

**FAIRFAX COUNTY PLANNING COMMISSION  
LAND USE PROCESS REVIEW COMMITTEE  
THURSDAY, MARCH 7, 2019**

**PRESENT:** James T. Migliaccio, Lee District, Chairman  
Ellen J. Hurley, Braddock District, Vice Chairman  
John C. Ulfelder, Dranesville District  
Peter F. Murphy, Springfield District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large

**ABSENT:** John A. Carter, Hunter Mill District  
Julie M. Strandlie, Mason District

**OTHERS:** Walter C. Clarke, Mount Vernon District  
Phillip Niedzielski-Eichner, Providence District  
Donté Tanner, Sully District  
Mary D. Cortina, Commissioner At-Large  
Jill G. Cooper, Director, Planning Commission  
Teresa Wang, Senior Deputy Clerk, Planning Commission  
Barbara Byron, Office of Community Revitalization (OCR)  
Leslie Johnson, Zoning Administration Division (ZAD), Department of Planning  
and Zoning (DPZ)  
Donna Pesto, ZAD, DPZ  
Carmen Bishop, ZAD, DPZ  
Casey Judge, ZAD, DPZ  
Jennifer Josiah, ZAD, DPZ

**ATTACHMENTS:**

- A. zMod PowerPoint Presentation Agricultural and Commercial Uses – February 2019
- B. zMod Draft Agricultural and Commercial Uses - January 31, 2019
- C. Attachment 1: Existing Permissions for Indoor Commercial Recreation Uses
- D. Attachment 2: Existing Permissions for Outdoor Commercial Recreation Uses
- E. Article 4: Use Regulations
- F. Article 9: Definitions
- G. PowerPoint Presentation Proposed Zoning Ordinance Amendment: Community Gardens, Farmers Markets, Gardening as an Accessory Use and Other Related Changes
- H. Draft Text for Proposed Zoning Ordinance Amendment: Community Gardens, Farmers Markets, Gardening as an Accessory Use and Other Related Changes

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Planning Commission Vice Chairman James R. Hart called the meeting to order at 7:31 p.m. Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia, 22035, pursuant to Section 4-102 of the Commission's Bylaws & Procedures. He indicated that the first order of business was to elect a Committee Chairperson.

Commissioner Murphy MOVED TO NOMINATE JAMES MIGLIACCIO AS CHAIRMAN OF THE 2019 LAND USE PROCESS REVIEW COMMITTEE. And he further MOVED TO NOMINATE ELLEN J. HURLEY AS VICE CHAIRMAN OF THE 2019 LAND USE PROCESS REVIEW COMMITTEE.

Commissioner Sargeant seconded the motion which carried unanimously by a vote of 6-0.

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Commissioner Sargeant MOVED TO APPROVE THE FOLLOWING MINUTES:

- SEPTEMBER 12, 2018
- OCTOBER 9, 2018
- OCTOBER 17, 2018
- NOVEMBER 28, 2018

Commissioner Hart seconded the motion which carried unanimously by a vote of 6-0.

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Casey Judge, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), gave a presentation on zMod Agricultural and Commercial Uses, a copy of which is included in Attachment A, wherein she outlined staff's recommendation on the uses, permissions, and associated standards.

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There was a discussion between Barbara Byron, Director, Office of Community Revitalization; Leslie Johnson, Zoning Administrator, DPZ; Carmen Bishop, ZAD, DPZ; Ms. Judge; and multiple Committee members on the following topics:

- Agriculture Use permission revisions in the R1 District;
- Catering Use with accessory components;
- Conference Center and Retreat Center Uses with respect to definitions, permissions, and related accessory uses;
- Hotel and Motel Use permission changes to the C3 and C4 Districts;
- Consolidation of General Office Use with Scientific Research and Development Use, standards, and permissions;
- Indoor Commercial Recreation Use standards and permission changes; and
- Public Entertainment Uses with respect to definitions, permissions, and related accessory uses.

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Jennifer Josiah, ZAD, DPZ, gave a PowerPoint presentation on the proposed Zoning Ordinance Amendment for Community Gardens, Farmers Markets, Gardening as an Accessory Use and Other Related Changes zMod Public, Institutional, and Community Uses, a copy of which is included in Attachment G, wherein Ms. Josiah; Donna Pesto, ZAD, DPZ; Barbara Byron, Office of Community Revitalization; Leslie Johnson, Zoning Administrator, DPZ; and multiple Committee members discussed the following topics:

- The temporary special permit use process and proposed standards;
- Community gardens proposed standards and methods for controlling invasive species;
- Farmers Market Use proposed standards and whether permitted sources would be regulated or defined elsewhere in the process; and
- Gardening as an accessory use, proposed standards, and front yard limitations.

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Ms. Josiah outlined the next steps for the proposed Zoning Ordinance amendment:

- March 19, 2019 – Board of Supervisors authorization;
- April 24, 2019 – Planning Commissioner public hearing; and
- June 25, 2019 – Board of Supervisors public hearing.

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The meeting was adjourned at 9:30 p.m.  
James T. Migliaccio, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.



*Teresa Marie Wang*

Minutes by: Teresa Wang  
Approved on: November 7, 2019

*Jacob Caporaletti*

Jacob Caporaletti, Clerk to the  
Fairfax County Planning Commission



## ATTACHMENT A



## Zoning Ordinance Agricultural and Commercial Uses

zMOD

February 2019

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### Today's discussion

- zMOD Background
- Agricultural Uses
- Commercial Uses
- Next Steps



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## zMOD Scope

- Improve format and structure of the Zoning Ordinance
- Categorize and modernize land uses
- Changes in language, but not content, for readability (plain English)
- Integrate additional amendments to the Zoning Ordinance

z M O D

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## New Ordinance Structure

- |                          |   |
|--------------------------|---|
| 1) General Provisions    | 6) Parking and Loading Standards          |
| 2) Zoning Districts      | • Article 11 content                      |
| 3) Overlay Districts     | 7) Sign Standards                         |
| 4) Use Regulations       | 8) Procedures and Enforcement             |
| 5) Development Standards | • Application and Submission requirements |
| • Affordable Housing     | • Enforcement, Violations, and Penalties  |
| • Floodplain             | • Nonconformities                         |
| • Landscaping            | 9) Definitions                            |
| • Lighting               |   |
| • Vibration              |   |

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## Organization of Uses

- **Use Classifications** – Very Broad
- **Use Categories** – Major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics
- **Uses** – Specific Land Uses

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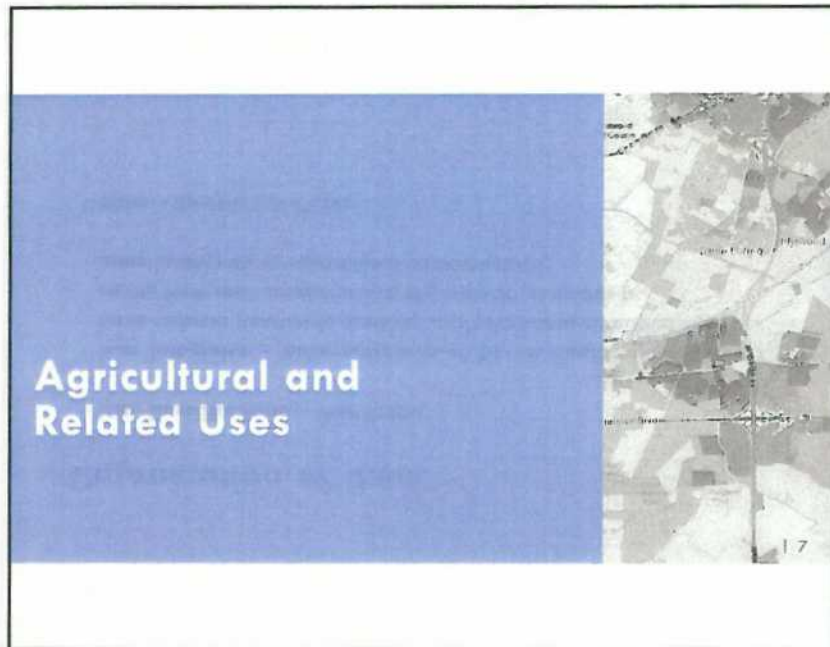
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## Timeline for Drafts of Uses

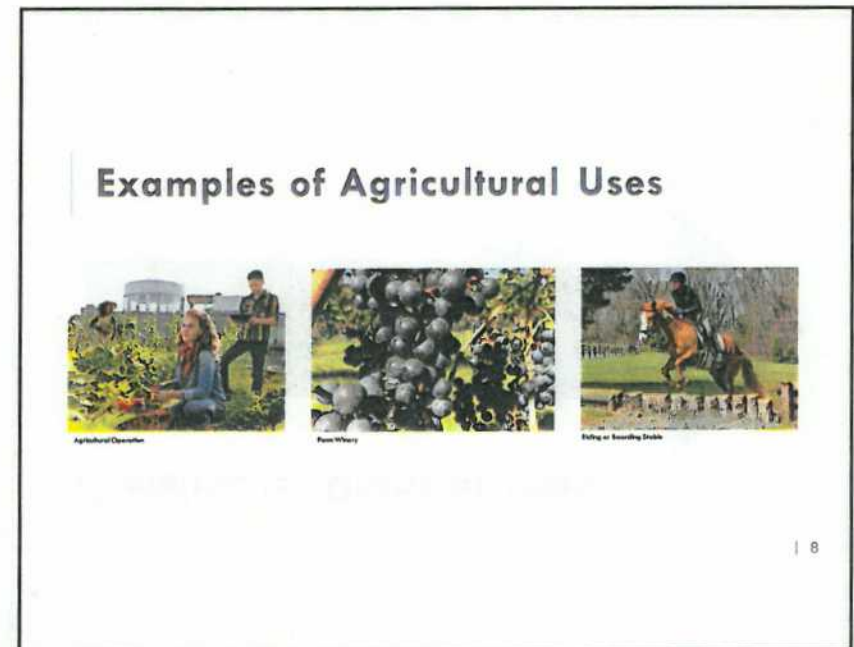


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### Agricultural and Related Uses Structure

Use Classification → **Agricultural and Related Uses**

Use Category → **Agricultural and Related Uses**

Specific Land Uses → **4 Specific Agricultural Uses**

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### Use Names:

#### Agricultural and Related Uses

Proposed Use Name	Current Use Name
Agricultural Operation	Agriculture
Agritourism, Other	New use
Farm Winery, Limited Brewery, or Limited Distillery	Combines: <ul style="list-style-type: none"> <li>• Farm Winery</li> <li>• Limited Brewery</li> <li>• Limited Distillery</li> </ul> (combined for special exception provisions)
Stable, Riding or Boarding	Combines: <ul style="list-style-type: none"> <li>• Riding/boarding stables</li> <li>• Veterinary hospital, ancillary to riding or boarding stables</li> </ul>

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## Permission Changes

### Agricultural Operation

- Agriculture is currently allowed in R-A, R-C, R-E, and R-1. Should it be deleted as a permitted use in the R-1 District?

### Farm Winery, Limited Brewery, or Limited Distillery

- No changes to current permissions or standards, except an option is added for the Board to modify the types of prohibited activities
- Note – This use and the types of allowed activities will be reviewed as part of a separate Zoning Ordinance amendment for agritourism

### Riding or Boarding Stable

- An option is added for the use to be approved as a special exception instead of a special permit when it is in conjunction with a rezoning or other SE

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## Commercial Uses

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## Examples of Commercial Uses



Kennel



Restaurant



Golf Course

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## Commercial Uses Structure

<b>Use Classification</b>	→	<b>Commercial Uses</b>
		<ol style="list-style-type: none"> <li>1. Animal-Related Services</li> <li>2. Food and Lodging</li> <li>3. Office and Financial Institutions</li> <li>4. Personal and Business Services</li> <li>5. Recreation and Entertainment</li> <li>6. Retail Sales</li> <li>7. Vehicle-Related Uses</li> </ol>
<b>Use Category</b>	→	
<b>Specific Land Uses</b>	→	50 Specific Commercial Uses

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**Use Names:****Animal-Related Services**

Proposed Use Name	Current Use Name
Animal Shelter	Animal shelters
Kennel	Combines: • Kennels • Kennels (Indoors) • Kennels, outdoor • Veterinary hospital, ancillary to a kennel
Pet Grooming Establishment	New use
Veterinary Hospital	Veterinary hospitals

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**Use Names:****Food and Lodging**

Proposed Use Name	Current Use Name
Bed and Breakfast	Bed and breakfasts
Catering	New use
Hotel or Motel	Hotels, motels
Restaurant	Restaurants
Restaurant, Carryout	Carryout restaurants
Restaurant with Drive-through	Restaurants with drive-through
Retreat Center	Conference centers and retreat houses, operated by a religious or nonprofit organization

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**Use Names:****Office and Financial Institutions**

Proposed Use Name	Current Use Name
Alternative Lending Institution	Alternative lending institution
Drive-through Financial Institution	Drive-in financial institutions
Financial Institution	Financial institutions
Office	Combines: • Offices • Establishments for scientific research and development (See slide 26 below)
Office in a Residential District	Offices (separates out the SE use in R districts)

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**Use Names:****Personal and Business Services**

Proposed Use Name	Current Use Name
Business Service	Business service and supply service establishments
Household Repair and Rental Service	Repair service establishments
Personal Service	Combines: • Garment cleaning establishments • Personal service establishments

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**Use Names:****Recreation and Entertainment**

Proposed Use Name	Current Use Name
Banquet or Reception Hall	New use
Campground	Camp or recreation grounds
Commercial Recreation, Indoor	Combines multiple uses – see slides 27 and 28
Commercial Recreation, Outdoor	Combines multiple uses – see slides 29 and 30
Entertainment, Adult	Combines: <ul style="list-style-type: none"> <li>• Adult mini motion picture theatre</li> <li>• Commercial nudity establishments</li> </ul>
Entertainment, Public	New use and combines: <ul style="list-style-type: none"> <li>• Dance halls</li> <li>• Billiard and pool halls</li> </ul>
Golf Course or Country Club	Golf courses, country clubs

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**Use Names:****Recreation and Entertainment, cont'd**

Proposed Use Name	Current Use Name
Health and Exercise Facility, Large Health and Exercise Facility, Small	Combines: <ul style="list-style-type: none"> <li>• Health clubs</li> <li>• Private school of special education (exercise-related classes)</li> </ul>
Marina, Commercial	Marina, dock, and boating facilities, commercial
Marina, Private Noncommercial	Marina, dock, and boating facilities of a private, nonprofit nature
Quasi-public Park, Playground, or Athletic Field	Quasi-public parks, playgrounds, or athletic fields and related facilities
Stadium or Arena	Sports arenas, stadiums as a principal use
Zoo or Aquarium	Zoological park

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**Use Names:****Retail Sales**

Proposed Use Name	Current Use Name
Convenience Store	Combines: • Quick-service food stores • Retail sales establishments selling convenience merchandise
Drive-through, Other	Automobile-oriented uses
Drive-through Pharmacy	Drive-through pharmacy
Drug Paraphernalia Establishment	Drug paraphernalia establishments
Garden Center	Plant nurseries
Pawnshop	Pawnshops

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**Use Names:****Retail Sales**

Proposed Use Name	Current Use Name
Retail Sales, General	Combines: • Adult bookstores • Auction establishments • Retail sales establishments
Retail Sales, Large	Retail sales establishments, large

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**Use Names:****Vehicle-Related Services**

Proposed Use Name	Current Use Name
Car Wash	Car washes
Commercial Off-street Parking	Parking, commercial off-street as a principal use
New Vehicle Storage	New vehicle storage
Truck Rental Establishment	Truck rental establishment
Vehicle Fueling Station	Combines: • Service stations • Service station/mini-marts
Vehicle Repair and Maintenance, Heavy	Vehicle major service establishment
Vehicle Repair and Maintenance, Light	Vehicle light service establishment

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**Use Names:****Vehicle Related Services, cont'd**

Proposed Use Name	Current Use Name
Vehicle Sales, Service, and Rental	Vehicle sale, rental and ancillary service establishments
Vehicle Transportation Services	Vehicle transportation service establishments

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## Hotel or Motel

- No changes from current permissions, except to change from SE to by right in the C-3 and C-4 Districts
- Compatible with the purpose and intent of these districts, as well as other permitted uses



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## Office

Consolidates general office and scientific research and development

- Expands ability to have R & D, subject to use standards
- Additional standards under review



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## Indoor Commercial Recreation

Consolidates 10 current indoor recreational uses

- Includes uses like bowling alleys, amusement arcades, and movie theaters
- No longer lists individual uses
- Allows for trends in emerging recreation
- Gives the option of either an SP or SE application at the applicant's discretion



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## Indoor Commercial Recreation, cont'd

Use	Commercial Districts					Industrial Districts				
	1	2	3	4	5	1	2	3	4	5
Amusement arcade										
Bowling alley										
Commercial recreation center										
Commercial recreation use, any other (defined)										
Commercial recreation park, including mechanical or motorized amusement (defined)										
Commercial swimming pool, beach, cruise, and water course (defined)										
Indoor skating rinks, bowling and other indoor recreation uses										
Indoor firing ranges										
Indoor firing ranges, archery ranges, shooting and other similar indoor recreation uses										
Indoor golf courses, indoor										
Shooting facilities, indoor										
Theaters										
<b>Prohibited Uses</b>										
Commercial Recreation, Indoor										

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## Outdoor Commercial Recreation

Consolidates 10 current outdoor recreational uses

- \* Includes uses like miniature golf, paintball, and amusement parks
- \* Certain uses may be approved by SP; other uses require SE
- \* Use standards address off-street parking and potential impacts related to safety, noise, and traffic



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### Outdoor Commercial Recreation, cont'd

[illegible]

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## Public Entertainment



- New use to be allowed by:
  - SE in C-5 through C-8
  - Development plan or SE in PRC, PDC, PRM, and PTC
- Principal focus on activities such as dancing, karaoke, and live entertainment
- Uses that **exceed** revised standards for accessory entertainment with a restaurant:
  - Accessory entertainment determined by the Zoning Administrator
  - Maximum 15% of publicly accessible area or 250 SF
  - Hookah may be accessory while food is served and until 10:00 p.m.

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## Garden Center



- New name for Plant nurseries
- Allows the growing and selling of nursery stock and related items
- Allowed:
  - By right in the C-5 through C-8 Districts
  - With Development Plan or SE in planned districts
  - By SE in the R-E, R-1, and R-2 Districts
  - By right in the R-A and R-C if part of bona fide agricultural operation
- Changed from SE to not allowed in the R-3, R-4, I-4, I-5, and I-6 Districts based on compatibility concerns

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## Associated Service Uses

- New name for today's Accessory Service Uses
- Streamlined and uniform approach
- Included as "A+" uses in the table



### R-20 & R-30 Districts (multifamily)

Child Care  
Convenience Store  
Personal Service  
Restaurant

### C-1 – C-4, I-2 – I-6 Districts

Business Service  
Carryout Restaurant  
Convenience Store  
Personal Service  
Restaurant

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## Associated Service Uses, cont'd

### Simplified Standards:

- Must be located in the same building as the principal use
- Cumulatively may not exceed 15% of the building
- Individual personal service and business service uses may not exceed 5,000 square feet
- Hours generally conform to the principal use, and not exceed 6:00 a.m. to 10:00 p.m.
- May not be located in an individual dwelling unit
- May be parked at the rate for the principal use

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## Next Steps and Outreach

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## Outreach

- All drafts are posted on the zMOD website, zMOD Listserv, and Zoning Facebook page
- Public meetings are held for each draft
- Staff is available to present the drafts to community groups, receive feedback, and answer questions

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### Next Steps

Work is underway following a similar process for the other classification groups of uses:

- Residential
- Accessory
- Temporary

### Timeline

Spring 2019:

Drafts of remaining recategorized use regulations posted for public review

May 14 -16 2019:

Clarion presents draft of all use definitions and regulations

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## Questions & Discussion



February 2019

Z M O D

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## ATTACHMENT B

# FAIRFAX COUNTY

## ZONING ORDINANCE MODERNIZATION PROJECT



DRAFT

AGRICULTURAL AND COMMERCIAL USES

JANUARY 31, 2019

### 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 are being released in installments according to the following schedule:

- Industrial uses (October 2018)
- Public, Institutional, and Community uses (December 2018)
- Agricultural and Commercial uses (January 2019)
- Residential, Accessory, and Temporary uses (March 2019)
- Consolidated draft of uses (April/May 2019)

In October 2018, Clarion conducted a round of outreach meetings to present the first installment of this work, which included definitions and regulations for industrial uses. In December 2018, the second installment, which included definitions and regulations for public, institutional, and community uses, was posted for public review and County staff conducted a round of outreach meetings on those uses in January 2019. All drafts are posted on the zMOD website and can be reviewed [here](#). We encourage you to review the drafts to familiarize yourself with the recommended organization, format, and use regulations.

This document presents the third installment of the proposed updated use regulations – those related to agricultural and commercial uses. The proposed regulations include new land use classifications and definitions that combine uses with similar impacts to improve user-friendliness, simplify administration, and improve alignment with how people live and businesses operate. The proposed changes also remove inconsistencies and fill in gaps in the current agricultural and commercial use regulations.

All revisions to the current Zoning Ordinance are footnoted in the document. Footnotes will continue to be used in drafts to identify carryover content and proposed changes throughout the zMOD process, but they will not be included in the final adopted Ordinance.

## Proposed Revisions to Agricultural and Commercial Uses

Major changes to the agricultural and commercial uses are summarized below.

### Uses

Agricultural uses are proposed to be grouped under one category: Agricultural and Related Uses. Within that category, two current agricultural uses are brought forward: Agricultural Operation, and Farm Winery, Limited Brewery, or Limited Distillery. Riding or Boarding Stable consolidates today's Riding/boarding stables and Veterinary hospital ancillary to riding or boarding stables. A new use, Other Agritourism, has been added as a placeholder that will be finalized with a pending amendment.

