



Town Code

Sec. 18-824. - Conditional Use Permit.

1. **Conditional Use Permit Required.** Any use that is indicated within Article 3 of this Chapter and is marked with a "C" on the Principal Uses or Accessory Uses Tables requires the approval of a Conditional Use Permit by the Board of Zoning Appeals prior to the issuance of a Building Permit or Certificate of Occupancy.
2. **Site Plan May be Required.** The Zoning Administrator will review the application and determine whether a site plan review is required prior to the commencement of review of an application for a Conditional Use Permit. See Site Plan in [§ 18-836](#).
3. **Conditions for Approval.** The Board of Zoning Appeals may issue a use permit for any of the uses indicated, within Article 3, with a "C" (conditional) on the Use Table, provided the use for which the permit is sought:
 - A. Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
 - B. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
 - C. Will be in accordance with the purposes of the Town's comprehensive plan; and
 - D. Meets use-specific standards outlined in Article 3 of this chapter.
4. **Action Required in Reasonable Time.** The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application, within ninety (90) days of the application being deemed complete. This time period is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.
5. **Application.** An application for a conditional use permit shall be submitted to the Director of Planning and Zoning on such forms as the Director may prescribe and shall include the following:
 - A. detailed description of the operation of the proposed use, including any proposed ancillary or secondary use that the applicant is considering.
 - B. Plans to control any potential impacts of the proposed use on the nearby community, including:
 - i. **Noise.**
 - a. Noise levels anticipated from all uses and equipment.
 - b. A statement as to whether the anticipated noise complies with the levels permitted by the Town Code.
 - c. Plans to control these anticipated noise levels, including noise emanating from patrons or visitors to the proposed use.
 - ii. **Odors.** Methods to be used to control odors emanating from the use when applicable.
 - iii. **Trash and litter.**
 - a. The type and volume of trash and garbage the proposed use will generate.
 - b. The planned frequency of trash collection.
 - c. Planned methods to prevent littering on the property, streets and nearby properties.
 - iv. **Loading/unloading.**
 - a. Availability and adequacy of off-street loading facilities.
 - b. Hours and frequency of off-street loading.



v. **Parking and Stacking.**

- a. Number of spaces available to serve residents, employees, and patrons during the hours of operation, for all primary and secondary uses being proposed.
- b. Plan showing geometric design of stacking aisle and number of stacking spaces provided.

vi. **Use capacity.**

- a. The estimated number of patrons, visitors, clients, pupils and other such users.
- b. The proposed number of employees, staff and other personnel.

vii. **Hours.** The proposed hours and days of operation of all proposed uses.

viii. **Site Plan.** A proposed site plan consistent with the requirements of [§ 18-836](#) shall be submitted, reviewed, and approved as part of the conditional use permit application and pursuant to the procedures and standards of this section, or an approved site plan showing compliance with the uses proposed.

ix. Plans and other documents exhibiting compliance with any other requirements contained in this ordinance for the conditional use proposed and as the Director of Planning and Zoning determines are necessary and desirable for adequate review.

6. **Review Process.**

- A. **Pre-Application Meeting.** The applicant is required to attend a pre-application meeting with Town staff prior to submitting an application for a Conditional Use Permit. See [§ 18-833](#), Pre-Application Meeting.
- B. **Review for completeness.** Applications for Conditional Use Permits are reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator. The application may be referred to the Director of Public Works if determined to be required by the Zoning Administrator.
- C. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application to be complete, the application and supporting materials are transmitted to the Planning Commission.
- D. **Action by Planning Commission.** The Planning Commission shall make a recommendation on the application based on Conditions for Approval outlined in § 18-824.3, and applicable Use Standards outlined in Article 3. The Zoning Administrator shall transmit the Planning Commission's recommendation with the application and supporting materials to the Board of Zoning Appeals for final review and determination.
- E. **Action by the Board of Zoning Appeals.**
 - i. **Final Decision.** The Board of Zoning Appeals has the final decision authority on Conditional Use Permits.
 - ii. **Board may Impose Conditions.** The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure continued compliance with the conditions imposed.



