Review Eligible Project<sup>142</sup>**

A project that provides for:

- (1) The installation or construction of a new wireless telecommunications structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (a) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or

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<sup>139</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.”

<sup>140</sup> This carries forward the current definition of “wireless facility.”

<sup>141</sup> This is a new definition.

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

within the existing line of utility poles; (b) not located within the boundaries of a local, state, or federal district; and (c) designed to support small cell facilities; or

(2) The co-location on any existing structure of a wireless facility that is not a small cell facility.

An administrative review eligible project does not include standard process projects.

**Small Cell Facility<sup>143</sup>**

A wireless telecommunications facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet, and b) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit that is established by the Federal Communications Commission. Small cell facilities do not include administrative review eligible projects or standard process projects.

**Standard Process Project<sup>144</sup>**

The installation or construction of a new wireless telecommunications support structure or the co-location of wireless facilities on an existing structure, except that the term does not include administrative review eligible projects or small cell facilities.

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<sup>143</sup> This definition replaces the current definition of “small cell facility.”

<sup>144</sup> This is a new definition.