The 80 current commercial uses have been consolidated into a total of 50 recommended uses.

Commercial uses are grouped into the following seven categories:

- ❖ Animal-Related Services
- ❖ Food and Lodging
- ❖ Office and Financial Institutions
- ❖ Personal and Business Services
- ❖ Recreation and Entertainment
- ❖ Retail Sales
- ❖ Vehicle-Related Uses

There are five uses that are either new or that now have been called out separately from other existing uses. These are: Banquet or Reception Hall, Catering, Public Entertainment, Office in a Residential District, and Pet Grooming Establishment. In addition, Aquarium has been added to Zoo or Aquarium. Three uses have been deleted: Commercial recreation restaurants, Summer theatres, and Convenience centers. The three deleted uses have either not been established recently in the County or are proposed to be included under other broad uses. For example, a commercial recreation restaurant would be classified as two principal uses, a restaurant and an indoor commercial recreation use.

As with the industrial uses and the public, institutional, and community uses, the proposed revisions consolidate similar uses into fewer uses with broader definitions. Uses that have been consolidated are set forth in the table below:



Combined Uses	
New Combined Use	Existing Uses
Stable, Riding or Boarding	Riding/boarding stables
	Veterinary hospital, ancillary to riding or boarding stables
Kennel	Kennels
	Kennels (indoors)
	Kennels, outdoor
	Veterinary hospital, ancillary to a kennel
Office	Establishment for scientific research, development, and training
	Establishments for scientific research and development
	Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use
	Establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training
	Establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training
	Offices
	Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public
Personal Service	Garment cleaning establishments
	Personal service establishments
Commercial Recreation, Indoor	Amusement arcades
	Bowling alley
	Commercial recreation centers
	Commercial recreation use, any other similar (indoor)
	Commercial recreation parks, including mechanical or motorized amusement rides/devices (indoor)
	Commercial swimming pools, tennis courts and similar courts (indoor only)
	Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses
	Miniature golf courses, indoor
	Skating facilities, indoor

Combined Uses	
New Combined Use	Existing Uses
	Theaters
Commercial Recreation, Outdoor	Baseball hitting and archery ranges, outdoor
	Commercial recreation use, any other similar (outdoor)
	Commercial recreation parks, including mechanical or motorized amusement rides/devices (outdoor)
	Commercial swimming pools, tennis courts and similar courts (outdoor)
	Drive-in motion picture theaters
	Golf driving ranges
	Miniature golf course
	Miniature golf course, ancillary to golf driving ranges
	Skating facilities
	Skeet and trapshooting ranges
Health and Exercise Facility (Small or Large)	Health club
	Private school of special education (exercise-related uses)
Entertainment, Adult	Adult mini motion picture theatres
	Commercial nudity establishments
Entertainment, Public	Billiard and pool halls
	Dance halls
Convenience store	Quick service food stores
	Retail sales establishments selling convenience merchandise
Retail sales, general	Adult bookstores
	Auction establishments
	Retail sales establishments
Vehicle fueling station	Service stations
	Service station/mini-marts

#### Changes in Permissions

The term "permissions" refers to whether a listed use is allowed in a specific zoning district, and if so whether it is a Permitted (by-right), Special Permit (approved by BZA) or Special Exception (approved by Board of Supervisors) use. The proposed changes to permissions for agricultural and commercial uses 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
Stable, Riding or Boarding	R-A	Ancillary veterinary hospital from not allowed to SP
	PRC (Residential)	From SP to SE if not shown on a development plan and PRC plan
	R-A through R-1	From SP to either SP or SE at applicant's discretion
Animal Shelter	C-5 through C-8	From not allowed to either allowed by right if indoor or by SE if outdoor
	PRC (Residential)	From not allowed with outdoor facilities to allowed if shown on a development plan or by SE
Kennel	C-5 through C-8	From not allowed with outdoor facilities to SE
	PDH, PRC, PDC, PRM, PTC	From not allowed with outdoor facilities to allowed if shown on the development plan (PRC), final development plan or by SE
Veterinary Hospital	R-A through R-1	From SP to SE
	C-5 through C-8, I-3 through I-6	From not allowed with outdoor facilities to SE
	PDH, PRC, PDC, PRM, PTC	From not allowed with outdoor facilities to allowed if shown on the development plan (PRC), final development plan or by SE
Catering	C-3, C-4	Catering is currently allowed as either a Business service and supply Service establishment or Production/processing. These permissions are carried forward for the separately defined use, but are changed from not allowed to by right in the C-3 and C-4 Districts, subject to standards.
Hotel or Motel	C-3, C-4	From SE to by right
Retreat Center	R-MHP	From SE to not allowed
Drive-through Financial Institution	PTC	From allowed only if shown on a final development plan to allowed also by SE
Financial Institution	PTC	From allowed only if shown on a final development plan to allowed also by SE
Office		See permission changes discussed below
Office in a Residential District	R-C, R-E	From SE to not allowed (This is a new name for an existing SE use)
Commercial Recreation, Indoor		See permission changes discussed below
Commercial Recreation, Outdoor		See permission changes discussed below
Golf Course or Country Club	I-2 through I-6	From SE to not allowed
	PRM	From not allowed to allowed if shown on a final development plan or by SE
Health and Exercise Facility, Small	R-E through R-MHP	From SE to not allowed (otherwise the permissions are carried forward from Private School of Special Education)

Changes in Permissions		
Use	Affected District	Change in Permission SE = Special Exception Use SP = Special Permit Use
	PRC (Residential)	From allowed if shown on a development plan or by SE to not allowed (current Private school of special education permission)
Entertainment, Public	C-6 through C-8	Dance hall from SP to SE
	C-5 through C-8	Billiard/pool hall from SP to not allowed in C-5, and from SP to SE in C-6 through C-8
	PDC, PRM	Dance hall from not allowed to allowed if shown on a final development plan or by SE
	PDH	Billiard/pool hall from allowed if shown on a final development plan or by SE to not allowed
	PRC (Village Center, Town Center, Convention/Conference Center)	From SP to SE if not shown on a development plan and PRC plan
Quasi-public Park, Playground, or Athletic Field	PRM	From not allowed to allowed if shown on a final development plan or by SE
Stadium or Arena	PDC	From not allowed to SE
Zoo or Aquarium	C-7, C-8	From not allowed to SP
	PDC, PTC	From not allowed to allowed if shown on a final development plan or by SE
Drive-through Pharmacy	PTC	From allowed only if shown on a final development plan to allowed also by SE
Garden Center	C-5 through C-8, PDH, PRC, PDC, PRM, PTC	From not allowed to allowed by right or if shown on a development plan (PRC), final development plan or by SE (currently plant nurseries are allowed as retail sales in the commercial districts)
	R-3, R-4, I-4 through I-6	From SE to not allowed
Retail Sales, General	R-E through R-8	Convenience center changed from SE to not allowed
	C-5, C-6, C-7, C-8	Adult bookstores changed from SP to by right in C-7, and from not allowed to by right in C-5, C-6, and C-8 Districts.
	PDH, PRM, PDC, PTC, PRC (all but Residential)	Adult bookstores changed from not allowed to allowed if shown on a development plan (PRC) or final development plan
Car Wash	PTC	From allowed only if shown on a final development plan to allowed also by SE
Commercial Off-street Parking	PRM	From allowed only if shown on a final development plan to not allowed
Vehicle Fueling Station	PTC	From allowed only if shown on a final development plan to allowed also by SE
Vehicle Repair and Maintenance, Light	PTC	From allowed only if shown on a final development plan to allowed also by SE



#### Discussion of Notable Changes:

- ❖ The **Hotel or Motel** use is now proposed to be permitted by right in the C-3 and C-4 Districts, as the use is compatible with the purpose and intent of the districts and with other uses allowed in these office districts. This use previously required special exception approval.
- ❖ The **Office** use consolidates seven current uses, including general office and research and development uses. Scientific research and development is currently allowed only in the industrial districts (by right); in the C-1 through C-4, C-7, and C-8 Districts with special exception approval; and in the PDC and PTC Districts. The proposed permissions have been changed to allow research and development as part of the office use in all commercial, industrial, and planned districts, subject to use standards that would not allow toxic or hazardous materials or manufacturing. Staff is continuing to review whether additional use standards may be appropriate to address potential impacts while allowing flexibility in the use of office space.
- ❖ The **Indoor Commercial Recreation** use consolidates 10 current uses with similar operational functions and land use impacts. In order to allow for new or emerging forms of recreation, the consolidated use would not specifically list the individual types of activities that could take place in an indoor recreation facility. The use would be allowed as either an SP or SE use when it is being considered in conjunction with a rezoning or other application before the Board in the C-3 and C-4 Districts and the I-3 through I-6 Districts. An SE option has been added to allow those indoor commercial recreation uses concurrent with other SE uses to avoid the need for approval from both the Board and the BZA. The use would be permitted by right in the C-5 through C-8 Districts, subject to use standards, and allowed on a final development plan/development plan/PRC plan (or as an SE use) in the PDH, PDC, PRM, PTC, and PRC (in the Village Centers, Town Center, and Convention/Conference Center) Districts. The existing and proposed permissions for each of the 10 current uses are identified in Attachment 1 to this document.
- ❖ The **Outdoor Commercial Recreation** use consolidates 10 current uses with similar operational functions and land use impacts into one use. The permissions for the consolidated use allow it as an SP use in the R-C through R-1 Districts, although use standards limit the use to ropes courses, paintball, and firing, skeet, and trapshooting ranges in those districts. The use is allowed as an SE use in all commercial and industrial districts except the I-I District. Permissions in the planned districts are the same as those for Indoor Commercial Recreation, except that Outdoor Commercial Recreation uses are also allowed in the Residential and Neighborhood Convenience Center areas of the PRC District. Use standards address off-street parking location and the potential impacts from mechanical or motorized rides; target, skeet, paintball, and trapshooting ranges; and baseball hitting and archery ranges. The existing and proposed permissions for each of the 10 current uses are identified in Attachment 2 to this document.
- ❖ **Public Entertainment** is listed as a separate use to be allowed with special exception approval in the C-6 through C-8 Districts, and if shown on the approved development plan or with special exception approval in the PRC, PDC, PRM, and PTC Districts, where the Board can take into consideration safety, noise, hours of operation, traffic, and compatibility with adjacent properties, among other issues. This

use is intended to include establishments where the focus is primarily on entertainment activities for adult customers such as live entertainment, dancing, karaoke, billiards, and hookah lounges. Public Entertainment would also capture those uses which exceed the accessory entertainment allowed as part of a Restaurant. The current definition for Restaurant limits the size of a dance floor to one-eighth of the floor area available for dining. This has been revised and incorporated as a standard that limits the area for accessory entertainment to that determined by the Zoning Administrator, and to a maximum of 15 percent of the square footage of the area accessible to the public, or 250 square feet, whichever is larger. Entertainment that exceeds this standard would be considered a Public Entertainment use. The draft clarifies that hookah would be allowed in conjunction with a restaurant, but that, if hookah is offered after 10:00 p.m., or if it is operated as a principal use, it would be considered a Public Entertainment use. Although not included in the draft, staff is reviewing whether Public Entertainment should also be allowed by special exception in industrial districts if it is provided in conjunction with a restaurant.

- ❖ **The Convenience Store and Drive-through Financial Institution (C-5 through C-8), and Other Drive-through (only C-8) uses** are currently allowed by right if they are located within a shopping center that contains six other uses that are not a convenience store, drive-through financial institution, or other drive-through. The requirement prohibiting these three uses from being included in the six other uses has been removed. The proposed standards continue to require that when these uses are allowed by right, they are not freestanding, but are part of a building with at least six other uses.
- ❖ **Garden Centers:** Under today's Ordinance, establishments growing and selling nursery stock and related items are considered to be: a) plant nurseries, which are allowed by special exception in the R-A through R-4 and I-4 through I-6 Districts with strict limitations on what items can be sold as retail sales; b) retail sales in the C-5 through C-8 Districts; or c) agriculture if the sales are wholesale, which is allowed by right on a minimum of five acres in the R-A through R-1 Districts. The proposed draft creates a single use, Garden Center, to be allowed in retail commercial (C-5 through C-8) and planned districts, while retaining the requirement for special exception approval in the R-E, R-1, and R-2 Districts, subject to use standards. The use is changed from allowed by SE to not allowed in the R-3, R-4, I-4, I-5, and I-6 Districts, as it is not compatible with the purpose and intent of these districts. In the R-A and R-C Districts, the use would only be allowed as part of a bona fide agricultural operation.
- ❖ **Group 7, Older Structures:** The Zoning Ordinance currently includes a special permit that allows several uses, such as antique shops and restaurants, to be allowed in residential dwellings that existed prior to January 1, 1949. There are no approved special permits for Group 7 uses. Therefore, it is recommended that the current provisions not be carried forward, but instead, special permit standards will be included in the draft for the Residential use classification for uses that may be allowed in residential structures that are on the County Inventory of Historic Sites.
- ❖ **Associated Service Uses:** As discussed in the summary of changes to the public, institutional, and community uses, accessory service uses are renamed associated service uses to more accurately reflect their relationship to principal land 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 listed as associated service uses. The current framework for accessory service uses includes conflicting and outdated standards, some of which are difficult to interpret, permit, and enforce. Therefore, the draft for the Commercial Uses classification includes revisions intended to create a simplified and uniform approach to these provisions. The revisions include changes to the list of uses, the districts where they are allowed, and to the standards. The types of uses are intended to focus on those which are most often found in association with the principal uses and which should be allowed through this streamlined process if they conform to the standards.

#### Uses/Districts

The following are recommended to be allowed as associated service uses:

- In a multifamily building in the R-20 and R-30 Districts: 1) Child Care, 2) Convenience Store, 3) Personal Service, and 4) Restaurant

This carries forward all of the uses currently allowed as accessory service uses in a multifamily development with their new and consolidated use names where applicable. However, the ability to have these uses in the R-12 and R-16 Districts is deleted because we do not currently have accessory service uses in these districts, and the density is likely too low to support the uses. The planned districts (PDH, PDC, and PRC) are also deleted because the uses are allowed in those districts.

- In the C-1 through C-4, and I-2 through I-6 Districts: 1) Business Service, 2) Carryout Restaurant, 3) Convenience Store, 4) Personal Service, and 5) Restaurant

Several uses are not carried forward as associated service uses in the commercial office (C-1 through C-4) and industrial districts. Health clubs are not included because fitness centers for employees are typically allowed as accessory uses. A residence for a manager or employee will also be addressed as an accessory use. Repair service and prescription establishments are not included as these uses do not typically need to be located as a convenience to employees where the use is not otherwise allowed. Drive-through financial institutions are currently allowed as either a special exception or an accessory service use in the I-5 and I-6 Districts, but we believe it is appropriate for this use to be reviewed as a special exception. Restaurants and Carryout Restaurants would not be associated service uses in the C-3 and C-4 Districts because the uses are allowed by right in those districts. In addition, the current permissions for health clubs and restaurants in the I-I District are not carried forward, given the limited and established nature of this district.

#### Standards

All associated service uses would be subject to the proposed standards that are incorporated as Section 4102.1.G under the General Standards in the attached document. These standards reconcile differences among the current standards and require all associated service uses to: 1) be located in the same building as the principal use; 2) not cumulatively exceed 15 percent of the building, and limit the size of individual personal service or business service establishments to a maximum of 5,000 square feet of gross floor area; 3) have hours that generally conform to the hours of the principal use,



but not to exceed 6:00 a.m. to 10:00 p.m.; and, 4) not be located in an individual dwelling unit. Associated services uses may use the parking rate for the principal use.

### Next Steps

- In late March, proposed changes to the residential, accessory, and temporary use classifications will be posted on the zMOD project website for public review. The posting will be advertised by e-mail, Facebook, and other press releases.
- County staff are available to answer questions and receive feedback on all released documents ([DPZZMODComments@fairfaxcounty.gov](mailto:DPZZMODComments@fairfaxcounty.gov)).
- Clarion Associates will return in mid-May 2019 for another round of public meetings to present a consolidated draft of the use regulations and to answer additional questions.
- Work will continue throughout 2019 to develop a complete draft of the reorganized Zoning Ordinance, with continued outreach along the way.

### Questions?

If you have questions or comments about any aspect of the zMOD project, please e-mail 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 e-mail 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/fairfaxcounty zoning/>



## ATTACHMENT 1

Existing Permissions for Indoor Commercial Recreation Uses:																
Use	Commercial Districts								Industrial Districts							
	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		
Amusement arcades							P									
Bowling alley			SP	SP		SP	P	P					SP	SP		
Commercial recreation centers																
Commercial recreation use, any other similar (indoor)							SP	SP								
Commercial recreation parks, including mechanical or motorized amusement rides/devices (indoor)							SP	SP					SP	SP		
Commercial swimming pools, tennis courts, and similar courts (indoor)			P	P	P	P	P	P								
Indoor archery ranges, fencing and other similar indoor recreation uses			SP	SP	SP		P	P								
Indoor firing ranges							SP	SP								
Indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses						SP					SP	SP	SP	SP		
Miniature golf courses, indoor			SP	SP	SP	P	P	P								
Skating facilities, indoor			SP	SP	SP	SP	P	P								
Theaters			SE	SE		P	P	P					SE	SE	SE	
Proposed Permissions:																
Commercial Recreation, Indoor			SP SE	SP SE	P	P	P	P			SP SE	SP SE	SP SE	SP SE		

## ATTACHMENT 2

## Existing Permissions for Outdoor Commercial Recreation Uses:

Use	Residential Districts													Commercial Districts								Industrial Districts							
	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	
Baseball hitting and archery ranges, outdoor			SE	SE															SE	SE	SE	SE			SE	SE	SE	SE	
Commercial recreation parks, including mechanical or motorized amusement rides/devices																					SP	SP					SP	SP	
Commercial recreation use, any other similar																					SP	SP							
Commercial swimming pools, tennis courts and similar courts			SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	
Drive-in motion picture theaters																					SE	SE					SE	SE	
Driving range		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	
Miniature golf course																				SP	SP	SP			SP	SP	SP	SP	
Miniature golf course ancillary to golf driving ranges			SE	SE																									
Skating facilities																				SP	SP	SP					SP	SP	
Skeet and trapshooting ranges		SP	SP	SP																									
Proposed Permissions:																													
Commercial Recreation, Outdoor		SP SE	SP SE	SP SE												SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE



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

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

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

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

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

applicable. When a use is being considered for approval as a special exception, the applicable special exception or special permit use standards and the standards for the specific use apply.

- (3) However, when a use is being considered for approval on a development plan in the PRC District or a final development plan in any other P district, the applicable special exception or special permit use standards are used as a guide.<sup>5</sup>
- (4) When a standard is identified as applicable to all instances of a particular use, it is a required standard rather than used as a guide.
- D. An "SE" in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with Board approval of a special exception in accordance with [reference to relocated current Article 9 procedures] and applicable use standards.<sup>6</sup>
- E. An "SP" in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with BZA approval of a special permit in accordance with [reference to relocated current Article 8 procedures] and the applicable use standards.<sup>7</sup>
- F. An "A" in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only as accessory to, in connection with, incidental to, and on the same lot with a principal use or structure that has been established in a district.<sup>8</sup> 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.
- G. 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.
- H. An "A+" in a cell of Table 4-101.3 or 4-101.4 indicates that the use can be established as an associated service use if it conforms to the applicable use standards.<sup>9</sup>
- I. If a cell in Table 4101.3 or 4101.4 contains more than one approval type, there is more than one possible way to establish the use, as referenced in the applicable use standards for the specific use. For example, when a cell contains a "P" as well as an "SE" or "SP," if the use does not meet the standards when permitted by right, it may be established with BZA or Board approval in accordance with the applicable special exception or special permit standards and procedures.
- J. A blank cell in Table 4101.3 or 4101.4 indicates that the use cannot be established in that zoning district.

## 2. Structure of the Use Classification System<sup>10</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.

<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 provision is based on Par. 1 of Sect. 2-304.

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

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

<sup>9</sup> "Associated service use" is a new name for "accessory service use."

<sup>10</sup> This new section explains the three-tiered organization of uses in the use table.



## 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>11</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
AGRICULTURAL AND RELATED USES																													
Agriculture and Related Uses: activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																													
Agricultural Operation <sup>12</sup>	P	P	P	P																									4102.2.A/*
Agritourism, Other <sup>13</sup>																													4102.2.B/*
Farm Winery, Limited Brewery, or Limited Distillery	P SE	P SE	P SE	P SE																									4102.2.C/*
Stable, Riding or Boarding <sup>14</sup>	SE SP	SE SP	SE SP	SE SP																									4102.2.D/*

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

<sup>11</sup> The R-P and I-1 districts are deleted because there is no land zoned to either district.

<sup>12</sup> Removing Agricultural Operation as a permitted use in the R-1 District is under consideration.

<sup>13</sup> This use will be finalized with a pending amendment.

<sup>14</sup> These permissions carry forward and consolidate the current permissions for "riding/boarding stables" and "veterinary hospital, ancillary to riding or boarding stables." An SE option was also added for those applications that may be in conjunction with other SE uses. An ancillary veterinary hospital is changed from not allowed in the R-A District to allowed as part of a special permit for a riding or boarding stable.