- B. **Appeals.** Decisions by the Board of Zoning Appeals may be appealed to the Fairfax County Circuit Court per Code of Virginia § 15.2-2285, 1950, as amended.
- 7. **Duration of valid permit.**
 - A. **Permit void after six months if operation not commenced.** Any use permit or amended portions of existing use permits shall become void six months after issuance if construction or operation related thereto has not commenced, unless otherwise specified by the Board of Zoning Appeals.
 - B. **Extension of time allowed under certain conditions.** An extension of time may be permitted by the Board of Zoning Appeals.
 - C. **Termination of use.** A conditional use permit shall cease to be valid if the use for which such permit is granted is not operated for a continuous period of two (2) years or more.
- 8. **Enforcement and Compliance.**
 - A. **Failure to Comply with Permit Conditions.** Failure to comply with Conditional Use Permit conditions are zoning violations and subject to the enforcement measures within Division 6 - Enforcement, Compliance and Penalties.
 - B. **Revocation of Non-Compliant Permits.** The Board of Zoning Appeals may revoke a Conditional Use Permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 18-830. - Modification of Requirements.

- 1. **Purpose.** Applications for modifications of requirements, in which the proposed development cannot be achieved within the requirements of the Zoning Code, must submit a narrative and Major Site Plan demonstrating the requested modifications to any of the following standards:
 - A. Setbacks per Article 2.
 - B. Lot Area per Article 2.
 - C. Lot Coverage per Article 2.
 - D. Number of units per Article 2.
 - E. Height of an architectural feature per Article 2.
 - F. Open space standards per Article 2.
 - G. Screening or landscaping standards per [Articles 4B](#), 5A and 5B.
 - H. Parking standards per [Articles 4B](#), 5A and 5B.
- 2. **Application and Review Process.**
 - A. **Requests must be in writing.** Requests for Modifications of Requirements shall be submitted to the Director of Planning and Zoning, accompanied by a written statement including the code sections from which relief is sought and setting forth the reasons therefor.
 - B. **Completeness and Compliance.** Applications for modifications of requirements are reviewed for completeness and compliance with the Code



of Vienna by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.

- C. **Transmission to Planning Commission.** Once staff review is complete, the application will be transmitted to the Planning Commission for review at a regular meeting. The Planning Commission shall make a recommendation on the application to the Town Council, which shall include reviewing for consistency with the Comprehensive Plan and the integrity of the Town Code.
- D. **Final Decision by Town Council.** The application and Planning Commission's recommendation are then transmitted to the Town Council for review and determination at a public hearing. The Town Council's review shall include, but not necessarily be limited to, determining whether the requested modifications would, if approved, be consistent with the Comprehensive Plan and would not impair the integrity of the Town Code.
- E. **Notification.** Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification. See also Division 5.
- F. **Final Approval Required before the Issuance of Other Permits.** Applications for modifications of requirement must be approved by Town Council and the final site plan must be stamped as approved prior to the issuance of building permits or a Certificate of Occupancy.
- G. **Referral to Board of Architectural Review.** All site plans, except those for single-unit residential properties, may require referral to the Board of Architectural Review prior to approval. See [§ 18-821](#).



Sec. 18-218. Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5).

2. RS-12.5 Dimensional Standards.

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS		
	Lot Area	12,500 sq. ft. min.
FW	Lot Width at Front Lot Line	50 ft. min.
BW	Lot Width at Front Building Line	65 ft. min.
MW	Lot Width at Midline	80 ft. min.
RESIDENTIAL COVERAGE		
Lot coverage	25% max.	
Outdoor living coverage	5% max. covered by decks Up to 400 sq. ft. of decks may be covered, setback with conditions outlined in § 18-213	
BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	2.5 max.
BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	30 ft. min. from front property line, incl. after any required dedication
ISY	Interior Side Yard Setback	15 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 ft. min.