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</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			
COMMERCIAL USES																															
<b>Animal-Related Services:</b> uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals																															
Animal Shelter <sup>15</sup>	SE	SE	SE	SE															P SE	P SE	P SE	P SE							4102.5.A/*		
Kennel <sup>16</sup>	SE	SE	SE	SE															P SE	P SE	P SE	P SE			P SE	P SE	P SE	P SE	4102.5.A/*		
Pet Grooming Establishment <sup>17</sup>																			P	P	P	P							4102.5.B/*		
Veterinary Hospital <sup>18</sup>	SE	SE	SE	SE															P SE	P SE	P SE	P SE			P SE	P SE	P SE	P SE	4102.5.C/*		
<b>Food and Lodging:</b> establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less																															
Bed and Breakfast		SE	SE	SE	SE																								4102.5.D/*		
Catering <sup>19</sup>																	P	P	P	P	P	P			P	P	P	P	4102.5.E/*		
Hotel or Motel <sup>20</sup>																	P	P		SE	P	P		SE	SE	SE	SE		4102.5.F/*		
Restaurant <sup>21</sup>		SP	SP	SP								A+	A+	A+	SE A+	P	P	P	P	P	P		SE A+	SE A+	SE A+	SE A+	SE A+		4102.5.G/*		

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

<sup>15</sup> This carries forward permissions for "animal shelters," except the use is changed from not allowed in the C-5 through C-8 Districts to by right (indoor) or SE (with outdoor facilities), subject to standards.

<sup>16</sup> This carries forward the permissions for "kennel" and changes the use from only permitting indoor facilities in the C-5 through C-8 to allowing outdoor facilities in these districts with SE approval, subject to the SE standards.

<sup>17</sup> This carries forward the permissions for "personal service establishments," except the use is changed from accessory service use to not allowed in the R-12 through R-30 District, the C-1 through C-4 Districts, and the I-2 through I-6 Districts.

<sup>18</sup> This carries forward the current permissions for "veterinary hospitals," except it is changed from SP to SE use in the R-A through R-1 Districts, and it is added as an SE use if it includes outdoor facilities in the C-5 through C-8 Districts and the I-3 through I-6 Districts, subject to the SE standards for the use.

<sup>19</sup> This is newly defined as a separate use, and carries forward the permissions as a principal use of "business service and supply service establishment" and "production/processing," and it changes it from not allowed to permitted by right in the C-3 and C-4 Districts, subject to use standards. Accessory service use provisions are not carried forward for this separately defined use.

<sup>20</sup> This carries forward the permissions for "hotels, motels," except the use is changed from SE to allowed in the C-3 and C-4 Districts.

<sup>21</sup> This carries forward the current permissions for "restaurant." The special permit for older structures (Group 7) is not included in this draft, but will be revised and included in the draft for the Residential use classification. Associated service use permissions are not carried forward in the C-3 and C-4 Districts because the use is permitted by right in those districts. See also the footnote for the general standards for associated service uses. "Commercial recreation restaurants" are being deleted as a separate use because the use has been accommodated as both a restaurant and amusement arcade (indoor commercial recreation).



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</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		
Restaurant, Carryout <sup>22</sup>															A+	SE A+	P	P	P	P	P	P			A+	A+	A+	SE A+	SE A+	4102.5.H/*
Restaurant with Drive-through																			SE	SE	SE	SE					SE	SE	4102.5.I/*	
Retreat Center <sup>23</sup>					SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			SE	SE	SE				4102.5.J/*
Office and Financial Institutions: buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services																														
Alternative Lending Institution																					P	P								4102.5.K/*
Drive-through Financial Institution <sup>24</sup>																SE	SE	SE	P SE	P SE	P SE	P SE			SE	SE	SE	SE		4102.5.L/*
Financial Institution <sup>25</sup>															P	P	P	P	P	P	P	P		P	P	P	P	P		*
Office <sup>26</sup>															P SE	P SE	P SE	P SE	P SE	P SE	P SE	P SE	P	P	P	P	P	P		4102.5.M/*
Office in a Residential District <sup>27</sup>				SE	SE	SE	SE	SE	SE				SE																	4102.5.N/*
Personal and Business Services: businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals																														
Business Service <sup>28</sup>															A+	A+	A+	A+	P	P	P	P		A+	A+	A+	A+	A+		*

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

<sup>22</sup> This carries forward the permissions for "carryout restaurants." Associated service use permissions are not carried forward in the C-3 and C-4 Districts because the use is permitted by right in those districts. Standards pertaining to carryout restaurants as accessory service uses in Sections 10-202 and 10-203 are carried forward as general standards for associated service uses in Sect. 4102.1G.

<sup>23</sup> This carries forward the current permissions for "conference centers and retreat houses, operated by a religious or nonprofit organization," except the use is changed from SE to not allowed in the R-MHP District.

<sup>24</sup> This carries forward the current permissions for "drive-in financial institutions," except the use is changed from allowed as an accessory service use and SE use to only SE use the I-5 and I-6 Districts. Standards pertaining to drive-in financial institutions as accessory service uses in Sections 10-202 and 10-203 are not carried forward, except as general standards for associated service uses in Sect. 4102.1G.

<sup>25</sup> This carries forward the permissions for "financial institutions," except the use is changed from not allowed to allowed as an associated service use, subject to use-specific standards that limit it to a walk-up ATM that primarily serves a multi-family building or complex.

<sup>26</sup> This consolidates permissions from multiple current uses, including "establishment for scientific research, development, and training" and "offices." Standards for this use change the permissions for "establishments for scientific research and development" from SE use to not allowed in the R-E and R-1 Districts.

<sup>27</sup> This is a new use name for an existing office use. The permissions and standards have been brought forward, except the use is changed from SE to not allowed in the R-C and R-E Districts.

<sup>28</sup> This carries forward the permissions for "business service and supply service establishments."



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</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
Household Repair and Rental Service <sup>29</sup>																			P	P	P	P							*
Personal Service <sup>30</sup>												A+	A+		A+	A+	A+	A+	P	P	P	P		A+	A+	A+	A+	A+	4102.5.O/*
<b>Recreation and Entertainment:</b> uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members																													
Banquet or Reception Hall <sup>31</sup>															SE	SE	SE	SE	P	P	P	P							*
Campground		SP	SP	SP																									4102.5.P/*
Commercial Recreation, Indoor <sup>32</sup>																	SP	SP	P	P	P	P			SP	SP	SP	SP	4102.5.Q/*
Commercial Recreation, Outdoor <sup>33</sup>		SP	SP	SP											SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	4102.5.R/*
Entertainment, Adult <sup>34</sup>																					SP								4102.5.S/*
Entertainment, Public <sup>35</sup>																			SE	SE	SE	SE							4102.5.T/*

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

<sup>29</sup> This carries forward the permissions for "repair service establishments," except the use is changed from allowed as an accessory service use to not allowed in the C-1 through C-4 Districts and the I-2 through I-6 Districts.

<sup>30</sup> This consolidates permissions for "garment cleaning establishments" and "personal service establishments," except it is changed from allowed as an accessory service use to a multiple family dwelling to not allowed in the R-12 and R-16 Districts. The SE for a "convenience center" in R-2 through R-8 in Sect. 9-507 is not carried forward, as there have been no applications for this use. See also the footnote for the general associated service use standards.

<sup>31</sup> This is a new use.

<sup>32</sup> This consolidates permissions from multiple current uses: "amusement arcades," "bowling alley," "commercial recreation centers," "commercial recreation use, any other similar" (indoor), "commercial swimming pools, tennis courts and similar courts (indoor only)," "indoor archery ranges, fencing and other similar indoor recreational uses," "indoor firing ranges," "indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses," "miniature golf courses, indoor," "skating facilities, indoor," "theaters," and "commercial recreation parks, including mechanical or motorized amusement rides/devices" (indoor). The "summer theatres (older structures)" use is not carried forward as an SP use, but will be addressed as a temporary special permit. An SE option was also added for those applications that may be in conjunction with other SE uses. Please refer to the cover memo for a summary of the resulting changes in permissions.

<sup>33</sup> This consolidates permissions from multiple current uses: "baseball hitting and archery ranges, outdoor," "commercial recreation parks, including mechanical or motorized amusement rides/devices" (outdoor), "commercial swimming pools, tennis courts and similar courts," "drive-in motion picture theaters," "miniature golf course," "skating facilities," "skeet and trapshooting ranges," and "commercial recreation use, any other similar" (outdoor). Please refer to the cover memo for a summary of the resulting changes in permissions.

<sup>34</sup> This use consolidates the current uses "commercial nudity establishment" and "adult mini motion picture theatres."

<sup>35</sup> This is a new use that consolidates "billiard and pool halls" and "dance halls." "Dance halls" are changed from a SP to SE in the C-6 through C-8 Districts, and from not allowed to SE in the C-5 District. Permissions for billiard and pool halls are changed from SP to SE.



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</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	
Golf Course or Country Club <sup>36</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE							4102.5.U/*
Health and Exercise Facility, Large <sup>37</sup>																	P	P	P	P	P	P			SP	SP	SP	SP	*
Health and Exercise Facility, Small <sup>38</sup>															P	P	P	P	P	P	P	P		P	P	P	P		*
Marina, Commercial		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE					SE	SE	SE	SE		SE	SE	SE			4102.5.V/*
Marina, Private Noncommercial		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP					SP	SP	SP	SP		SP	SP	SP			4102.5.W/*
Quasi-public Park, Playground, or Athletic Field <sup>39</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		P SE	P SE	P SE	P SE	P SE	4102.5.X/*
Stadium or Arena																					SE	SE		SE	SE	SE	SE	SE	*
Zoo or Aquarium <sup>40</sup>			SP	SP																	SP	SP							4102.5.Y/*
Retail Sales: uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer																													
Convenience Store <sup>41</sup>												A+	A+		A+	A+	A+	A+	P SE	P SE	P SE	P SE		A+	A+	A+	SE A+	SE A+	4102.5.Z/*
Drive-through, Other <sup>42</sup>																			SE	SE	SE	P SE							4102.5.AA/*
Drive-through Pharmacy <sup>43</sup>																			P SE	P SE	P SE	P SE							4102.5.BB/*

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

<sup>36</sup> This carries forward the permissions for "golf courses, country clubs," except it is changed from SE to not allowed in the I-2 through I-6 Districts.

<sup>37</sup> This carries forward the permissions for the current use "health clubs," except the accessory service use permissions are not carried forward in the C-1 through C-4 Districts and the I-1 through I-6 Districts.

<sup>38</sup> This is a new use based on the current use "health club" and the exercise-related classes that are currently a school of special education. These permissions are the same as those for a specialized instruction center, except it has been changed from SE to not permitted in the R districts. Accessory service use permissions for "health clubs, spas, saunas, pools, tennis and similar facilities" are not carried forward in the C-1 through C-4 and I-1 through I-6 Districts.

<sup>39</sup> This carries forward the permissions for "quasi-public parks, playgrounds, athletic fields and related facilities."

<sup>40</sup> This carries forward the permissions for "zoological park," except the use is changed from not allowed to SP in the C-7 and C-8 Districts.

<sup>41</sup> This consolidates permissions for the current uses "quick-service food stores" and "retail sales establishments selling convenience merchandise," except the permissions for "quick-service food stores" are changed from allowed as an accessory service use in a multiple family dwelling to not allowed in the R-12 and R-16 Districts. The SE for a "convenience center" in the R-2 through R-8 Districts in Sect. 9-507 is not carried forward, as there have been no applications for this use. See also the footnote for the general associated service use standards.

<sup>42</sup> This carries forward the permissions for "automobile-oriented uses."

<sup>43</sup> This carries forward the current permissions for "drive-through pharmacy."



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</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		
Drug Paraphernalia Establishment																					SE								4102.5.CC/*	
Garden Center <sup>44</sup>			SE	SE	SE															P	P	P	P						4102.5.DD/*	
Pawnshop																					SE	SE	SE						*	
Retail Sales, General <sup>45</sup>																				P	P	P	P				SE	SE	SE	4102.5.EE//*
Retail Sales, Large																					P	P	P							4102.5.FF/*
Vehicle-Related Uses: uses for the maintenance, sale, or rental of motor vehicles and related equipment																														
Car Wash																				SE	SE	SE	SE			SE	SE	SE	SE	4102.5.GG/*
Commercial Off-street Parking																		SE	P	P	P	P	P		SE	SE	SE	SE	SE	4102.5.HH/*
New Vehicle Storage																		P	P		P	P	P			P	P	P	P	4102.5.II/*
Truck Rental Establishment																				SE	SE	SE	SE					P	P	4102.5.JJ/*
Vehicle Fueling Station <sup>46</sup>																		SE	SE	SE	SE	SE	SE			SE	SE	SE	SE	4102.5.KK/*
Vehicle Repair and Maintenance, Heavy																						SE						P	P	*
Vehicle Repair and Maintenance, Light																				SE	P	P	P					P	P	4102.5.LL/*
Vehicle Sales, Service, and Rental																		SE	SE		SE	SE	SE				SE	SE		4102.5.MM/*
Vehicle Transportation Services																					P	P	P				P	P	P	4102.5.NN/*

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

<sup>44</sup> This renames and carries forward the permissions for "plant nurseries," except the use is changed from not allowed to by right in the C-5 through C-8 Districts, and from an SE use to not allowed in the R-3, R-4, I-4 through I-6 Districts.

<sup>45</sup> This consolidates permissions for "auction establishments," "adult bookstores," and "retail sales establishments," with several changes. "Adult bookstores" are given the same permissions as other general retail sales, consistent with the current treatment of adult video sales, whereas the use is currently limited to the C-7 District as an SP use and must be located in a regional shopping center. The permissions for "auction establishments" are changed from SP to permitted by right in the C-8 District, with the limitation to the C-8 District addressed in the use standards. The SE for a "convenience center" in R-2 through R-8 in Sect. 9-507 is not carried forward, as there have been no applications for this use. Accessory service use permissions for "prescription establishments" in the C-1 through C-4 and I-2 through I-6 are also not carried forward. The standard for accessory retail sales in the I-1 District in Par. 3 of Sect. 5-105 is not specifically carried forward as this use could be established as an accessory use. The permission and standards for an SE for retail sales in conjunction with a warehouse is extended to the I-6 District.

<sup>46</sup> This consolidates permissions for current uses "service stations" and "service station/mini-mart". The use "service station/mini-mart" is not currently allowed in the C-3, C-4, I-3, and I-4 districts, and that limitation is carried forward in the standards for this use.



#### 4. Use Table for Planned Development Districts

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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
SE = 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		
AGRICULTURE AND RELATED USES													
Agriculture and Related Uses: activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.													
Agricultural Operation													4102.2.A/*
Agritourism, Other <sup>47</sup>													4102.2.B/*
Farm Winery, Limited Brewery, or Limited Distillery													4102.2.C/*
Stable, Riding or Boarding <sup>48</sup>		✓/SE	✓/SE										4102.2.D/*
COMMERCIAL USES													
Animal-Related Services: uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals													
Animal Shelter <sup>49</sup>			✓/SE										4102.5.A/*
Kennel <sup>50</sup>		✓	✓/SE		✓	✓			✓		✓	✓	4102.5.A/*
Pet Grooming Establishment <sup>51</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.B/*
Veterinary Hospital <sup>52</sup>		✓	✓/SE		✓	✓			✓		✓	✓	4102.5.C/*
Food and Lodging: establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less													
Bed and Breakfast		SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE						4102.5.D/*
Catering <sup>53</sup>		✓			✓	✓	✓	✓			✓	✓	4102.5.E/*

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

<sup>47</sup> This use will be finalized with the pending amendment.

<sup>48</sup> These permissions carry forward and consolidate the current permissions for "riding or boarding stables" and "veterinary hospital, ancillary to riding or boarding stables," except the use is changed from ✓/SP to ✓/SE in the PRC District for consistency.

<sup>49</sup> This carries forward the permissions for "animal shelters," but the standards now permit outdoor facilities.

<sup>50</sup> This carries forward the permissions for "kennels," but the standards now permit outdoor facilities.

<sup>51</sup> This carries forward the permissions for "personal service establishments."

<sup>52</sup> This carries forward the permissions for "veterinary hospitals," but the standards now permit outdoor facilities.

<sup>53</sup> This carries forward the permissions for "business service and supply service establishments," except the accessory service use provisions are not carried forward for this separately defined use.

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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
SE = 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		
Hotel or Motel					✓/SE	✓/SE	✓	✓			✓	✓	4102.5.F/*
Restaurant		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.G/*
Restaurant, Carryout		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓		✓/SE	✓/SE	4102.5.H/*
Restaurant with Drive-through		SE		✓/SE	✓/SE	✓/SE	✓/SE		✓			✓	4102.5.I/*
Retreat Center <sup>54</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE			✓/SE	4102.5.J/*
<b>Office and Financial Institutions:</b> buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services													
Alternative Lending Institution													4102.5.K/*
Drive-through Financial Institution <sup>55</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.L/*
Financial Institution		✓		✓	✓	✓	✓	✓			✓	✓	*
Office <sup>56</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.M/*
Office in a Residential District <sup>57</sup>													4102.5.N/*
<b>Personal and Business Services:</b> businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals													
Business Service <sup>58</sup>		✓			✓	✓	✓	✓			✓	✓	*
Household Repair and Rental Service <sup>59</sup>		✓			✓	✓	✓	✓			✓	✓	*

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

<sup>54</sup> This carries forward the permissions for "conference centers and retreat houses, operated by a religious or nonprofit organization."

<sup>55</sup> This carries forward the current permissions for "drive-in financial institutions," except it is changed from ✓ to ✓/SE in the PTC District.

<sup>56</sup> This consolidates permissions from multiple current uses, including "establishment for scientific research, development, and training" and "offices."

<sup>57</sup> This is a new use name for an existing office use. Current permissions and standards are carried forward.

<sup>58</sup> This carries forward permissions for "business service and supply service establishments."

<sup>59</sup> This carries forward permissions for "repair service establishments."



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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
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		
Personal Service <sup>60</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.O/*
<b>Recreation and Entertainment:</b> uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members													
Banquet or Reception Hall <sup>61</sup>		✓/SE			✓/SE	✓/SE	✓/SE	✓/SE			✓/SE	✓/SE	*
Campground <sup>62</sup>			✓/SE										4102.5.P/*
Commercial Recreation, Indoor <sup>63</sup>		✓/SE			✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.Q/*
Commercial Recreation, Outdoor <sup>64</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.R/*

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

<sup>60</sup> This consolidates permissions for "garment cleaning establishments" and "personal service establishments."

<sup>61</sup> This is a new use.

<sup>62</sup> This carries forward the permissions for "camp or recreation grounds."

<sup>63</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: (1) "amusement arcades" is a ✓/SE use in PDC (Secondary), PRC (Village Center and Town Center), and PTC; (2) "bowling alley" is a ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); (3) "commercial recreation centers" is a ✓/SP use in PRC (Village center and Town Center); (4) "commercial recreation parks, including mechanical or motorized amusement rides/devices" (indoor) is a ✓/SP use in PRC (Town Center and Convention/Conference Center); (5) "commercial recreation use, any other similar" (indoor) is a ✓/SE use in PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); (6) "indoor archery ranges, fencing and other similar indoor recreational uses" is a ✓/SE use in PDH (Secondary), PRM (Secondary), and PTC; (7) "indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses" is ✓/SE use in PDC (Secondary) and a ✓/SP use in PRC (Town Center and Convention/Conference Center); and (8) "theatres" is a ✓ use in PDC (Principal), PRM (Secondary), PRC (Village Center and Town Center), and PTC.

<sup>64</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: (1) "baseball hitting and archery ranges, outdoor" is ✓/SE in PRC (Residential); (2) "commercial recreation parks, including mechanical or motorized amusement rides/devices" is ✓/SP use in PRC (Town Center and Convention/Conference Center); (3) "commercial swimming pools, tennis courts and similar courts" is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); (4) "miniature golf courses" is ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC and a ✓/SP use in PRC (Village Center and Town Center); (5) "skating facilities" is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); and (6) "commercial recreation use, any other similar" (outdoor) is a ✓/SE use in PDC, PRM, PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center).



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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
SE = 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		
Entertainment, Adult <sup>65</sup>													4102.5.S/*
Entertainment, Public <sup>66</sup>					✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.T/*
Golf Course or Country Club <sup>67</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE		4102.5.U/*
Health and Exercise Facility, Large <sup>68</sup>		✓/SE			✓/SE	✓/SE			✓/SE		✓/SE	✓/SE	*
Health and Exercise Facility, Small <sup>69</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	*
Marina, Commercial <sup>70</sup>		✓/SE	✓/SE		✓/SE	✓/SE			✓/SE				4102.5.V/*
Marina, Private Noncommercial <sup>71</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE			✓/SE	4102.5.W/*
Quasi-public Park, Playground, or Athletic Field <sup>72</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE		✓/SE	✓/SE	4102.5.X/*
Stadium or Arena <sup>73</sup>									SE		SE	SE	*
Zoo or Aquarium <sup>74</sup>		✓/SE							✓/SE			✓/SE	4102.5.Y/*

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

<sup>65</sup> This use consolidates the current uses "commercial nudity establishment" and "adult mini motion pictures theatres."

<sup>66</sup> This is a new use that consolidates "billiard and pool halls" and "dance halls." The use "dance halls" is changed from not allowed to ✓/SE in the PDC and PRM Districts, and is changed from a ✓/SP to a ✓/SE in the PRC District. The use "billiard and pool halls" is changed from ✓/SE use in PDH to not allowed, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center) to ✓/SE.

<sup>67</sup> This carries forward the permissions for "golf courses, country clubs," except the use is changed from not allowed in the PRM District to ✓/SE.

<sup>68</sup> This carries forward the permissions for the current use "health club."

<sup>69</sup> This is a new use based on the current uses "health club" and "private school of special education." These permissions are the same as those for health clubs and school of special education, except it has not been included in the residential areas of the PRC District.

<sup>70</sup> This carries forward permissions for "marinas, docks, and boating facilities, commercial."

<sup>71</sup> This carries forward permissions for "marinas, docks and boating facilities of a private, nonprofit nature."

<sup>72</sup> This carries forward the permissions for "quasi-public parks, playgrounds, athletic fields and related facilities," except it is changed from not allowed to ✓/SE as a secondary use in the PRM District.

<sup>73</sup> This carries forward the permissions for "stadiums or arenas," except it is changed from not allowed to SE as a secondary use in the PDC District.

<sup>74</sup> This carries forward the permissions for "zoological park," except, with the addition of aquarium to the use, it is changed from not allowed to ✓/SE in the PDC and PTC Districts.



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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
SE = 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		
Retail Sales: uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer													
Convenience Store <sup>75</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.Z/*
Drive-through Other		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE				4102.5.AA/*
Drive-through Pharmacy <sup>76</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.BB/*
Drug Paraphernalia Establishment													4102.5.CC/*
Garden Center <sup>77</sup>		✓/SE		✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	✓/SE	4102.5.DD/*
Pawnshop												✓/SE	*
Retail Sales, General <sup>78</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.EE/*
Retail Sales, Large <sup>79</sup>					✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.FF/*
Vehicle-Related Uses: uses for the maintenance, sale, or rental of motor vehicles and related equipment													
Car Wash <sup>80</sup>				✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.GG/*
Commercial Off-street Parking <sup>81</sup>						✓			✓			✓	4102.5.HH/*
New Vehicle Storage									✓			✓	4102.5.II/*
Truck Rental Establishment					SE								4102.5.JJ/*
Vehicle Fueling Station <sup>82</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.KK/*

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

<sup>75</sup> This carries forward permissions for the current use "quick-service food stores."

<sup>76</sup> This carries forward the current permissions for "drive-through pharmacy," except it is changed from ✓ to ✓/SE in the PTC District.

<sup>77</sup> This use carries forward the use "plant nurseries," modified to emphasize retail sales. The use "plant nurseries" is not currently allowed in any of the P districts.

<sup>78</sup> This carries forward permissions for "retail sales establishments."

<sup>79</sup> This carries forward permissions for "retail sales establishments-large."

<sup>80</sup> This carries forward permissions for "car washes," except it is changed from ✓ to ✓/SE in the PTC District.

<sup>81</sup> This carries forward permissions for "parking, commercial off-street, as a principal use," except it is changed from permitted as a secondary use to not allowed in PRM District.

<sup>82</sup> This consolidates permissions for current uses "service stations" and "service station/mini-mart," except the use is changed from ✓ to ✓/SE in the PTC District. The requirement in Paragraphs 9 and 10 of Sect. 6-505 that certain uses be permitted only when specifically identified on the FDP are not carried forward, and the option for SE approval is added.

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

✓ = permitted if shown on final development plan/development plan and PRC plan;  
✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
SE = 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		
Vehicle Repair and Maintenance, Heavy <sup>83</sup>													*
Vehicle Repair and Maintenance, Light <sup>84</sup>		✓/SE			✓	✓			✓/SE			✓/SE	4102.5.LL/*
Vehicle Sales, Service, and Rental <sup>85</sup>						✓	✓		✓		✓	✓	4102.5.MM/*
Vehicle Transportation Services						✓	✓		✓		✓	✓	4102.5.NN/*

\*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>86</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];

<sup>83</sup> This carries forward permissions for current use "vehicle major service establishments."

<sup>84</sup> This carries forward permissions for current use "vehicle light service establishments," except it is changed from ✓ to ✓/SE in the PTC District.

<sup>85</sup> This carries forward permissions for current use "vehicle sale, rental and ancillary service establishments."

<sup>86</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.



the sign regulations in [new reference for Article 12]; and the landscaping and screening regulations in [new reference for Article 13].<sup>87</sup>

- (3) All uses except Extraction Activities must comply with the performance standards in [new reference for Article 14].<sup>88</sup>
- (4) Before establishment, uses, including any modifications or alterations to an existing use, are subject to the provisions of [reference to relocated current Article 17, Site Plans].<sup>89</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>90</sup>

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## **C. Standards for Uses in Commercial Zoning Districts<sup>91</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>92</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>93</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 must be only on the same lot with and ancillary to an established permitted, special exception, or special permit use;
  - (b) The use is limited to 500 square feet of accessory outdoor storage and display in accordance with [reference to relocated current Sect. 17-104]; however, additional

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<sup>87</sup> This consolidates the references to additional regulations that are repeated for each district.

<sup>88</sup> Carries forward provisions from Sections 14-101 and 14-102, and other repeated references.

<sup>89</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>90</sup> Consolidates a use limitation repeated for each residential district.

<sup>91</sup> This carries forward use standards that apply district-wide from Sections 4-105, 4-205, 4-305, 4-405, 4-605, 4-705, and 4-805. The curb cut standards for C-5 through C-8 are deleted because they are not currently used and are inconsistent with PFM and VDOT standards.

<sup>92</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>93</sup> This extends the provisions for outdoor seating to a craft beverage production establishment.



storage and display may be permitted if designated on an approved development plan or site plan;<sup>94</sup> and

(c) In addition to the standards above, the following apply to the C-8 District:

1. The limitations on outdoor storage in Paragraph (c) above do not preclude outdoor storage by a contractor's office and shop.
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>95</sup>

(1) The following are not allowed in the minimum required yards:<sup>96</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 and associated canopies 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>97</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 and the approved PRC Plan as required by [reference to relocated Sect. 16-202].

(2) In any other P district, all uses permitted under a final development plan must be in substantial conformance with the approved final development plan as required by [reference to relocated Sect. 16-403].<sup>98</sup>

(3) Additional standards that apply to groups or categories of uses in the establishment of a planned district are in [references to each district section].<sup>99</sup>

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<sup>94</sup> Revised to reflect recent ZOAs and to reference approval on a development plan. The standards specifying that storage is limited to certain types of items are not carried forward.

<sup>95</sup> This carries forward provisions in Sections I-105, I-205, I-305, I-405, I-505, and I-605.

<sup>96</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>97</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>98</sup> Consolidates Par. 4 of Sections 6-106, 6-206, 6-305, 6-505, and Par. 11 of Sect. 6-406.

<sup>99</sup> This reference is to planned district standards in Article 2: Zoning Districts that cover larger types or categories of uses (e.g., principal and secondary uses in Par. 5 of Sect. 6-206 and "secondary uses of a commercial and office

## **F. Standards for Special Exception and Special Permit Uses<sup>100</sup>**

- (1)** In addition to all other applicable standards, all special exception or special permit uses must comply with the following general standards:
  - (a)** The proposed use at the specified location must be in harmony with the adopted comprehensive plan.
  - (b)** The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.
  - (c)** The proposed use, by its nature, design, or operational characteristics,<sup>101</sup> must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations. The location, size and height of buildings, structures, walls, and fences, as well as the nature and extent of screening, buffering and landscaping cannot hinder or discourage the appropriate development and use, or impair the value of, adjacent or nearby land or buildings.
  - (d)** Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
  - (e)** Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.
  - (f)** Signs are regulated by *[reference to relocated current Article 12]*; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.
- (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.

nature" in Par. 5 of Sect. 6-106). Standards that apply to specific uses (e.g., "kennels and veterinary hospitals" in Par. 9 of Sect. 6-106) are included in this Article.

<sup>100</sup> This combines the general standards in Sections 8-006 and 9-006.

<sup>101</sup> This part of the standard is derived from Sect. 9-505, which currently applies to certain commercial uses. It is made applicable here to the review of all SP and SE uses. Provisions on operational standards are stated here to avoid the need to restate them for each use to which they apply.



## G. Standards for Associated Service Uses<sup>102</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 be located in the same building as the principal use.
  - (b) The combined gross floor area of all associated service uses must not exceed 15 percent of the gross floor area of the building. In addition, each individual personal service or business service establishment may not exceed 5,000 square feet of gross floor area.
  - (c) When located in a multifamily building, the associated service use may not be located within an individual dwelling unit.
  - (d) In the C-1, C-2, C-3, C-4, I-2, I-3, I-4, I-5, and I-6 Districts, the hours of operation must generally conform to the business hours of the principal use, but may not exceed 6:00 a.m. to 10:00 p.m.
  - (e) An associated service use may use the parking rate for the principal use.

## 2. Agriculture and Related Uses

### Agriculture and Related Uses

#### A. Agricultural Operation<sup>103</sup>

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

#### B. Agritourism, Other<sup>104</sup>

*[standards to be inserted]*

<sup>102</sup> This carries forward provisions in Sections 10-203, 5-105, and Par. 22 of Sect. 11-102 that apply to accessory service uses, with modifications. Revisions include (1) deleting accessory service uses from the R-12 and R-16 districts based on the density and that Non-RUPs have not been issued for such uses; (2) deleting the standard that the use be oriented to cater primarily to the residents or employees of the principal use with which they are associated; (3) deleting the current option for accessory service uses in a multifamily building in PDH, PDC, and PRC because the uses are allowed in those districts; (4) deleting options for the use to be in a freestanding building; (5) deleting limitations regarding which floor of a building the use may be located on; (6) revising the maximum percentage to be based on the building instead of the development to be consistent with the current parking standard; (7) adding a maximum size for personal and business service establishments of 5,000 square feet; (8) deleting accessory service uses in the I-I District and related standards; (9) deleting the minimum number of units in a multifamily building; (10) reducing the types of uses that may be approved as associated service uses; and (11) generalizing and expanding the standard for hours of operation.

<sup>103</sup> This consolidates standards from Sections 3-A02, 3-C02, and the use limitations in multiple sections in Article 3 (e.g., Sect. 3-A05).

<sup>104</sup> This section will be completed after the pending amendment is finalized.

### C. Farm Winery, Limited Brewery, or Limited Distillery <sup>105</sup>

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

- (1) A farm winery, limited brewery, or limited distillery must be located on one of the following:
  - (a) A minimum of 20 acres of contiguous land used for an agricultural operation that is under common ownership; or
  - (b) A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a farm winery, limited brewery, or limited distillery before December 7, 2016, where such license is ultimately approved.
- (2) A farm winery, limited brewery, or limited distillery is only allowed subject to the following:
  - (a) A valid license for the use was issued from the Virginia Alcoholic Beverage Control Board prior to July 1, 2016. All structures, buildings, and uses were existing on July 1, 2016, and the use does not cease for a continuous period of two years or more. Any new or expanded structures, buildings, or uses require special exception approval in accordance with Paragraph (3) below; or
  - (b) A license application for the use was filed with the Virginia Alcoholic Beverage Control Board prior to July 1, 2016, and such license is subsequently approved. The use may not commence until a special exception is approved.
- (3) Any expansion of existing structures, buildings, or uses or construction of new buildings or structures associated with the use requires special exception approval in accordance with [reference to SE procedure], and must comply with the following additional standards:
  - (a) All loading/unloading areas must be located at least 50 feet from all lot lines and 100 feet from all principal structures on adjacent properties, unless modified by the Board.
  - (b) All loading/unloading areas must be screened from view of any adjacent dwelling.
  - (c) For any new or expanded publicly accessible buildings or structures, the owner or applicant must submit plans certified by a structural engineer. The engineer must also certify to the structural integrity of the building, once the construction is complete. Such certified plans must be kept by the applicant and made available to the County for review upon request.
- (4) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed in accordance with the following standards:
  - (a) At any one time, up to 200 guests are allowed, or, if the primary access is from a major thoroughfare<sup>106</sup>, up to 300 guests are allowed, with no limit to the number or duration of events.

<sup>105</sup> This carries forward standards in the definitions in Article 20, and Sections 9-602 and 9-630 and portions of Sect. 3-C02. Submission requirements will be included in the article on procedures. Requirements addressed by general standards are not repeated.

<sup>106</sup> This is a change from "major arterial," as that functional classification of roadway does not exist.



- (b) The number of guests may exceed the limit established in paragraph (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.
- (c) Events or activities must not include any of the following, unless modified by the Board in accordance with *[special exception procedure]*:<sup>107</sup>
  - 1. Helicopter rides;
  - 2. Fireworks displays;
  - 3. Antique/flea markets;
  - 4. Go-cart/all-terrain vehicle tracks;
  - 5. Mechanized amusement park rides;
  - 6. Hot air balloons;
  - 7. Lodging;
  - 8. Spa services;
  - 9. The operation of a commercial restaurant requiring approval by the Health Department; or
  - 10. Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.
- (d) The Board may approve a special exception for the hosting of public or private events or activities which exceed the maximum number of guests, or the number or duration of events or activities stated in Paragraphs (4)(a) and (4)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:
  - 1. The number of attendees;
  - 2. The type, number, location, and duration of allowable activities;
  - 3. The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
  - 4. The days and hours of such activities;
  - 5. The use of lighting or amplified sound systems; and
  - 6. The amount of parking available to accommodate the activity.
- (e) Sales and tastings as part of the regular course of business, or accessory musical accompaniment or entertainment are not considered to be a public or private event or activity.

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

- (5) A farm winery, limited brewery, or limited distillery must be located on one of the following:
  - (a) A minimum of 20 acres of contiguous land used for an agricultural operation that is under common ownership; or
  - (b) A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a

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<sup>107</sup> These standards may be revised as a part of a pending Zoning Ordinance Amendment for agritourism uses.

farm winery, limited brewery or limited distillery before December 7, 2016, where such license is ultimately approved.

- (6) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed, as follows:
- (a) At any one time, up to 200 guests are allowed, or, if the primary access is from a major thoroughfare, up to 300 guests are allowed, with no limit to the number or duration of events.
  - (b) The number of guests may exceed the limit established in paragraph (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.
  - (c) Events or activities must not include any of the following, unless modified by the Board in accordance with *[reference to special exception procedure]*:<sup>108</sup>
    - 1. Helicopter rides;
    - 2. Fireworks displays;
    - 3. Antique/flea markets;
    - 4. Go-cart/all-terrain vehicle tracks;
    - 5. Mechanized amusement park rides;
    - 6. Hot air balloons;
    - 7. Lodging;
    - 8. Spa services;
    - 9. The operation of a commercial restaurant requiring approval by the Health Department; or
    - 10. Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.
  - (d) The Board may approve a special exception for the hosting of public or private events or activities which exceed the maximum number of guests, or the number or duration of events or activities stated in Paragraph (6)(a) and (6)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:
    - 1. The number of attendees;
    - 2. The type, number, location, and duration of allowable activities;
    - 3. The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
    - 4. The days and hours of such activities;
    - 5. The use of lighting or amplified sound systems; and
    - 6. The amount of parking available to accommodate the activity.
  - (e) Sales and tastings as part of the regular course of business, or accessory musical accompaniment or entertainment are not considered to be a public or private event or activity.

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<sup>108</sup> These standards may be revised as part of a pending Zoning Ordinance Amendment for agritourism uses.



## D. Stable, Riding or Boarding

Standards when permitted by special exception or special permit:<sup>109</sup>

- (1) When an application for a riding or boarding stable is in conjunction with a rezoning or other action before the Board, the use may be approved as either a special exception in accordance with *[reference to special exception procedure]* or a special permit in accordance with *[reference to special permit procedure]*, at the discretion of the applicant.
- (2) The minimum lot size is two acres for a riding or boarding stable where six, seven, or eight horses or ponies are kept, and five acres for a riding or boarding stable where nine or more horses or ponies are kept. This does not include any horses or ponies owned by the resident of the property.
- (3) Except for light poles and fences, all structures and riding rings associated with a riding or boarding stable must be located a minimum of 100 feet from all lot lines.
- (4) All off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining property in an R district.
- (5) The Board or BZA may modify or waive the setback requirements of Par. (2) or Par. (3) above as follows:
  - (a) For stable structures, riding rings, and associated parking and loading spaces established on the lot after September 29, 2010, the BZA may reduce the 100-foot setback required in Par. (2) above to not less than 40 feet, and may reduce the 50-foot setback required in Par. (3) above to not less than 20 feet.
  - (b) For stable structures, riding rings, and associated parking and loading spaces existing on the lot prior to September 29, 2010, the BZA may modify or waive the 100-foot setback required in Par. (2) above and the 50-foot setback required in Par. (3) above.
  - (c) The applicant must demonstrate that the setback(s) are not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:
    1. Specific operational characteristics of the riding or boarding stable, such as limits on the number of horses, students and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; odor mitigation; and amount and type of outdoor activity.
    2. Conditions that adequately buffer adjacent properties from the riding or boarding stable, which may include but are not limited to: topography, vegetation, location or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, or existence of roads or major utilities.
- (6) A riding or boarding stable may include a veterinary hospital if the hospital complies with the following requirements:
  - (a) All facilities must be within a completely enclosed building.
  - (b) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.

<sup>109</sup> These standards are carried forward from the definition in Article 20, and Sections 8-603, 8-609, and 8-611.



Standards when permitted as an accessory use:

- (7) A riding or boarding stable is allowed as an accessory use in accordance with [reference accessory use standards for keeping of animals], and horseback riding lessons are allowed in accordance with [reference accessory use standards for home occupations].

### 3. Commercial Uses

#### Animal-related Services

##### A. Animal Shelter or Kennel <sup>110</sup>

Standards when permitted by right:

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

Standards when permitted by special exception:

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

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<sup>110</sup> This carries forward standards in Sect. 9-530, as well as limitations on outdoor facilities located in multiple sections in the current regulations. Standards requiring soundproofing and limiting odors are not carried forward due to the difficulty of enforcing these standards. Prohibiting outdoor facilities in the commercial and P districts is not carried forward; instead, the SE standards for outdoor facilities that currently apply in the residential and industrial districts are extended to the commercial and P districts. This section includes a new requirement that animals must be kept indoors between 10:00 p.m. and 7:00 a.m.

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## B. Pet Grooming Establishment<sup>111</sup>

Standards applicable to all pet grooming establishments:

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

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## C. Veterinary Hospital<sup>112</sup>

Standards applicable to all veterinary hospitals:

- (1) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.

Standards when permitted by right:

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

Standards when permitted by special exception:

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

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## Food and Lodging

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### D. Bed and Breakfast<sup>113</sup>

Standards when permitted by special exception:

- (1) A bed and breakfast must be located within a single family detached dwelling unit, which may include residential accessory structures. Any alterations of structures must not alter their exterior appearance from that of a dwelling or residential accessory structure.
- (2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.
- (3) All off-street parking and loading spaces must be located outside of minimum required side and rear yards that abut a residential district.
- (4) A maximum of three off-street parking spaces may be located within the minimum required front yard, except the Board may authorize additional parking spaces within the required

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<sup>111</sup> These are new standards for a new use.

<sup>112</sup> This carries forward provisions in Sect. 8-911 and in multiple locations under commercial, industrial, and planned development districts (e.g., Sect. 4-505). Standards requiring soundproofing and limiting odors are not carried forward due to the difficulty of enforcing these standards. Standards pertaining to home professional offices (Sect. 8-907) which are currently referenced in Sect. 8-911, are not carried forward for this use.

<sup>113</sup> This carries forward Sect. 9-526 and the requirement in the current definition of "bed and breakfast" for location in a single family detached dwelling unit. It does not include the requirement for the Board to determine that the use does not impact surrounding properties (Par. 1 of Sect. 9-526) because that standard is included in the general standards for a special exception.



front yard if the proposed additional parking spaces will not adversely affect the character of the surrounding residential area.

- (5) All off-street parking spaces must be screened to minimize adverse impacts on adjacent residential properties.

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#### **E. Catering<sup>114</sup>**

Standards when permitted by right:

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

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#### **F. Hotel or Motel<sup>115</sup>**

Standards applicable to all hotels or motels:

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

Standards when permitted by special exception:

- (2) In industrial districts, a hotel or motel must be part of an industrial building complex containing a minimum of 100,000 square feet of gross floor area.

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#### **G. Restaurant<sup>116</sup>**

Standards applicable to all restaurants:

- (1) A maximum of 15 percent of the square footage of the area accessible to the public or 250 square feet, whichever is larger, may be used for accessory entertainment, as determined by the Zoning Administrator, such as dancing, billiards, live entertainment including recorded music with a DJ, or other similar uses. Any entertainment activity that exceeds these limitations is considered public entertainment.<sup>117</sup>

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<sup>114</sup> Catering is a newly-defined principal use. Catering establishments up to 5,000 square feet are currently defined as "business service and supply service establishments," which are not permitted as a principal use in C-3 and C-4. This draft allows catering in those districts, subject to the same size limit for "small-scale production establishments."

<sup>115</sup> This carries forward Sect. 9-512 and the standards pertaining to restaurants as an accessory use in the definition of the current use in Sect. 20-300.

<sup>116</sup> This carries forward provisions from Sections 8-703, 8-705, 9-505, 10-203, and 20-300, with modifications noted below. The provisions in Sect. 9-506 (commercial recreation restaurant standards) are not incorporated here and are proposed to be deleted.

<sup>117</sup> This modifies the standard in the current definition of "restaurant" (see Sect. 20-300), which limits space for dancing to 1/8 of the floor area available for dining and applies the new standard to all entertainment accessory uses and adds a requirement for Zoning Administrator determination.



- (2) Hookah may be offered only in conjunction with a restaurant use until 10:00 p.m. or as shown on an approved development plan, and while food is being served. A hookah lounge operated as a principal use or in conjunction with entertainment that exceeds the amount allowed in accordance with Paragraph (1) is considered a public entertainment use.

Standards when permitted by special exception:<sup>118</sup>

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

Standards when permitted as an associated service use:<sup>119</sup>

- (8) In the R-20 and R-30 Districts, a restaurant is allowed as an associated service use if it primarily serves a multifamily building or complex.

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## H. Restaurant, Carryout

Standards when permitted by special exception:<sup>120</sup>

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

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<sup>118</sup> This carries forward provisions from Paragraphs 1 and 5 of Sect. 9-505. Standards from Par. 1D and 5B of Sect. 9-505 are included in the general special exception criteria and are not carried forward separately in this section.