Sec. 18-402. - Frontage Improvements.

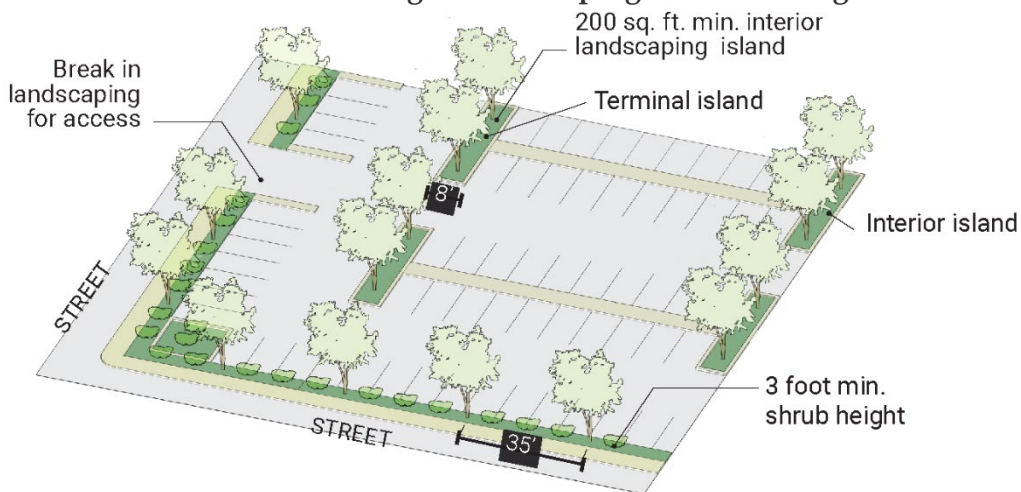
1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown in the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect such new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in this Chapter.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction.



Sec. 18-560. - Parking Lot Landscaping.

1. All parking lots shall include a landscaping strip along the entire perimeter of the parking lot of at least five (5) feet in width. The landscaping strip may include breaks for bicycle, pedestrian, and vehicle access, and shall include the following:
 - A. One (1) canopy or understory tree per thirty-five (35) feet of linear footage; and
 - B. Three (3) large shrubs, which are of a type that are able to reach at least three (3) feet in height within three (3) years of planting, per twenty-five (25) feet of linear footage.
2. One (1) interior landscaping island shall be provided for every ten (10) parking spaces. If a lot has multiple interior landscaping islands, the interior landscaping islands must be evenly distributed throughout the parking lot.
3. Each interior landscaping island must consist of a minimum of two hundred (200) square feet, a minimum width of eight (8) feet, at least one (1) tree per 150 square feet of parking island area.
4. No parking space shall be more than seventy (70) feet away from the trunk of a shade or canopy tree.
5. Parking rows must have terminal islands located at both ends of each row.
6. Interior islands may be installed below the level of the parking lot surface to allow for the capture of stormwater runoff.

FIGURE 5B.8. Parking lot landscaping standards diagram.





Sec. 18-561. Buffer Between Zones.

1. **Required Planting Buffer.** The following table sets forth the required screening buffer width between properties:

PROPOSED USE	ABUTTING USE ¹				
	Single Unit Detached (RS-10, RS-12.5, RS-16)	Duplexes, Townhouses, Cottage Courts, or Multi-Unit Attached (RMU)	Commercial or Mixed Use	Industrial	Public, Institutional, or Community Use
Cemetery, Club or Service Organization, Community Garden, Cultural Facility or Museum, Public Community Center, or Religious Assembly	Five (5) ft. min.	Five (5) ft. min.	Five (5) ft. min.	Five (5) ft. min.	Five (5) ft. min.
Government Uses	Ten (10) ft. min.	Ten (10) ft. min.	Five (5) ft. min.	Five (5) ft. min.	Five (5) ft. min.
Outdoor Recreational Uses, Private or Outdoor Parks and Recreational Uses, Public	Fifteen (15) ft. min.	Fifteen (15) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.	Five (5) ft. min.
School, Elementary, Middle, or High	Fifteen (15) ft. min.	Fifteen (15) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.	Five (5) ft. min.
Utility Facility	Fifteen (15) ft. min.	Fifteen (15) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.