<sup>119</sup> This carries forward Par. 1 of Sect. 10-202 but deletes the minimum number of dwelling units. See also the footnote for general standards for associated service uses. Provisions in Par. 2 of Sect. 10-202 and use limitations in Sect. 10-203 pertaining to restaurants that are not carried forward as general standards are not carried forward.

<sup>120</sup> This carries forward provisions from Sect. 9-505.

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

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## **I. Restaurant with Drive-through<sup>121</sup>**

Standards when permitted by right:

- (1)** In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>122</sup>

Standards when permitted by special exception:

- (2)** The use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3)** The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4)** The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5)** Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6)** In the commercial districts, there must be no outdoor storage or display of goods offered for sale.
- (7)** In the I-5 and I-6 Districts, the use must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).
- (8)** In the PDH District, a restaurant with drive-through must comply with the following additional standards:
  - (a)** The use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.
  - (b)** The use must be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.
  - (c)** All direct vehicular access to the use must be provided via the internal circulation system of a commercial area of the PDH development.<sup>123</sup>

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<sup>121</sup> This carries forward provisions from Sections 7-608 and 9-505. Par. 1D of Sect. 9-505 is addressed in the general SE standards, and the requirement in Par. 6A(3) of Sect. 9-505 for three non-automobile-related uses in the PDH District is not carried forward.

<sup>122</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts.

<sup>123</sup> The requirement that the PDH development contain at least three non-automobile-related commercial establishments is not carried forward (see Par. 9-505.6.A(3)).



- (d) The proposed development must provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.
- (9) When located in the Highway Corridor Overlay District, a restaurant with drive-through is only allowed in accordance with [reference to special exception procedure] and must comply with the following additional standards:<sup>124</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

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#### J. Retreat Center<sup>125</sup>

Standards when permitted by special exception:

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

### Office and Financial Institutions

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#### K. Alternative Lending Institution<sup>126</sup>

Standards when permitted by right:

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

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#### L. Drive-through Financial Institution<sup>127</sup>

Standards when permitted by right:

- (1) In the C-5, C-6, C-7, and C-8 Districts, drive-through financial institutions are allowed only when located within a shopping center building that complies with the following standards:
  - (a) The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.

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<sup>124</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>125</sup> This carries forward Sect. 9-305, except the current standard requires a minimum setback of 100 feet from all lot lines that abut the RA through R-4 Districts.

<sup>126</sup> This carries forward Sect. 4-705 and 4-805.

<sup>127</sup> This carries forward provisions pertaining to drive-in financial institutions in Sections 4-505, 4-605, 4-705, 4-805, 6-505, 7-608, and 9-505.



- (b) The building is subject to an approved unified site plan, and vehicular access to the drive-through financial institution is provided only via the internal circulation system of the shopping center.
- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>128</sup>

Standards when permitted by special exception:<sup>129</sup>

- (3) The institution must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (5) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (6) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (7) In the C-3 and C-4 Districts, the use must not have a separate and exclusive curb cut access to an abutting highway.
- (8) When located in the Highway Corridor Overlay District, a drive-through financial institution is only allowed in accordance with [reference to special exception procedure] and must comply with the following additional standards:<sup>130</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

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## M. Office<sup>131</sup>

Standards applicable to all office:

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

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<sup>128</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts

<sup>129</sup> This carries forward provisions from Sect. 9-505, except Par. 1.D is carried forward in the general special permit and special exception standards. Outdoor storage standards are addressed with the general district standards.

<sup>130</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>131</sup> This carries forward Sections 4-505, 4-605, 4-705, 4-805, 5-205, 5-305, 5-405, 9-515, and 9-509. The distinction between offices that allow display and sales of scientific, electronic, or medical equipment of a type not customarily retailed to the general public (allowed in the C-1 through C-4 District) and those that do not is not carried forward.

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

- (2) In commercial and industrial districts and in the PDC and PTC Districts,<sup>132</sup> an office may include laboratory facilities, pilot plants, prototype production, and the assembly, integration, and testing of goods and products, if the use complies with the following standards:<sup>133</sup>
- (a) The use of radioactive or explosive materials, or toxic or hazardous materials as set forth in Title 40, Code of Federal Regulations, Parts 116.3 and 261.30, et. seq., is not allowed.
  - (b) The mass production or manufacturing of goods or products for sale is not allowed, except as part of a production or processing facility.
  - (c) In commercial districts, and in the PDC and PTC Districts, unless modified by the Board, the laboratory facilities, pilot plants, prototype production, and assembly, integration, and testing of goods and products must occur only within a completely enclosed building.

Standards when permitted by special exception:<sup>134</sup>

- (3) The maximum percentage of office may be increased above that allowed in Par. (1) above in accordance with [reference to special exception procedure] up to 50 percent in the C-5 and C-6 Districts, to exceed 50 percent in the C-7 District, and up to 75 percent in the C-8 District. For the purpose of any increase in percentage approved by the Board, the maximum FAR means the maximum FAR permitted by right in the applicable zoning district, or as increased by special exception in accordance with [reference to relocated Sect. 9-618].<sup>135</sup>

<sup>132</sup> Scientific research and development has been subsumed into and is now allowed as part of the office use. This changes scientific research and development from an SE use to by right in C-1 through C-4, C-7 and C-8, subject to use standards; and is changed from not allowed to by right in C-5, C-6, and I-I. In the commercial districts the size limit established in the standards may be exceeded with special exception approval.

<sup>133</sup> These standards are adapted from the SE standards for 9-509. Current distinctions on whether scientific research and development may include incidental assembly, integration, etc., are not carried forward. County staff and Clarion are continuing to explore additional distinctions for laboratory activities, which may be included in the standards for this use in a future draft.

<sup>134</sup> This carries forward provisions in Sect. 9-515 pertaining to offices and Sections 9-502 and 9-509 pertaining to establishments for scientific research and development.

<sup>135</sup> Carries forward the FAR increase provisions from Article 4 and 9-515.



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## **N. Office in a Residential District<sup>136</sup>**

Standards when permitted by special exception:

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

## **Personal and Business Services**

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### **O. Personal Service<sup>137</sup>**

Standards for all personal service uses:

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

Standards when permitted as an associated service use:

- (2)** In the R-20 and R-30 Districts, a personal service use is allowed as an associated service use if it primarily serves a multifamily building or complex.

## **Recreation and Entertainment**

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### **P. Campground<sup>138</sup>**

Standards when permitted by special permit:

- (1)** The minimum lot size is 20 acres.

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<sup>136</sup> This is a new name for an existing use. These standards are carried forward from Sect. 9-515. Permissions for the use have been changed from SE to not allowed in the R-C and R-E Districts.

<sup>137</sup> "Personal service establishments" and "garment cleaning establishments" have been consolidated. Provisions included in the current definition for "garment cleaning establishment" are carried forward. Also, the standard in Par. 1 of Sect. 10-202 for accessory service uses is carried forward, but the minimum number of dwelling units is deleted. See also the footnote for the general standards for associated service uses.

<sup>138</sup> This carries forward Sections 8-603 and 8-605, except the requirement pertaining to Health Department requirements, which is subsumed in a general use standard. The requirement for submission of a sports illumination plan will be included in Article 8: Administration and Procedures.

- (2) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.
- (3) Except for light poles, all structures and camp sites must be located a minimum of 100 feet from all lot lines.
- (4) Accessory activities may include picnicking, boating, fishing, swimming, outdoor games, and other similar sports and activities, but not golf driving ranges or any mechanical amusement device.

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#### Q. Commercial Recreation, Indoor<sup>139</sup>

Standards applicable to all indoor commercial recreation uses:

- (1) Indoor recreation uses that involve the discharge of a firearm must be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities.<sup>140</sup>

Standards when permitted by right:<sup>141</sup>

- (2) In the C-5 District, the maximum size of an indoor commercial recreation establishment is 6,000 square feet of gross floor area.

Standards when permitted by special exception or special permit:

- (3) When an application for an indoor commercial recreation use is in conjunction with a rezoning or other action before the Board, the recreation use may be approved as either a special exception in accordance with [reference to special exception procedure] or a special permit in accordance with [reference to special permit procedure], at the discretion of the applicant.

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#### R. Commercial Recreation, Outdoor<sup>142</sup>

Standards when permitted by special permit:

- (1) Commercial outdoor recreation uses in the R-C, R-E, and R-1 Districts are limited to ropes courses, paintball, firing ranges, skeet and trapshooting ranges, and similar uses and must comply with the following standards:<sup>143</sup>
  - (a) Off-street parking and loading spaces must be located at least 50 feet from any adjacent residentially-zoned property.

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<sup>139</sup> This carries forward Sections 8-503 and 9-504. Standards pertaining to amusement arcades in Sect. 9-504 and Sect. 4-705 are not carried forward. The setback in Sect. 8-503 is not carried forward for indoor uses. The option for an SE or SP is new.

<sup>140</sup> This is a new standard.

<sup>141</sup> This standard is carried from current C-5 District standards.

<sup>142</sup> This carries forward provisions from Sections 8-504, 8-603, 8-610, 9-527, 9-531, and 9-624, except distinctions between SP and SE use standards are not maintained for this use which consolidates several current uses, and all standards are consolidated as SE standards.

<sup>143</sup> This changes the permissions for baseball hitting ranges, archery ranges, commercial swimming pools, tennis courts and other courts from an SE or SP to not allowed in the R-E and R-1 Districts. Paintball is included here, as it has been interpreted to be most similar to trapshooting. Standards in Sect. 8 610 are carried forward, except compliance with state and county law is addressed in the general use standards.



- (b) All structures associated with the use, except light poles, must be located a minimum of 100 feet from all lot lines.
- (2) In approving a special permit for the use, the BZA may include conditions of approval addressing safety and noise factors.
- (3) The minimum lot area for ropes courses is 10 acres.
- (4) The minimum lot area for paintball is 25 acres.
- (5) The minimum lot area for firing ranges and skeet and trapshooting ranges is 75 acres.
- (6) Firing ranges must comply with the following standards:<sup>144</sup>
  - (a) Backstops having a minimum height of 20 feet are required behind all target lines.
  - (b) Supplemental barriers must be provided as needed to contain all projectiles within the boundaries of the range and to minimize noise exiting the site.
  - (c) The owners, operators, tenants, or occupants of the site must implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

**Standards when permitted by special exception:**

- (7) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>145</sup>
- (8) Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (14) below, all structures used in connection with the outdoor recreation use must be located a minimum of 100 feet from any lot line.<sup>146</sup>
- (9) If the use involves mechanical or motorized rides, the following standards apply:<sup>147</sup>
  - (a) The minimum lot size is five acres.
  - (b) The use must have frontage on a public street of sufficient capacity to provide safe access and to convey the anticipated traffic associated with the proposed use, as shown by a traffic impact statement provided by the applicant.
  - (c) All mechanical or motorized rides must be located a minimum of 200 feet from any adjoining residentially-zoned property, unless the applicant demonstrates to the Board's satisfaction that the existing topography of the site or the provision of noise attenuation measures will adequately mitigate any sound and visual impacts created by the use.
  - (d) In reviewing an application, the Board will take into consideration factors such as safety, noise, glare, and traffic and impose conditions to ensure that the use will be compatible with and not adversely impact the adjacent properties.

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<sup>144</sup> These are new standards

<sup>145</sup> This carries forward a provision repeated in Sections 8-603, 9-527, and 9-531. This standard does not currently apply to Group 5 special permit uses ("commercial recreation parks," "commercial swimming pools, tennis courts, and similar courts," "miniature golf courses," and "skating facilities").

<sup>146</sup> This carries forward a standard from 9-527 (outdoor baseball hitting and archery ranges) and applies it generally to outdoor commercial recreation uses.

<sup>147</sup> This carries forward Sect. 8-504.

- (10) Baseball hitting and archery ranges must have a minimum lot area of two acres.<sup>148</sup>
- (11) Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (14) below, all structures that are used in connection with a golf driving range must be located 100 from all lot lines.
- (12) A golf driving range is only allowed in the R-C, R-E, R-1, C-5, C-6, C-7, C-8, I-3, I-4, I-5, I-6, PDH, PRC Residential Development Areas, and PDC Districts. In the R-C, R-E, and R-1 Districts, the minimum lot size is 15 acres.<sup>149</sup>
- (13) Miniature golf as an ancillary use to a golf driving range must comply with the following standards:<sup>150</sup>
- (a) The miniature golf facility must be located and oriented to the interior of the site such that the use is not visible from any abutting roadway and must be adequately screened to mitigate impacts on adjacent properties. In the R E and R 1 Districts, the use may not include the use of sound emitting features.
  - (b) In reviewing an application for a special exception, the Board will take into consideration factors such as noise, lighting, and traffic and impose any necessary conditions to ensure that the use will be ancillary to the principal golf driving range use and will also be compatible with and not adversely impact adjacent properties.<sup>151</sup>
- (14) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for an outdoor sports facility, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for outdoor playing fields, courts, or driving ranges designed to preclude the flight of balls or other sports equipment onto adjacent property or right-of-way, in accordance with the following requirements:<sup>152</sup>
- (a) If a proposed containment structure is for a new facility, the use must be oriented and designed to minimize the height needed for the containment structure.
  - (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d) Signs may not be affixed to containment structures.
  - (e) To the extent practical, containment netting must be removed when the facility is not in use due to seasonal changes or other factors.
  - (f) A containment structure may be located on an adjacent lot, whether or not there is a principal use located on the lot.

<sup>148</sup> This provision is from Sect. 9-527.

<sup>149</sup> This creates a new minimum acreage requirement in the R-C, R-E, and R-1 Districts.

<sup>150</sup> This carries forward Sect. 9 531. The 100-foot setback is not carried forward for this use. The minimum lot size is established for a golf driving range in the standard above and is made consistent with the golf course size standard.

<sup>151</sup> The reference to dust is deleted as not relevant.

<sup>152</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since the standards are included in this draft under a commercial use.



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## S. Entertainment, Adult

Standards when permitted by special permit:<sup>153</sup>

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

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## T. Entertainment, Public

Standards applicable to all public entertainment uses:<sup>154</sup>

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

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## U. Golf Course or Country Club<sup>155</sup>

Standards when permitted by special exception:

- (1) A golf course or country club must have a minimum lot area of 15 acres.<sup>156</sup>
- (2) Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (5) below, all structures that are used in connection with a golf course or country club, must be located a minimum of 50 feet from all lot lines.
- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>157</sup>
- (4) A golf course may include an accessory driving range; however, when a driving range is not accessory to a golf course, it is an outdoor commercial recreation use.
- (5) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a golf course, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for golf courses designed to preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>158</sup>

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<sup>153</sup> This carries forward the current permissions for “adult mini motion picture theaters” and “commercial nudity establishments” and groups the uses under the use “adult entertainment.” It carries forward standards from Sect. 8-904 and 8-906.

<sup>154</sup> These standards are new.

<sup>155</sup> This carries forward Par. 1 or Sect. 9-528.

<sup>156</sup> This carries forward Par. 1 of Sect. 9-528.

<sup>157</sup> This carries forward Par. 3 of Sect. 9-528.

<sup>158</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

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

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#### **V. Marina, Commercial<sup>159</sup>**

Standards when permitted by special exception:

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

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#### **W. Marina, Private Noncommercial**

Standards when permitted by right or by special permit:<sup>160</sup>

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

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#### **X. Quasi-public Park, Playground, or Athletic Field**

Standards when permitted by right:

- (1) In the commercial and industrial districts, a quasi-public park, playground, or athletic field is allowed subject to the following:<sup>161</sup>
  - (a) The use is allowed on an interim basis for up to five years; however, upon request by the property owner, extensions of up to five years each may be approved by the Board.
  - (b) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
  - (c) The use of lighting or loudspeakers for the athletic field or related facilities is not allowed.
  - (d) Transitional screening is required if determined necessary by the Director.

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<sup>159</sup> This carries forward the standards in Sect. 9-513.

<sup>160</sup> This applies the SP standards in planned districts, where they now serve as a guide.

<sup>161</sup> This carries forward the use limitations repeated in multiple sections for this use in Articles 4 and 5.



- (e) Parking must be provided on-site. If the use is located on the same site as another use, the Director may allow existing off-street parking to serve the use if the hours of operation of the two uses do not coincide.

Standards when permitted by special exception:

- (2) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
- (3) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a quasi-public park, playground, or athletic field, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for quasi-public park, playground, or athletic field designed to preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>162</sup>
  - (a) If a proposed containment structure is for a new quasi-public park, playground, or athletic field, the quasi-public park, playground, or athletic field must be oriented and designed to minimize the height needed for the containment structure.
  - (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d) Signs may not be affixed to containment structures.
  - (e) To the extent practical, containment netting must be removed when the outdoor sports facility is not in use due to seasonal changes or other factors.
  - (f) A containment structure may be located on a lot adjacent to a quasi-public park, playground, or athletic field, whether or not there is a principal use located on the lot.

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## Y. Zoo or Aquarium<sup>163</sup>

Standards applicable to all zoos and aquariums:<sup>164</sup>

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

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<sup>162</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

<sup>163</sup> This consolidates provisions from Sections 6-106 and 8-612. Required compliance with federal, state, and county regulations is addressed in the general use standards.

<sup>164</sup> These standards currently apply only to the use as an SP use but are made generally applicable here.

Standards when permitted by special permit:

- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.
- (4) If the use includes the keeping of animals outside of a completely enclosed building, it must comply with the following standards:<sup>165</sup>
  - (a) The minimum lot area is 10 acres.
  - (b) Except for light poles, all structures must be located a minimum of 50 feet from all lot lines.

## Retail Uses<sup>166</sup>

### Z. Convenience Store<sup>167</sup>

Standards when permitted by right:<sup>168</sup>

- (1) A convenience store is allowed in the C-5, C-6, C-7, and C-8 Districts only if it is located within a shopping center building that complies with the following standards:
  - (a) The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.<sup>169</sup>
  - (b) The building is subject to an approved unified site plan, and vehicular access to the convenience store is provided only via the internal circulation system of the shopping center.

Standards when permitted by special exception:<sup>170</sup>

- (2) The convenience store must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.

<sup>165</sup> This carries forward standards in Sect. 8-612, but makes them applicable only to a zoo or aquarium where animals are kept outside of a completely enclosed building.

<sup>166</sup> The use standards for pawnshops in current Sect. 9-522 were not carried over, as they are now included in general standards or other ordinances and regulations.

<sup>167</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 9-505, and 10-202.

<sup>168</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, and 4-805.

<sup>169</sup> Limitations on the types of uses are not carried forward.

<sup>170</sup> This carries forward provisions in Sect. 9-505. Provisions from Par. 1D of Sect. 9-505 are addressed in the general SE standards.



- (7) In the I-5 and I-6 Districts, a convenience store must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the convenience store unless a building permit has been approved for the related industrial building(s).
- (8) When located in the Highway Corridor Overlay District, a convenience store is only allowed in accordance with [reference to special exception procedure] and must comply with the following additional standards:<sup>171</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

Standards when permitted as an associated service use:<sup>172</sup>

- (9) In the R-20 and R-30 Districts, a convenience store is allowed as an associated service use if it primarily serves a multifamily building or complex.

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#### **AA. Drive-through, Other<sup>173</sup>**

Standards when permitted by right:<sup>174</sup>

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

Standards when permitted by special exception:<sup>175</sup>

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

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<sup>171</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>172</sup> This carries forward Par. 1 of Sect. 10-202, but deletes the minimum number of dwelling units. See also the footnote for the general standards for associated service uses.

<sup>173</sup> This section carries forward provisions from Sections 4-805 and 9-505, except Par. 1D of Sect. 9-505 is addressed in the general SE standards.

<sup>174</sup> This carries forward provisions in Sect. 4-805 for the current "automobile-oriented use."

<sup>175</sup> This carries forward provisions in Sect. 9-505.

- (6) In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.

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## **BB. Drive-through Pharmacy**

Standards when permitted by right:<sup>176</sup>

- (1) In the C-5, C-6, C-7, and C-8 Districts, a drive-through pharmacy is only allowed by right when not abutting or across a local or collector street from land in a residential district.
- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>177</sup>

Standards when permitted by special exception:<sup>178</sup>

- (3) The drive-through pharmacy must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with pedestrian and vehicular circulation on adjacent properties.
- (5) In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.
- (6) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking
- (7) The site must include adequate parking and stacking spaces for the drive-through pharmacy which are located to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

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## **CC. Drug Paraphernalia Establishment<sup>179</sup>**

Standards when permitted by special exception:

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

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

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<sup>176</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 6-106, 6-206, 6-305, and 6-505. The standards regarding circulation, parking and stacking are not carried forward as they are too vague for by right site plan review and the substantive issues are addressed by other standards in the Ordinance and PFM. The signage standard is not carried forward since it is proposed to be deleted as part of the pending Zoning Ordinance amendment for signs.

<sup>177</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the use be identified on an approved final development plan is carried forward in the general planned development standards in Sec. 4012.1.E.

<sup>178</sup> This carries forward provisions in Sect. 9-505, except Par. 1D of Sect. 9-505 is addressed in the general standards.

<sup>179</sup> This carries forward Sect. 9-508. It substitutes use names that replace current uses (e.g., "religious assembly" for "place of worship").



## **DD. Garden Center**

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

- (1) Landscape contracting services are permitted as an accessory use in accordance with the following standards:<sup>180</sup>
- (a) All outdoor storage and loading areas must be completely enclosed by screening.
  - (b) There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

### **Standards when permitted by special exception:<sup>181</sup>**

- (2) The minimum lot area is five acres.
- (3) All nursery stock sold must be grown or maintained on the premises.
- (4) A garden center may also include the sale of items designed to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides, insecticides, and limited related items.
- (5) The sale of a wide range of products normally associated with a hardware, building supply, or craft store is not permitted. However, the Board may allow the retail sales of related items, in accordance with the following:
  - (a) Such items may include landscaping materials, decorative garden features, materials for water gardens, supplies and non-powered tools for gardening, firewood, and similar items.
  - (b) Such items may include artificial and dried plants and flowers and seasonal/holiday decorations, provided, sales of such plants and decorations must be confined to one fully-enclosed structure and to an area, designated on the special exception plat, that does not exceed the following percentages of the total gross floor area designated on the plat for the sale of all retail items:
    - 1. 20 percent during the months of February through October; and
    - 2. 50 percent during the months of November through January.
  - (c) The following may not be sold: electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture; hot tubs, spas, or pools; barbecue grills; propane fuel; food (except in conjunction with an approved special event or festival); or clothing.
  - (d) The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure.
- (6) Off-street parking spaces and loading spaces must be located a minimum of 50 feet from lot lines abutting an R district.

<sup>180</sup> Because this use will be permitted by right in the C-5 through C-8 Districts, these standards are added based on the current use limitations for the C-8 District, which allow a contractor's office and shop.

<sup>181</sup> These standards are carried forward from Sect. 9-517. Provisions which are duplicative of other provisions in the Zoning Ordinance (e.g., use definition, general standards for approval of a special exception, general standards for accessory uses) have been removed.

- (7) All off-street parking areas, including aisles and driveways must be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.
- (8) The lot must have frontage on an arterial street as defined in the comprehensive plan.
- (9) Buildings and structures, other than light poles, must be located a minimum of 100 feet from lot lines abutting an R district.
- (10) Accessory uses may also include the following:
  - (a) Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold in accordance with the special exception approval, provided that all structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services must be delineated on the special exception plat; and
  - (b) Special events, festivals, or classes. The Board may impose conditions on such activities, including conditions addressing the type and number of activities; the time of year during which such activities are allowed; the area of the site devoted to such activities; the use of lighting and public address systems; and parking.
- (11) The Board may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with the adjacent residential area, including conditions addressing:
  - (a) Location, size, height, and use of structures;
  - (b) Location and number of commercial vehicles and equipment;
  - (c) Lighting, public address systems, and hours of operation;
  - (d) Location and type of nursery stock and materials and other items stored, displayed, or offered for sale outside. No storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area may be located in any minimum required yard.
- (12) The Board may waive the requirements in Paragraphs (2), (6), and (9) above, for a plant nursery that is accessory to a single family detached dwelling that is the domicile of the nursery operator.

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## **EE. Retail Sales, General<sup>182</sup>**

Standards applicable to all general retail sales:

- (1) Live auctions are allowed only in the C-8 District.<sup>183</sup>

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<sup>182</sup> This carries forward provisions in Sections 5-105, 8-703, 8-704, and 9-524. The SE for "convenience center" in the R-2 through R-8 Districts in Par. 4 of Sect. 9-507 is not carried forward, as there have been no applications for this use. This use consolidates several uses, including "adult bookstore." The standards in this section do not preserve the differences in permissions between that use and other retail uses, consistent with how adult videos are currently treated. Standards for accessory retail in the I-I District in Par. 3 of Sect. 5-105 are not carried forward.

<sup>183</sup> This carries forward the current permissions, except the use is changed from SP to permitted by right.



**Standards when permitted by special exception:**

**(2) Retail sales may be allowed in the I-4, I-5, and I-6 Districts, subject to the following requirements:<sup>184</sup>**

- (a) A maximum of 60 percent of the gross floor area may be devoted to retail sales, display area, and any accessory office, with the remaining gross floor area devoted to warehousing.
- (b) The Board must determine that the retail use will be compatible with and not adversely impact the adjacent properties and will not hinder or be contrary to the adopted comprehensive plan for commercial and industrial development in the area. To that end, the Board may impose conditions and restrictions that it deems are necessary to ensure compatibility and to mitigate potential adverse impacts, including conditions addressing:
  - 1. Hours of operation;
  - 2. Site development or design standards; and
  - 3. Transitional screening and landscaping requirements.
- (c) The structure must be designed to promote the character of the district through architectural design that is compatible with surrounding industrial uses.
- (d) The Board must determine that parking for the retail and warehouse uses as required by [reference to new location of Article 11] is provided on-site or may approve a cooperative parking arrangement in accordance with the provisions of [reference to new location of Article 11].
- (e) The site must be designed so that pedestrian and vehicular circulation are coordinated on-site and with adjacent properties. Vehicular access to the use must to the greatest extent possible be provided via the internal circulation system of the building or complex.
- (f) The site must be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles, and pedestrians.
- (g) All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be contained in completely enclosed facilities.

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**FF.Retail Sales, Large<sup>185</sup>**

**Standards when permitted by right:<sup>186</sup>**

- (1)** In the C-6, C-7, and C-8 Districts, a large retail sales establishment is only allowed if it is located within a building that contains a minimum of 1,000,000 square feet of gross floor area and a minimum of six principal uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.

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<sup>184</sup> This carries forward Sect. 9-524. The reference to an establishment where retail sales are conducted only on weekends and holidays is deleted. The provision requiring public improvements needed as a result of the introduction of retail uses to industrial areas is not carried forward.

<sup>185</sup> This section carries forward provisions from Sections 4-605, 4-705, 4-805, and 9-533.

<sup>186</sup> This carries forward provisions from Sections 4-605, 4-705, and 4-805.

- (2) In the PTC District, a large retail sales establishment is permitted only when located in a multiple story structure designed to contain at least one or more other permitted uses.<sup>187</sup>

Standards when permitted by special exception:<sup>188</sup>

- (3) In the C-6, C-7, C-8, PDC, PRC and PTC Districts, the following standards apply:
- (a) The establishment must be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose conditions and restrictions that it deems necessary to ensure compatibility and to mitigate adverse impacts, including conditions addressing:
    - 1. Hours of operation and other operational restrictions;
    - 2. Site development or design standards; and
    - 3. Transitional screening and landscaping requirements.
  - (b) Parking must be provided in accordance with Article 11 and must be designed to minimize impacts on adjacent properties through structured parking, the location and distribution of parking, landscaping techniques, or other methods. All required parking must be provided on-site.
  - (c) The establishment must be designed so that pedestrian and bicycle circulation is coordinated on-site and with adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.
  - (d) The establishment must be designed to provide safe and convenient access, and to minimize any potential conflicts between service and delivery vehicles, passenger vehicles, and pedestrians.
  - (e) Outdoor lighting must be designed to minimize the impacts of glare, light trespass, and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic.
  - (f) All structures must be designed to protect the character of the neighborhood in which they are located through the use of architectural design and site design methods. The layout and architecture must be designed to reduce monotonous effects and impacts caused by building bulk through variations in roof lines, variations in building setbacks, landscaping, enhanced architectural treatments to all sides of a building, or other methods.
  - (g) Where there is a significant contrast in topography between the site and adjacent properties, appropriate mitigation methods, such as screening, must be used to mitigate potential noise and visual impacts.
  - (h) All rooftop mechanical structures must be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.
  - (i) All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be contained in completely enclosed facilities. However, if it is clearly subordinate to the retail sales use, outdoor seating, service, storage, and display is allowed, subject to the following requirements:

<sup>187</sup> This carries forward Par. 5.L of Sect. 6-502.

<sup>188</sup> This carries forward Sect. 9-533. Sign standards are not carried forward because they are addressed separately in the Sign Ordinance Amendment.



1. The area and extent of all outdoor seating areas and outdoor areas for the service, storage, and display of goods must be designated on the approved special exception plat. The Board may impose conditions on the location, size, and extent of any such areas or associated structures. No such storage, display, or sales area may be located in any minimum required yard.
2. All outdoor service, storage, and display, with the exception of outdoor seating, and up to 500 square feet of display area,<sup>189</sup> must be fully screened using structures, materials, and design elements that are compatible with those used in the principal structure. Screening methods must include one or a combination of following: solid fences, walls, berms, evergreen hedges, or fences.

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

## Vehicle-related uses

### GG. Car Wash<sup>190</sup>

Standards when permitted by right:

- (1) In the PTC District, drive-through facilities and stacking spaces must be located within a multiple story building or parking structure.<sup>191</sup>

Standards when permitted by special exception:

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

<sup>189</sup> The size for outdoor storage and display is increased from 250 to 500 square feet, consistent with other recent Zoning Ordinance amendments.

<sup>190</sup> This carries forward provisions in Sections 6-505 and 9-505. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards.

<sup>191</sup> This carries forward Par. 10 of Sect. 6-505.

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## **HH. Commercial Off-Street Parking<sup>192</sup>**

Standards when permitted by right or by special exception:

- (1)** In the C-3, I-2 and I-3 Districts, commercial off-street parking is allowed only as part of an office, commercial, or industrial building complex containing not less than 30,000 square feet of gross floor area.
- (2)** Commercial off-street parking must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
- (3)** A parking space that is located contiguous to a street must have a curb between the space and the street.
- (4)** A parking space that is located on the ground and is open to the sky may be located in any required yard, provided a parking space must be located a minimum distance of 10 feet from front lot line(s), except as may be qualified by the provisions of Article 13.
- (5)** All structures are subject to the bulk regulations of the zoning district in which they are located, except parking structures that are completely underground may be located in any required yard, but must be located a minimum of one foot from all lot lines.<sup>193</sup>
- (6)** Commercial off-street parking must be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except emergency service, is permitted in association with commercial off-street parking.

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## **II. New Vehicle Storage<sup>194</sup>**

Standards when permitted by right:

- (1)** New vehicle storage is limited to new automobiles, motorcycles, sport utility vehicles, pick-up trucks, and vans.
- (2)** New vehicle storage may not include the following vehicles:
  - (a)** Vehicles designed primarily for the transportation of 10 or more passengers;
  - (b)** Trucks other than those allowed as a part of the vehicle sales and rental use type;
  - (c)** Farm machinery or equipment;
  - (d)** Construction machinery or equipment;
  - (e)** Buses;
  - (f)** Motor homes, recreational vehicles, trailers, or boats of any size;
  - (g)** Mobile homes; or
  - (h)** Any other specialized vehicles.
- (3)** New vehicle storage is solely for the parking or storage of vehicles. The following are prohibited on-site in conjunction with new vehicle storage:

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<sup>192</sup> This carries forward Sect. 9-516, but makes the standards applicable to commercial off-street parking as a principal use where permitted, regardless of whether it is a special exception. References to other applicable provisions in this draft are located in the general standards.

<sup>193</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

<sup>194</sup> This carries forward Sections 4-305, 4-405, 4-605, 4-705, 4-805, 5-305, 5-405, and limitations in the use definition in Sect. 20-300. Standards relating to signs were not carried over because general signage standards apply.



- (a) Customers and clients;
  - (b) Sale of vehicles;
  - (c) Vehicle preparation; and
  - (d) Display of signs on the new vehicles, except invoices required by federal or state law.
- (4) In the C-3, C-4, C-6, C-7, C-8, I-3, and I-4 Districts, new vehicle storage is allowed only when located within a parking structure that is accessory to another use and in parking spaces that are in excess of the minimum number of required off-street parking spaces for the use to which the parking structure is accessory. The new vehicle storage must comply with the following requirements:
- (a) The owner of the parking structure must submit a parking tabulation in accordance with [reference to relocated Article 17] that demonstrates that excess parking spaces are available for the proposed new vehicle storage.
  - (b) The layout of the new vehicle storage may not hinder the internal vehicle circulation within the parking structure, and there must be no mechanical parking lift devices or fencing associated with the new vehicle storage.
  - (c) Transitional screening pursuant to [reference to relocated Article 13] is not required.

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## JJ. Truck Rental Establishment<sup>195</sup>

Standards that apply to all truck rental establishments:

- (1) Trucks and trailers rented are limited to vehicles with not more than two axles, a maximum box length of 17 feet, and a maximum height of 12 feet, and that do not require a commercial driver's license to operate.

Standards when permitted by special exception:

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

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<sup>195</sup> This carries forward Sect. 9-525 and provisions from the definition of the use in Sect. 20-300. References to other applicable provisions in this draft are located in the general standards. The standards for Board determinations about lot characteristics are deleted here and addressed through the general standards.

- (f) Trucks and trailers stored on site may be stored only on the portion of the site designated on the special exception plat for the storage of rental trucks and trailers.
- (g) Rental trucks and trailers may not be parked or stored within 15 feet of the front lot line.
- (h) Outdoor storage areas may not be used for the storage of trucks or trailers that are not in operating condition.

## **KK. Vehicle Fueling Station<sup>196</sup>**

Standards applicable to all vehicle fueling stations:

- (1) A vehicle fueling station may not be used for the performance of major repairs; however, it may include accessory minor servicing and repair of vehicles, such as: the sales and servicing of spark plugs, batteries, distributors, breaks, and tires, but not recapping or regrooving; replacement of mufflers, tail pipes, fan belts, grease retainers, wheel bearings, and the like; greasing, lubrication, and radiator flushing; repair of carburetors, fuel, oil, and water pumps and lines; minor motor adjustments not involving removal of the head or crank case or racing the motor; and emergency wiring repairs.<sup>197</sup>
- (2) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours. Dismantling, wrecking, or sale of such vehicles or their parts is not permitted. A maximum of two such vehicles in the C-3, C-4, C-5, and C-6 Districts, and the PDH, PDC, PRC, and PTC Districts, and four such vehicles in the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, may be stored on the site at any one time.<sup>198</sup>
- (3) A maximum of 50 square feet is allowed for accessory outdoor storage and display area for goods offered for sale.<sup>199</sup>
- (4) The retail sales of food, beverages, and other frequently needed items for household consumption is allowed, in accordance with the following:<sup>200</sup>
  - (a) The maximum gross floor area devoted to such sales is 2,500 square feet.<sup>201</sup>

<sup>196</sup> This section carries forward and consolidates provisions from Sections 2-405, 6-106, 6-206, 6-505, 9-505, and 20-300. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards. Provisions in Sections 6-106 and 6-206 requiring a vehicle fueling station to be located in a commercial center consisting of at least three commercial establishments that are not automobile related uses are not carried forward. The prohibition on the sale of alcoholic beverages and rental of video tapes and video cassette recorders in the current definition of "service station/mini-mart" is not carried forward.

<sup>197</sup> This carries forward and condenses provisions from the definition of "service station" and the special exception standards for the commercial and industrial districts.

<sup>198</sup> This carries forward provisions from the special exception standards for the commercial and industrial districts and the use limitations for PDH, PDC, and PTC, and extends it to the PRC District. The language prohibiting dismantling is extended to the P districts.

<sup>199</sup> This carries forward provisions from the definition of "service station" and "service station/mini-mart" in Sect. 20-300.

<sup>200</sup> This carries forward provisions from the definition of "service station/mini-mart" in Sec. 20-300.

<sup>201</sup> The allowance for up to 2,500 square feet of retail sales from the current service station/mini-mart use is extended to all vehicle fueling stations.



- (b) The preparation of food is not allowed, except for that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code or the use of microwave ovens by customers for purchased food items.
- (5) In the PDH, PDC, PRC, and PTC Districts, vehicle and tool rental are not allowed.<sup>202</sup>
- (6) In the PTC District, any vehicle repair or service must be located within a completely enclosed structure.<sup>203</sup>

Standards when permitted by special exception:<sup>204</sup>

- (7) Pump islands and associated canopies may be located in any required yard.<sup>205</sup>
- (8) The station must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (9) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (10) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (11) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (12) In the C-3 and C-4 Districts, the following additional standards apply (see Table <>: Summary of Vehicle Fueling Standards):
  - (a) The station must be part of an office building complex containing a minimum gross floor area of 35,000 square feet.
  - (b) The station must have no separate and exclusive curb cut access to the abutting highway.
  - (c) The station is limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - (d) Vehicle or tool rental is not allowed.
- (13) In the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, any outdoor areas devoted to uses such as vehicle or tool rental are limited to the portion of the site designated on the special exception plat for such uses (see Table <>: Summary of Vehicle Fueling Standards).
- (14) In the I-3, I-4, I-5, and I-6 Districts, the following standards apply (see Table <>: Summary of Vehicle Fueling Standards):
  - (a) The station must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet.
  - (b) No building permit may be approved for the station unless a building permit has been approved for the related industrial building(s).

<sup>202</sup> This carries forward provisions in Sections 6-106, 6-206, and 6-505. Standards relating to signs were not carried over because general signage standards apply.

<sup>203</sup> This carries forward a provision in Sect. 6-505.

<sup>204</sup> This carries forward provisions in Sect. 9-505 and other sections as noted.

<sup>205</sup> This carries forward Sect. 2-504, except it does not include merchandise displayed on a pump island.

**Table <>: Summary of Vehicle Fueling Standards**  
(Paragraphs 12, 13, and 14)  
✓ = standard applies

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

- (15) When located in the Highway Corridor Overlay District, a vehicle fueling station is only allowed in accordance with [reference to special exception procedure]. Access to the use must be designed to not impede traffic on public or private streets or travelways.<sup>206</sup>

## LL. Vehicle Repair and Maintenance, Light

Standards when permitted by right:

- (1) In the C-6, C-7, and C-8 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>207</sup>
  - (a) The use must be located within the main structure of a regional shopping center.
  - (b) The shopping center and the building where the use is located must be subject to an approved unified site plan.
  - (c) Vehicular access to the use must be provided only via the internal circulation system of the shopping center.
- (2) In the I-5 and I-6 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>208</sup>
  - (a) The use is part of an industrial building complex containing a minimum gross floor area of 30,000 square feet.

<sup>206</sup> This carries forward Par. 1 of Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>207</sup> This carries forward provisions in Sections 4-605, 4-705, and 4-805.

<sup>208</sup> This carries forward provisions in Sections 5-505 and 5-605. Aggregate floor area limitations in conjunction with accessory service uses are not carried forward.



- (b) The use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial.
- (3) In the PDH, PDC, and PTC Districts, the following standards apply:<sup>209</sup>
  - (a) Vehicle rental, tool rental, outdoor storage, and outdoor display of goods offered for sale are not allowed.
  - (b) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours, and a maximum of two such vehicles may be stored on the site at any one time.
- (4) In the PDH and PDC Districts, light vehicle repair and maintenance may be located only in a commercial center containing a minimum of three other commercial establishments.<sup>210</sup>
- (5) In the PTC District, all vehicle repair and service must occur within a completely enclosed structure.<sup>211</sup>

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#### **MM. Vehicle Sales, Service, and Rental<sup>212</sup>**

Standards when permitted by right or by special exception:

- (1) In the C-3, C-4, I-3, I-4, I-5, and PRC Districts, vehicle rentals but not vehicle sales are allowed. Such rentals must comply with the following additional standards:
  - (a) Rentals are limited to rental of automobiles and passenger vans. Rental of trucks or other vehicles is not allowed.
  - (b) A maximum of 25 rental vehicles may be stored on site. Vehicle storage is limited to that portion of the site designated on the special exception plat for the storage of rental vehicles.
  - (c) Maintenance and refueling of the rental vehicles on-site are prohibited.
- (2) All outdoor storage, parking, and display areas must be located on the same lot with and ancillary to a sales room, rental office, or service facility, which must be entirely enclosed on all sides.
- (3) The use must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
- (4) All structures are subject to the bulk regulations of the zoning district in which they are located, except structures that are completely underground may be located in any required yard, but must be located a minimum of one foot from all lot lines.<sup>213</sup>
- (5) Outdoor areas devoted to storage, loading, parking, and display of goods are limited to the portion of the site designated on the special exception plat for such activities. Such areas may not be used for the storage or display of vehicles that are not in operating condition.

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<sup>209</sup> This carries forward provisions in Sections 6-106, 6-206, and 6-505. Standard relating to signs was not carried over because general signage standards apply.

<sup>210</sup> This carries forward provisions in Sections 6-106 and 6-206, but the reference to "automobile-related" uses is deleted.

<sup>211</sup> This carries forward provisions in Sect. 6-505.

<sup>212</sup> This section carries forward Sect. 9-518.

<sup>213</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

- (6) Outdoor storage, parking, and display areas that are located on the ground and open to the sky may be located in any required yard, provided, such areas must be located a minimum of 10 feet from all front lot line(s), except as may be qualified by the provisions of Article 13.
- (7) Outdoor storage, parking, and display areas located contiguous to a street must have a curb between the space and the street.
- (8) All outdoor storage, parking, and display areas, including aisles and driveways, must be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11 102, and must be improved in accordance with construction standards presented in the Public Facilities Manual.
- (9) In the PDC, PRM, and PTC Districts, vehicle sales and rental are allowed only when specifically identified on an approved final development plan. In addition, all vehicle display and storage must be located within an enclosed building or parking garage and any ancillary service establishment use must be located within a completely enclosed building.

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## **NN. Vehicle Transportation Services**

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

- (1) In the C-6, C-7, C-8, PDC, PRC, PRM, and PTC Districts, vehicle transportation services must comply with the following standards:<sup>214</sup>
  - (a) A maximum of five company vehicles are allowed on site at any given time.
  - (b) Maintenance and refueling of vehicles on site are not allowed.
- (2) In the I-4 District, all storage of vehicles and activities associated with vehicle transportation services must be conducted within a completely enclosed building.<sup>215</sup>

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<sup>214</sup> This carries forward provisions in Sections 4-605, 4-705, 4-805, 5-405, 6-206, 6-305, 6-406, and 6-505 that pertain to this use. The provisions relating to transitional screening and barrier requirements will be addressed in the relocated Article 13.

<sup>215</sup> This carries forward that portion of Sect. 5-405 that pertains to this use.



**Planning Commission**  
**Housing Committee joint w/FCRHA**  
**Wednesday, March 6, 2019**  
**6:30 p.m.**

**Members:**

Julie Strandlie (Chairman)

Walter Clarke

James Migliaccio

Ellen Hurley

Phillip Niedzielski-Eichner

Timothy Sargeant

*John Carter (Alt)*

*John Ulfelder (Alt)*

**AGENDA**

1. Constitution of the Committee and election of Chair.
2. Approval of minutes:
  - April 25, 2018
3. Presentation on Affordable Housing in Fairfax County – presenter \*Tom Fleetwood, Director, Department of Housing and Community Development)
4. Adjournment

**\*contact information:**

Director Tom Fleetwood

Fairfax County Department of Housing and Community Development

Phone: 703-246-5103

Email: [Thomas.Fleetwood@fairfaxcounty.gov](mailto:Thomas.Fleetwood@fairfaxcounty.gov)

DISCLAIMER: The purpose of this committee meeting is to discuss broad policy issues not specific to any individual land use application. Nothing stated during this meeting should be taken as a specific suggestion or recommendation regarding any individual land use application.

# Article 9: Definitions

## 9100. Uses

### 1. Agriculture and Related Uses

#### A. Agriculture and Related Uses

The Agriculture and Related Uses category is characterized by activities related to the bona fide production of plants or animals for food and other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.

##### Agricultural Operation<sup>216</sup>

Any commercial operation on a minimum of five acres of land that is devoted to the bona fide production, harvesting, and sale of agricultural products, including livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silviculture, and other agricultural products. An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, or the above ground application or storage of sewage sludge. Agricultural operations must specifically qualify under all state and local laws in order to use any exemptions or special provisions afforded to such uses by the Code of Virginia.

##### Agritourism Activity<sup>217</sup>

Any activity carried out on a farm or ranch that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. A farm or ranch, in this context, means land used for the production, cultivation, growing, harvesting, or processing of agricultural products. An activity is an agritourism activity whether or not participants pay to participate in the activity.

##### Farm Winery, Limited Brewery, or Limited Distillery<sup>218</sup>

An establishment located on a property used for an agricultural operation where agricultural products are grown, processed, and containerized on the premises, as specifically regulated and licensed by the Virginia Alcoholic Beverage Control Board. This use is more specifically identified as:

<sup>216</sup> This replaces the definition of "agriculture" in the current Zoning Ordinance.

<sup>217</sup> This definition, from the Code of Virginia, is a placeholder, pending finalization of an ongoing Zoning Ordinance amendment project to address this use.

<sup>218</sup> This definition carries forward, reorganizes, and simplifies the definitions of "farm winery," "limited brewery," and "limited distillery" in the current Zoning Ordinance. The use carries forward the uses "farm winery," "limited brewery," and "limited distillery" and "expansion of an existing or development of a new farm winery, limited brewery, and limited distillery in the R-C District and for certain events and activities associated with such uses when located in the R-A, R-P, R-E and R-1 Districts" in the current Zoning Ordinance.



#### **Farm winery**

A farm winery must include a producing vineyard, orchard or similar growing area and facilities for fermenting and containerizing wine or cider on the premises.

#### **Limited brewery**

A limited brewery must include a growing area for barley, hops, other grains, and/or fruit and facilities to produce and containerize beer on the premises.

#### **Limited distillery**

A limited distillery must include a growing area for agricultural products used in the production of spirits and facilities to produce and containerize alcoholic beverages other than wine, cider, or beer on the premises.

#### **Stable, Riding or Boarding<sup>219</sup>**

An establishment where horses or ponies, not including horses or ponies owned by resident(s) of the property, are kept, maintained, or boarded, or where riding lessons are made available to the general public or members of a private club. Such services may be offered for a fee or free of charge. This use may include the hosting of events, competitions, exhibitions, or other displays of equestrian skills. The keeping of horses or ponies as an accessory use in accordance with [reference to keeping of animals] and [reference to riding lessons as a home occupation] is not considered a riding or boarding stable.

## **2. Commercial Uses**

### **A. Animal-Related Services**

The Animal-Related Services use category is characterized by uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals.

#### **Animal Shelter<sup>220</sup>**

A place designated to provide for the temporary accommodation of five or more animals that are stray or abandoned by their owner. This definition does not include a kennel, a veterinary hospital, or a zoo.

#### **Kennel<sup>221</sup>**

An establishment primarily engaged in boarding, keeping, training, breeding, or handling dogs, cats, birds, or other small domestic animals for a fee.

<sup>219</sup> This definition builds on the definition of "riding/boarding stable" in the current Zoning Ordinance. It includes new language regarding events, competitions, exhibitions, and other displays of equestrian skill, which is intended to clarify that those activities are a part of this use. Provisions addressing the number of horses or ponies and minimum lot size are included in the standards for this use.

<sup>220</sup> This definition carries forward the definition and use of "animal shelter" in the current Zoning Ordinance, with refinement and excluding language regarding the disposition of pets.

<sup>221</sup> This definition builds on the definitions of "kennel" in the current Zoning Ordinance, and clarifies that a kennel may provide services to domestic animals besides dogs. Provisions pertaining to density were deleted. The use consolidates the following uses from the current Zoning Ordinance: "kennels," "kennels (indoors)," and "kennels, outdoor."

**Pet Grooming Establishment<sup>222</sup>**

An establishment, other than a kennel or veterinary hospital, for cleaning and maintaining the appearance of dogs, cats, birds, or other small domestic animals.

**Veterinary Hospital<sup>223</sup>**

A building or structure for the diagnosis and medical or surgical care of animals, including facilities for the temporary housing of such animals.

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**B. Food and Lodging**

The Food and Lodging use category consists of establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, and establishments providing lodging units or rooms for transient stays of 30 days or less for rent, lease, or interval occupancy. This use category does not include rooming houses, which are generally occupied for tenancies of a month or longer; or short-term lodging accessory to an owner- or tenant-occupied dwelling.

**Bed and Breakfast<sup>224</sup>**

An establishment located in an owner- or manager-occupied dwelling unit in which five or fewer guest rooms without cooking facilities are rented to transient visitors for a period not to exceed 30 days.

**Catering<sup>225</sup>**

An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. Catering may include retail sale of food or beverages for consumption on the premises as an ancillary use.

**Hotel or Motel<sup>226</sup>**

A building, portion of a building, or group of buildings that provide sleeping accommodations in six or more separate units or rooms for transient visitors on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel includes any establishment that provides residential living accommodations for transient visitors on a short-term basis, such as an apartment hotel. A hotel or motel may include accessory restaurants, meeting rooms, and conference facilities.

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<sup>222</sup> This is a new definition for a new use.

<sup>223</sup> This carries forward the definition of "veterinary hospital" in the current Zoning Ordinance.

<sup>224</sup> This carries forward the definition of "bed and breakfast" in the current Zoning Ordinance. The requirement that the bed and breakfast be a single family detached dwelling unit is not included in the definition but is instead addressed in the use-specific standards.

<sup>225</sup> This is a newly defined use. Catering establishments are currently interpreted to be either a business service and supply establishment or an establishment for production/processing.

<sup>226</sup> This carries forward the definition and use of "hotel, motel" in the current Zoning Ordinance, with refinements. Limitations on the location of restaurants are included as use-specific standards in Article 4: Use Regulations.



#### **Restaurant<sup>227</sup>**

An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises. A restaurant with drive-through, carryout restaurant, convenience store, or craft beverage production establishment as defined herein, is not considered a restaurant.

This use does not include a snack bar or refreshment stand at a public or non-private recreational facility that is operated solely by the agency or group operating the recreational facility as an accessory use for the convenience of the patrons of the facility. Entertainment that is provided for the enjoyment of the patrons and is incidental to the principal dining function may be considered accessory to a restaurant. Such entertainment may include dancing by patrons. Provisions for dancing made available under this definition are subject to the licensing requirements of Chapter 27 of The Code.

#### **Restaurant, Carryout<sup>228</sup>**

Any establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state, primarily for consumption off the premises. Up to eight seats may be provided for on-site consumption or customer waiting. A restaurant with more than eight seats is considered a restaurant. A carryout restaurant does not include drive-through facilities. A convenience store or craft beverage production establishment is not considered a carryout restaurant.

#### **Restaurant with Drive-through<sup>229</sup>**

Any establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises and that contains a drive-through. A food truck that does not comply with the provisions set forth in Sect. <>, Food Truck, is considered a restaurant with drive-through.

#### **Retreat Center<sup>230</sup>**

A facility used for professional, educational, or religious meetings, conferences, or seminars, which may provide meals, housing, and recreation for participants during the period of the retreat program. Retreat centers cannot be used by the general public for meals or overnight accommodations.

### **C. Office and Financial Institutions**

The Office and Financial Institutions use category includes buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), and medical and dental services. Office uses may also include research and experimentation, including the production of prototypes, computer software production,

<sup>227</sup> This carries forward the definition of "restaurant" in the current Zoning Ordinance. The limit on the size of a dance floor has been modified and relocated to the use standards.

<sup>228</sup> This carries forward the definition and use of "carryout restaurant" in the current Zoning Ordinance.

<sup>229</sup> This carries forward the definition and use of "restaurant with drive-through" in the current Zoning Ordinance.

<sup>230</sup> This is a new definition. This use carries forward the use "conference centers and retreat houses, operated by a religious or nonprofit organization" from the current Zoning Ordinance. The requirement for the center to be operated by a religious or nonprofit organization has not been carried forward.

demographic and market research, technical or academic consulting services, data processing, wet labs, research and experimentation in a laboratory, and similar activities.

**Alternative Lending Institution<sup>231</sup>**

An establishment providing short-term loans to individuals, including pay day lenders as regulated by Chapter 18, Title 6.2, Code of Virginia and motor vehicle title lenders as regulated by Chapter 22, Title 6.2, Code of Virginia. For purposes of this Ordinance, an alternative lending institution is not deemed to include an office, pawnshop, drive-in financial institution, financial institution or any other state or federally chartered bank, savings and loan institution, or credit union.

**Drive-through Financial Institution<sup>232</sup>**

Any financial institution that offers its services to persons within motor vehicles.

**Financial Institution<sup>233</sup>**

Any establishment where the primary occupation is State regulated businesses such as banking, savings and loans, loan companies and investment companies; however, for the purpose of this Ordinance, any financial institution having a drive-through window or drive-through automated teller machine will be deemed to be a drive-through financial institution.

**Office<sup>234</sup>**

A building or portion of a building used for conducting professional, executive, management, financial, research, or administrative business of commercial entities, such as those providing professional services, financial services, medical or dental services, research and experimentation in a laboratory, massage establishments and certified massage therapists in accordance with Chapter 28.1 of The Code, and artists.

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## **D. Personal and Business Services**

The Personal and Business Services use category includes businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals.

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<sup>231</sup> This carries forward the definition and use of "alternative lending institution" in the current Zoning Ordinance.

<sup>232</sup> This carries forward the current definition "drive-in financial institution" but deletes the inclusion of a standalone automated teller machine.

<sup>233</sup> This carries forward the current definition "financial institution."

<sup>234</sup> This is a new definition for a use that consolidates the following uses in the current Zoning Ordinance: "establishment for scientific research, development, and training," "establishments for scientific research and development," "establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use," "establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training," "establishments for scientific research, development and training, where manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products is incidental to the principal use of scientific research, development and training," "offices," and "offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public."



**Business Service<sup>235</sup>**

An establishment primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community. Examples of this use include packing and shipping services and printing services. This definition does not include any use listed separately in this Ordinance.

**Household Repair and Rental Service<sup>236</sup>**

Any establishment in which the primary occupation is the repair, general service, or rental of common home goods and appliances such as photocopiers, televisions and radios, washing machines, dryers, vacuum cleaners, power tools, refrigerators, ovens, lawnmowers, sewing machines, or musical instruments; or any establishment in which the primary occupation is interior decorating services.

**Personal Service<sup>237</sup>**

An establishment primarily engaged in rendering frequent or recurrent services of a personal nature to individuals. Examples of this use include barber shops and beauty salons, tattoo parlors, massage establishments, laundromats, limited-scale laundry and dry-cleaning sites, tailors, shoe cleaning or repair shops, and other similar places of business. This definition does not include any use listed separately in this Zoning Ordinance.

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**E. Recreation and Entertainment**

The Recreation and Entertainment use category includes uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. It does not include public uses or facilities that are reserved for use by a particular residential development's residents and their guests.

**Banquet or Reception Hall<sup>238</sup>**

Any establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

**Campground<sup>239</sup>**

An establishment renting space to transient visitors for occupancy of camping trailers, self-propelled campers, tents, or lodges.

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<sup>235</sup> This builds on the definition of "business service and supply service establishment" in the current Zoning Ordinance.

<sup>236</sup> This builds on the definition of "repair service establishment" in the current Zoning Ordinance.

<sup>237</sup> This definition builds on the current definition of "personal service establishment." This use consolidates the current uses "garment cleaning establishments" and "personal service establishments."

<sup>238</sup> This is a new definition for a new use.

<sup>239</sup> This carries forward portions the definition of "camp or recreation ground" in the current Zoning Ordinance. Text pertaining to miniature golf courses, golf ranges, etc., is deleted.

**Commercial Recreation, Indoor<sup>240</sup>**

An establishment providing activities conducted indoors for recreation that does not meet the definition for another use in this Ordinance. Instruction may be provided on-site. Examples of this use include movie theaters, bowling alleys, indoor skating facilities, amusement arcades, indoor shooting and archery ranges, tennis and similar courts, and similar establishments where the predominant recreation or entertainment activity takes place inside a building. This use does not include any use meeting the definition of a Golf Course or Country Club or Quasi-Public Parks, Playgrounds, and Athletic Fields.

**Commercial Recreation, Outdoor<sup>241</sup>**

Commercial facilities devoted to passive or active recreation where activities predominately take place outdoors that do not meet the definition for another use in this Ordinance. This use includes outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a Golf Course or Country Club or Quasi-Public Parks, Playgrounds, and Athletic Fields.

**Entertainment, Adult<sup>242</sup>**

Any establishment that the public may enter, with or without an admission charge, where nudity is exhibited by employees, entertainers or other persons. For the purpose of this Ordinance, "nudity" means any exposure to public view of the human male or female genitals, pubic area, buttocks or any portion of the female breast below the top of the areola, with less than a fully opaque covering. This use also includes the showing of films, motion pictures, or similar photographic reproductions presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons within the facility, or an establishment used for presenting such material that limits its customers to persons over 18 years of age.

For the purpose of this definition, "Specified Sexual Activities" is defined as:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse or sodomy;

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<sup>240</sup> This is a new definition for a new use that consolidates a number of indoor recreation and entertainment uses in the current Zoning Ordinance, including: "amusement arcades," "bowling alley," "commercial recreation centers," "commercial recreation parks, including mechanical or motorized amusement rides/devices," "commercial recreation use, any other similar," "commercial swimming pools, tennis courts and similar courts (indoor only)," "indoor archery ranges, fencing and other similar indoor recreational uses," "indoor firing ranges," "indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses," "miniature golf courses, indoor," "skating facilities, indoor," and "theaters."

<sup>241</sup> This is a new definition for a new use that consolidates a number of outdoor recreation and entertainment uses in the current Zoning Ordinance, including: "baseball hitting and archery ranges, outdoor," "commercial recreation parks, including mechanical or motorized amusement rides/devices," "commercial recreation use, any other similar," "commercial swimming pools, tennis courts and similar courts," "drive-in motion picture theaters," "golf driving ranges," "miniature golf course," "miniature golf course ancillary to golf driving ranges," "skating facilities," and "skeet and trapshooting ranges."

<sup>242</sup> This consolidates and carries forward the definitions for "commercial nudity establishment" and "adult mini motion picture theatre" in the current Zoning Ordinance.



- Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And "Specified Anatomical Areas" is defined as:

- Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Nothing contained in this definition may be construed to limit the application of any State Statute relating to obscenity or relating to distribution of materials to juveniles.

**Entertainment, Public<sup>243</sup>**

An establishment open to the general public where the primary use is dancing, karaoke, billiard halls, hookah lounges, live entertainment, or other similar entertainment activities available to adult customers.

**Golf Course or Country Club<sup>244</sup>**

A tract of land designed with a course containing nine or more holes for playing the game of golf and improved with tees, greens, fairways and hazards, or an area designed for driving golf balls into an open area for collection and reuse. This use may include one or more structures containing a clubhouse, restaurant, meeting facilities, lounges, snack bars, swimming pool, tennis or squash courts, shelters, and maintenance facilities. This use may include putting and chipping greens, but may not include a miniature golf course in which only golf putters are used.

**Health and Exercise Facility, Large<sup>245</sup>**

An indoor facility, other than a small health and exercise facility, where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs and gyms. Accessory uses to serve the members may include child care, restaurant, retail sales, and personal service. This definition does not include a community center.

**Health and Exercise Facility, Small<sup>246</sup>**

An indoor facility having a maximum gross floor area of 6,000 square feet where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs, fitness classes, training, and instruction. This definition does not include a community center or a specialized instruction center.

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<sup>243</sup> This is a new definition for a use that subsumes the current uses "billiard and pool halls" and "dance halls."

<sup>244</sup> This is a new definition for a use that consolidates "golf courses, country clubs." It builds on the current definition of "country club" in Article 20.

<sup>245</sup> This definition replaces the definition of "health club" in the current Zoning Ordinance.

<sup>246</sup> This is a new definition for a new use based on the current use "health club" and the exercise-related classes that are currently a school of special education.

**Marina, Commercial<sup>247</sup>**

A waterfront facility that provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations; boat and boat part sales; and restaurants.

**Marina, Private Noncommercial<sup>248</sup>**

A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

**Quasi-public Park, Playground, or Athletic Field<sup>249</sup>**

An outdoor land area designed or designated to be used for community recreation leagues, exercise, sports, education, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, under private ownership or control that does not meet the definition of a Public Use; Commercial Recreation, Indoor; Commercial Recreation, Outdoor; or Golf Course or Country Club. This use may include outdoor playfields, athletic fields or courts, and other recreation facilities, or water features, picnic areas, natural areas, boating facilities, fishing facilities, arboreta, and botanic gardens.

**Stadium or Arena<sup>250</sup>**

A building or structure for use for spectator sports, entertainment events, expositions, and other public gatherings.

**Zoo or Aquarium<sup>251</sup>**

A facility in which animals are kept for viewing or contact by the public. This definition does not include pet stores, kennels, riding or boarding stables, horse or dog shows, horse races, or temporary events such as State and County fairs, livestock shows, and rodeos.

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**F. Retail Sales**

The Retail Sales use category includes uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. This use category does not include sales or service establishments related to vehicles (the Vehicle Sales and Services use categories), establishments primarily selling supplies to contractors or retailers (categorized as the Warehousing, Wholesaling, and Freight Movement use category), the provision of financial, professional, or business services in an office setting (categorized in the Offices use category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use categories).

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<sup>247</sup> This is a new definition of a use that carries forward the current use “marina, dock, and boating facilities, commercial.”

<sup>248</sup> This carries forward the definition for “private noncommercial marina” in the current Zoning Ordinance. This use carries forward the current use “marina, dock, and boating facilities of a private, nonprofit nature.”

<sup>249</sup> This is a new definition for a use that carries forward “quasi-public parks, playgrounds, athletic fields, and related facilities.”

<sup>250</sup> This is a new definition. This use carries forward the use “sports arenas, stadiums as a principal use.”

<sup>251</sup> This replaces the definition “zoological park” in the current Zoning Ordinance.



**Convenience Store<sup>252</sup>**

Any building that contains less than 6,000 square feet of gross floor area and is characterized by the frequent turnover of customers, and the retail sale of food, beverages, and other frequently needed items for household use or consumption. This definition does not include a Vehicle Fueling Station, and is not intended to include small grocery, specialty or gourmet food stores, which are considered a retail sales establishment.

**Drive-through, Other<sup>253</sup>**

Any use of land not otherwise defined that provides goods or services to the occupants of a motor vehicle.

**Drive-through Pharmacy<sup>254</sup>**

A retail sales establishment that provides medicine and other items, such as toiletries, various sundries, and packaged foods for sale, and that offers drop-off and pick-up service exclusively for prescriptions and associated medical items to persons within a motor vehicle.

**Drug Paraphernalia Establishment<sup>255</sup>**

Any retail sales establishment wherein drug paraphernalia is displayed, sold, offered for sale or given away.

**Garden Center<sup>256</sup>**

An establishment for the propagation, cultivation, and growing of nursery stock, such as trees, plants, shrubs, sod, seeds, and vines, and the sale of nursery stock. A garden center may also include the sale of related items. Landscape contracting services using nursery stock grown on the property may be permitted as an accessory use to the garden center.

**Pawnshop<sup>257</sup>**

An establishment where the business of a pawnbroker is conducted. A pawnbroker includes any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop is not deemed to be a retail sales establishment except for the purposes of determining off-street parking and transitional screening and barrier requirements.

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<sup>252</sup> This carries forward the definition of "quick service food store" in the current Zoning Ordinance, with minor revisions. The net floor area limit in the current definition is converted to gross floor area.

<sup>253</sup> This carries forward the definition of "automobile-oriented use" in the current Zoning Ordinance.

<sup>254</sup> This carries forward the definition of "drive-through pharmacy" in the current Zoning Ordinance.

<sup>255</sup> This carries forward the definition of "drug paraphernalia establishment" in the current Zoning Ordinance.

<sup>256</sup> This carries forward the current definition of "plant nursery" in the current Zoning Ordinance, modified for readability and to remove reference to limited retail sales approved by the Board of Supervisors, which is addressed in the standards for this use. The garden center use would apply in all districts where permitted and the retail/wholesale distinctions in the current definition are not carried forward.

<sup>257</sup> This carries forward the definition and use of "pawnshop" in the current Zoning Ordinance.

**Retail Sales, General<sup>258</sup>**

An establishment where the primary occupation is the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, that does not meet the definition for another use in this Ordinance. This use includes grocery stores, drug stores, photographic and portrait studios, specialty or gourmet food stores, hardware stores, bookstores, clothing stores, discount stores, auction houses, and similar establishments.

**Retail Sales, Large<sup>259</sup>**

Any establishment containing 80,000 square feet or more of gross floor area where merchandise is sold primarily for consumption by the immediate purchaser, rather than to a reseller. This definition does not include any uses in the Vehicle Sales and Services category.

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**G. Vehicle-Related Uses**

The Vehicle-Related Uses category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. This category does not include the repair of special equipment and heavy vehicles (categorized in the Industrial Services use category). Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

**Car Wash<sup>260</sup>**

A structure, or portion of a structure, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

**Commercial Off-street Parking<sup>261</sup>**

An area, other than accessory off-street parking areas as required by the provisions of this Ordinance, where, for a charge or permit, motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

**New Vehicle Storage<sup>262</sup>**

An area where new vehicles are parked or stored off-site from the associated vehicle sale and rental service establishment.

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<sup>258</sup> This is a new definition for a use that consolidates the following uses in the current Zoning Ordinance: "auction establishments," "adult book stores," "convenience centers" "prescription establishments and the selling of pharmaceutical supplies," and "retail sales establishments."

<sup>259</sup> This builds on the definition of "retail establishments-large" in the current Zoning Ordinance. This use consolidates the current uses "retail establishment-large" and "retail sales establishments-large, when located in a multiple story structure designed to contain at least one or more other permitted uses."

<sup>260</sup> This carries forward the definition of "car wash" in the current Zoning Ordinance.

<sup>261</sup> This carries forward the current definition of "commercial off-street parking." This use carries forward the current use "parking, commercial off-street as a principal use."

<sup>262</sup> This carries forward the definition of "new vehicle storage" in the current Zoning Ordinance, except standards in current definition are now in Sect. 4102, Use Standards.



**Truck Rental Establishment<sup>263</sup>**

Buildings and premises for the rental and ancillary minor servicing of truck, utility trailers, and related items generally used by persons to move their personal and household belongings.

**Vehicle Fueling Station<sup>264</sup>**

An establishment engaged in the retail sale of motor vehicle fuel that is stored on site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance.

**Vehicle Repair and Maintenance, Heavy<sup>265</sup>**

A building or premises in which the primary use is vehicle repair and servicing, such as major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding, or other similar work.

**Vehicle Repair and Maintenance, Light<sup>266</sup>**

A building or premises primarily used for the maintenance and servicing of vehicles or repairing of vehicles that does not require the removal of engines or transmissions or require body or frame work.

**Vehicle Sales, Service, and Rental<sup>267</sup>**

Buildings and premises for the sale, rental, and ancillary servicing of vehicles in operating condition, including the following:

- Automobiles and motorcycles;
- Vans, but not including any vehicle designed primarily for the transportation of ten or more passengers;
- Boats such as outboard motor boats, Sunfishes and other similar-sized boats; and
- Specialized vehicles such as motor homes, campers, and boat trailers having a maximum length of 17 feet.

**Vehicle Transportation Services<sup>268</sup>**

Buildings and premises for "for hire" chauffeured transportation services involving the storage and dispatch of taxicabs, limousines, executive sedans, ambulances, passenger vans, or other similar vehicles, administrative offices, and the ancillary servicing and maintenance of company vehicles.

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<sup>263</sup> This carries forward the definition and the use of "truck rental establishment" in the current Zoning Ordinance, except that some standards in current definition are now in Sect. 4102, Use Standards.

<sup>264</sup> This is a new definition for a use that consolidates the uses "service station" and "service station/mini-mart" in the current Zoning Ordinance. Standards in the current definitions of those uses are included in Sect. 4102, Use Standards.

<sup>265</sup> This carries forward and simplifies the definition of "vehicle major service establishment" in the current Zoning Ordinance.

<sup>266</sup> This replaces the definition of "vehicle light service establishment" in the current Zoning Ordinance.

<sup>267</sup> This carries forward and refines the current definition of "vehicle sale, rental and ancillary service establishment."

<sup>268</sup> This carries forward the definition of "vehicle transportation services establishment" in the current Zoning Ordinance.

ATTACHMENT G



# **Community Gardens, Farmers Markets, Gardening as an Accessory Use and Other Related Changes**

Proposed Zoning Ordinance Amendment

Jennifer Josiah  
Senior Assistant to the Zoning Administrator

March 7, 2019

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## **Goal for Today's Meeting**

Amendment concepts were presented at the March 2018 and January 2019 Board Development Process Committee

Today, staff hopes to obtain feedback on a discussion of the proposed standards and other changes for community gardens, farmers markets, gardening as an accessory use and other related changes

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## Background

Development Process Committee  
3/13/18 and 1/29/19

Extensive outreach:

County staff with multiple agencies  
Citizens groups  
School resource fairs  
Zoning open houses  
Farmers Market Week  
Local farmers



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## Community Gardens - Defined

- Land or rooftop area used for cultivation of herbs, fruits, flowers, vegetables, or ornamental plants by more than one person, household, or a non-profit organization for personal or group use, consumption, or donation
- May be divided into separate plots or may be cultivated collectively
- May include common areas and accessory structures
- Does not include a private garden on a lot that contains a single family detached dwelling
- Not deemed to be an agricultural use

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### Community Garden – Where Permitted



- Allowed by-right as an accessory use on developed property for the exclusive use of residents, employees, or members
- Allowed by Temporary Special Permit (TSP) when standards are met
- Allowed by BZA Special Permit when standards are not met
- Not regulated under these provisions when located on Park Authority or other public property

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### Community Garden - Proposed Standards



- Land Area (advertised range up to 4.99ac)
  - 2 acres by Temporary Special Permit
  - > 2 and <5 acres by BZA Special Permit
- Structures (advertised range up to 750sf)
  - Sheds limited to 250 square feet on <2 acres
  - Sheds limited to 500 square feet on 2-5 acres
- Setbacks (advertised range up to 100 feet)
  - Front – 15', Side – 25', Rear – 25'
- Hours of Operation (advertised to allow unlimited hours)
  - 7:00 a.m. to dusk

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### Community Garden - Proposed Standards (cont.)



- Composting must be screened, maintained, and outside of minimum required front yard
- Adequate parking and ingress/egress
- Common gardening practices/equipment
- Conservation Plan required from Northern Virginia Soil & Water Conservation District for over 5,000 sq. ft. of garden area
- Fee and Term (advertised range 1 to 5 years, up to \$500)
  - 2 year permit with a bi-annual fee of \$205
  - or 2 year permit with initial fee of \$205 and biannual renewal of \$50

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### Farmers Market - Defined

A regularly occurring market that sells farm products or value-added farm products directly to the general public.



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### Farmers Market Standards



- Adequate parking and ingress/egress
- No storage or permanent structures
- Sales limited to agricultural products and items made from farm products, including vendor-produced food, beverage, and other value-added items
- Daylight hours, year round
- Fee and Term (advertised range 1 to 5 years, up to \$500)
  - 2 year permit with a bi-annual fee of \$205
  - or 2 year permit with initial fee of \$205 and biannual renewal of \$50

### Gardening as an Accessory Use

- Personal Gardening as an Accessory Use to a Dwelling
  - Allow in the front yard
  - Limited to not more than 100 square feet (advertised to allow unlimited area)
  - Setback 15' from the front lot line (advertised to allow unlimited setback )
  - Advertised to limit to single family detached dwellings
  - No composting in the front yard





### Related Changes

- Delete Open Air Produce Stand Use and associated standards
- Modify Open Space definition and general requirements to allow community gardens

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### Next Steps

- Continue outreach efforts
- Board authorization March 19, 2019
- Planning Commission hearing April 24, 2019
- Board hearing June 25, 2019

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Questions?

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**DRAFT TEXT FOR COMMUNITY GARDENS, FARMERS MARKETS,  
GARDENING AS AN ACCESSORY USE AND RELATED CHANGES ZONING  
ORDINANCE AMENDMENT**

**Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by adding new definitions for COMMUNITY GARDENS and FARMERS MARKETS and revising the current definition of OPEN SPACE to read as follows:**

COMMUNITY GARDEN: Land or rooftop area used for the cultivation of herbs, fruits, flowers, vegetables, or ornamental plants by more than one person, household, or a nonprofit organization for personal or group use, consumption, or donation and not for the bona fide production of crops, animals or fowl. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas and accessory structures maintained and used by group members. A community garden does not include a private garden on a lot that contains a single family detached dwelling. Except when located as an accessory use on a lot that is principally used for agriculture, community gardens are not deemed to be an agricultural use.

FARMERS MARKET: A regularly occurring market that sells farm products or value-added farm products directly to the general public.

OPEN SPACE: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall must, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, ~~agriculture, community gardens~~, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 13; provided, however, that the area required for interior parking lot landscaping shall must not comprise more than twenty-five (25) percent of the total required open space. Open space shall does not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be is composed of only those areas not contained in individually owned lots. For the purpose of this Ordinance, open space shall includes and be qualifieds as LANDSCAPED OPEN SPACE, COMMON OPEN SPACE, DEDICATED OPEN SPACE, and USABLE OPEN SPACE, all as defined herein.

**Amend Article 2, General Regulations, Part 7, Common Open Space and Common Improvement Regulations as follows:**

- **Amend Sect. 2-702, General Requirements by revising the lead-in paragraph and Par. 5 as follows:**

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

5. No lands in common open space may be denuded, defaced or otherwise disturbed in any manner at any time without the approval of the Director. However, routine maintenance of common open space limited to the removal of dead, diseased, dying or hazardous trees or shrubbery; removal and replacement of dead landscaping and screening materials; installation of supplemental plantings or a community garden; removal of noxious vegetation such as poison ivy or greenbrier; lawn care and maintenance; or repair and replacement of picnic and play equipment; or similar routine maintenance will be permitted without approval of the Director; provided such maintenance is allowed under any applicable proffered conditions, applicable conditions of special permits or special exceptions or other applicable laws and ordinances and further provided that such common open space does not contain areas used to comply with Best Management Practices such as floodplains and conservation easements.

**Amend Article 3, Residential Districts, as follows:**

- **Amend Sect. 3-A03 Special Permit Uses, in the R-A District by amending Par. 3, Group 8 – Temporary Uses to add a new Par. C and D, as follows:**

3. Group 8, Temporary Uses, limited to:

C. Community gardens

D. Farmers markets

- **Amend Sect. 3-P03 Special Permit Uses, in the R-P District by amending Par. 5, Group 8 – Temporary Uses to add a new Par. G and H, as follows:**

5. Group 8, Temporary Uses, limited to:

G. Community gardens

H. Farmers markets

- **Amend Sect. 3-C03, Special Permit Uses, in the R-C District by amending Par. 5, Group 8 – Temporary Uses to revise Par. F and add a new Par. H, as follows:**

5. Group 8, Temporary Uses, limited to:

F. Temporary fFarmers' markets



H. Community gardens

- Amend Sections 3-E03 and 3-103, Special Permit Uses, in the R-E and R-1 Districts by amending Par. 7, Group 8 – Temporary Uses to revise Par. F and add a new Par. H, as follows:

7. Group 8, Temporary Uses, limited to:

F. ~~Temporary~~ Farmers' markets

H. Community gardens

- Amend Sections 3-203, 3-303, 3-403, Special Permit Uses, in the R-2, R-3 and R-4 Districts by amending Par. 6, Group 8 – Temporary Uses to revise Par. F and add a new Par. H, as follows:

6. Group 8, Temporary Uses, limited to:

F. ~~Temporary~~ Farmers' markets

H. Community gardens

- Amend Sections 3-503, 3-803, 3-1203, 3-1603, 3-2003, 3-3003, and 3-M03 Special Permit Uses, in the R-5, R-8, R-12, R-16, R-20, R-30, R-MHP Districts by amending Par. 4, Group 8 – Temporary Uses to revise Par. F and add a new Par. H, as follows:

4. Group 8, Temporary Uses, limited to:

F. ~~Temporary~~ Farmers' markets

H. Community gardens

**Amend Article 6, Planned Development District Regulations, Part 3, PRC Planned Residential Community District by revising Par. 1A of Sect. 6-302, as follows:**

**Sect. 6-302 Permitted Uses**

Subject to the use limitations set forth in Sect. 305 below and the exceptions permitted by Sections 303 and 304 below, the following and similar uses as may be approved shall be permitted only in those locations respectively designated Residential, Neighborhood Convenience Center, Village Center, Town Center and Convention/Conference Center on an approved development plan and PRC plan, if applicable, prepared in accordance with the provisions of Article 16.

A. The following uses are permitted in those areas approved for Residential Uses:

- (1) Accessory uses, accessory service uses and home occupations as permitted by Article 10 to include ~~garden plots~~ community gardens which are not connected with, incidental to, or on the same lot with a principal use.

**Amend Article 8, Special Permits, Part 8, Group 8 Temporary Uses as follows:**

- **Amend Sect. 8-801, Group 8 Special Permit Uses to revise Par. 7 and add new Par. 10, as follows:**

7. ~~Temporary f~~Farmers' markets.

10. Community gardens.

- **Amend Sect. 8-802, Districts in Which Group 8 Uses May be Located**

Group 8 uses may be allowed by special permit in the following districts:

R-A District: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, ~~and 9~~ and 10

R-P District: Limited to uses 1, 2, 3, 5, 6, 7, 8, ~~and 9~~ and 10

All other R Districts: Limited to uses 1, 2, 3, 5, 6, 7, 8, ~~and 9~~ and 10

All P Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, ~~and 9~~ (when located in a residential portion of a P district), and 10

All C Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, ~~and 8~~ and 10

All I Districts except I-I: Limited to uses 1, 2, 3, 4, 5, 6, 7, ~~and 8~~ and 10

- **Amend Sect. 8-810, Standards and Time Limits for Temporary Farmers' Markets, as follows:**

**8-810 Standards and Time Limits for Temporary Farmers' Markets**

~~Temporary farmers markets shall be deemed temporary retail sales establishments and shall be allowed in all districts where retail sales establishments are permitted uses, notwithstanding the use limitations concerning outdoor storage and display of goods set forth in the district regulations. In all other districts, notwithstanding the provisions of Sect. 2-510 or the use limitations concerning retail sales set forth in the district regulations, temporary farmers markets may be permitted subject to the following conditions: A farmers market may be permitted subject to the following conditions:~~

1. ~~Such temporary use may be permitted only during the months of April through November.~~
2. ~~1. No temporary special permit shall be issued unless a~~ Adequate provision is made for off-street parking and safe ingress and egress to the adjacent street must be provided.



3. ~~Such use shall be located on a lot having frontage on or safe and convenient access to a principal or minor arterial street as set forth in Appendix 8.~~
  4. ~~2.~~ No storage of vehicles, canopies, display items or produce ~~shall be~~ is permitted when the market is not in operation. Additionally, no ~~permanent~~ structures ~~shall be~~ are allowed; ~~provided, however, that~~ canopy tents, fabric canopies primarily attached to vehicles, temporary portable shelving, portable tables, bins, hanging racks and similar display items ~~shall not be~~ are not deemed structures.
  5. ~~3.~~ Sales ~~shall be~~ are limited to ~~seasonal or perishable produce, including flowers and plants~~ agricultural products and items made from farm products, including vendor-produced food, beverage, and other value-added items.
  6. ~~4.~~ The hours of operation are limited to daylight hours.
  7. ~~One (1) temporary sign may be permitted in accordance with the provisions of Sect. 12-103~~
  5. To establish a farmers market, an application must be filed with the Zoning Administrator on forms furnished by the County, accompanied by the required fees in accordance with Sect. 18-106. Permits are valid for a period of two years and may be renewed on a biannual basis with approval of the Zoning Administrator. Any subsequent expansion or change of permit holder or renewal of a farmers market permit may require submission of a new application as determined by the Zoning Administrator. (Advertised to allow the Board to consider any fee of between \$0 and \$500 and a period of permit validity of up to five years)
  6. Farmers markets may also be permitted on County owned and controlled property, including the Park Authority or Fairfax County Public Schools, provided that such farmers markets have the property owner's permission and comply with all other applicable regulations.
- Add a new Sect. 8-813, Standards and Time Limits for Community Gardens, as follows:

#### **8-813 Standards and Time Limits for Community Gardens**

Community gardens may be permitted as either a principal use or an accessory use subject to any associated proffers or development conditions and to the following:

1. A community garden may be permitted as a principal use in any district, subject to the following:
  - A. The land area for the community garden cannot exceed two acres in size, except that a community garden of more than two acres and less than five acres may be approved by the BZA, in accordance with Sect. 8-009. An application for approval by the BZA



- must be filed a minimum of ninety (90) days prior to the date on which the permit is to take effect. (Advertised to allow the Board to consider any permitted size of less than five acres)
- B. The cumulative area of all structures associated with the community garden is limited to 250 square feet, except as may be approved by the BZA in accordance with Par. 1. All accessory structures must comply with the location regulations, as specified in Sect. 10-104. (Advertised to allow the Board to consider up to 750 square feet)
- C. A community garden may not be located closer than 15 feet to the front lot line and 25 feet from all other lot lines. (Advertised to allow the Board to consider any setback in any yard of up to 100 feet)
- D. Designated composting areas may not be located in the minimum required front yard, must be screened from adjoining residential property with either a fence or other adequate screening material, and must be maintained in a manner that protects adjacent properties from nuisance odors, runoff and pests.
- E. Adequate parking and safe ingress and egress to the adjacent street must be provided.
- F. Only practices and equipment commonly used in residential gardening may be used. No lighting is permitted and all activities are subject to compliance with the noise standards set forth in Chapter 108.1 of The Code.
- G. The hours of operation are limited from 7:00 A.M. to dusk. (Advertised to allow the Board to consider unlimited hours of operation)
- H. Community gardens and the area surrounding community gardens must be maintained in good condition. In the event that the operation of the community garden ceases, the land or area must be restored, and all structures associated with the community garden must be removed from the property.
- I. The operation of a community garden cannot create an erosive condition, as identified in Chapter 104 of The Code. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District is recommended for gardens of not more than 5,000 square feet in area and is required for gardens greater than 5,000 square feet in area. All activity in and around the garden must adhere to the recommendations of the Plan to preclude the development of erosive conditions. (Advertised to allow the Board to make a Conservation Plan optional or mandatory for all community garden sizes)
- J. To establish a community garden, an application must be filed with the Zoning Administrator on forms furnished by the County, accompanied by the required fees in accordance with Sect. 18-106. Permits are valid for a period of two years and may be renewed on a biannual basis with approval of the Zoning Administrator. Any subsequent expansion or change of permit holder may require submission of a new



application as determined by the Zoning Administrator. (Advertised to allow the Board to consider any fee of between \$0 and \$500 and a period of permit validity of up to five years)

2. Community gardens may be permitted as an accessory use, for the exclusive use and enjoyment of members of a homeowner association, condominium association, or non-residential development, without approval of a temporary special permit, provided the operation conforms to provisions A through I of Par. 1 above.
3. Community gardens may also be permitted on County owned and controlled property, including the Park Authority or Fairfax County Public Schools, provided that such community gardens have the property owner's permission and comply with all other applicable regulations.

**Amend Article 8, Special Permits, Part 9, Uses Requiring Special Regulation, as follows:**

- **Amend Sect. 8-901, Group 9 Special Permit Uses to remove the Open-air produce stands use from Par. 8, as follows:**
  8. ~~Open-air produce stands.~~
- **Amend Sect. 8-902, Districts in Which Group 9 Uses May be Located, to remove Use Number 8 from Paragraphs 1 and 2.**
- **Amend Sect. 8-909, Additional Standards for Open-Air Produce Stands to delete the lead-in paragraph and provisions.**

**Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, Part 1, Accessory Uses and Structures, of as follows:**

- **Amend Par. 10 of Sect. 10-102, Permitted Accessory Uses, as follows:**

**10-102 Permitted Accessory Uses**

Accessory uses and structures may include, but are not limited to, the following uses and structures; any such use or structure must be in accordance with the definition of Accessory Use contained in Article 20.

10. Gardening primarily for the growth of herbs, fruits, vegetables, flowers and ornamental plantings but not including landscaping as defined in Article 20, and composting.

- **Amend Par. 12 of Sect. 10-104, Location Regulations, as follows:**

**10-104 Location Regulations**

12. The following regulations shall apply to the location of all freestanding structures or uses

except those specifically set forth in other paragraphs of this Section:

- C. No accessory structure or use, except a statue, basketball standard, or flagpole, or gardening in an area of not more than 100 square feet shall may be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards and gardening shall may not be closer than fifteen (15) feet to a front lot line. Composting is not permitted in any front yard. Additionally, basketball standards may not be closer than and twelve (12) feet to a side lot line, and shall may not be used between the hours of 8:00 PM and 8:00 AM. *(Advertised to allow the Board to consider all of the following: unlimited area; no setback; and limited to only single family detached dwellings)*

**Amend Article 18, Administration, Amendments, Violations and Penalties, by amending Part 1, Administration, Sect. 106, Application and Zoning Compliance Letter Fees, to modify the Group 8 special permit fees in Par. 1 to add farmers markets and community gardens and modify the Group 9 special permit fees to remove Open air produce stand, as follows:**

1. Application for a variance, appeal, special permit or special exception:

**Group 8 special permit**

- Temporary portable storage containers approved by the Zoning Administrator \$0
- All other uses approved by the Zoning Administrator \$205  
*Advertised to allow the Board to consider a fee from \$0 to \$500 and permit validity of up to five years for farmers markets and community gardens only.*
- Temporary portable storage containers approved by the BZA \$0
- Community gardens approved by the BZA \$435  
*Advertised to allow the Board to consider a fee from \$0 to \$910*
- Farmers markets and community gardens biannual renewal \$50  
*Advertised to allow the Board to consider a fee from \$0 to \$500 and permit validity of up to five years.*
- All other uses approved by the BZA \$16,375

**Group 9 special permit**

- ~~Open air produce stand~~ \$1810