A. When a screening buffer is required, a combination of understory trees, canopy trees, and shrubs shall be included on the proposed development's site along the property line as follows:

Specifications	5 ft. Buffer	10 ft. Buffer	15 ft. Buffer ²
Canopy Trees (per 100 ft. along shared lot lines)	Not required	Three (3) min.	Four (4) min.
Understory Trees (per 100 ft. along shared lot lines)	Four (4) min.	Three (3) min.	Four (4) min.
Shrubs (per 100 ft. along shared lot lines)	Three (3) min.	Four (4) min.	Five (5) min.

B. All plantings and trees must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.

Sec. 18-582. Loading Area Requirements.

Loading areas shall meet the following standards:

1. Minimum loading spaces required.
 - A. One (1) loading space per 100,000 square feet of gross floor area.
 - B. No more than 5 loading spaces are required per structure.
 - C. Where a given use or building contains a combination of uses, loading facilities must be provided on the basis of the sum of the required spaces for each use.
 - D. If there is uncertainty with respect to the amount of loading space required by the provisions of this Ordinance as a result of an indefiniteness as to the proposed use of a building or land, the maximum requirement for the general type of use that is involved governs.
 - E. Where the required number of loading spaces is not set forth for a particular use, and where there is no similar type of use listed, the Zoning Administrator will determine the basis of the number of spaces to be provided.
2. Required dimensions of loading space.
 - A. Minimum 25 feet in depth;
 - B. Minimum 15 feet in width; and
 - C. Minimum 15 feet in height, if located within a building.
3. Location.
 - A. All required off-street loading spaces must be located on the same lot as the use served.
 - B. Loading spaces may not be located in a required front setback.
 - C. Loading areas must not interfere with the free circulation of vehicles in any off-street parking area.



RELEVANT REGULATIONS

ATTACHMENT 14

4. When an existing structure or use is expanded, accessory off-street loading spaces must be provided in accordance with the minimum requirements for the entire structure or use, as expanded or enlarged.
5. Required off-street loading areas may not be used to satisfy the space requirement for any off-street parking facilities.

Sec. 18-583. Bicycle Parking.

1. Minimum bicycle parking spaces required.
 - A. Short-term: One (1) space per 2,500 square feet but no less than 8 spaces.
 - B. Long-term: One (1) space per 2,500 square feet.
2. Location. Both short-term and long-term bicycle parking shall be located in visible, well-illuminated areas that do not impede or conflict with automobile, pedestrian, or bicycle traffic.
3. Short-term bicycle racks shall comply with the following:
 - A. Short-term racks shall include inverted "U" bicycle racks and circular bicycle racks or acceptable variations as determined by the Zoning Administrator with recommendation from the Director of Public Works.
 - B. Bicycle racks that are located parallel to each other shall be at least three (3) feet apart and shall allow bicycles to be locked on both sides without conflict.
 - C. Bicycle racks that are located in a linear configuration shall be at least five (5) feet apart.
 - D. Bicycle racks shall be securely anchored and shall be easily usable with u-locks and cables.
 - E. Bicycle racks shall be spaced at least two (2) feet from walls, curbs, pavement edges, or other structures.
4. Long-term bicycle racks shall comply with the following:
 - A. Long-term bicycle racks, which are intended for overnight parking, and longer, shall be covered and weather resistant.
 - B. Long-term bicycle racks may include, but are not limited to, covered bicycle racks that meet the standards of short-term bicycle racks; or bicycle lockers or bicycle racks that meet the standards of short-term bicycle racks and are located within a parking structure or other enclosed structure.
 - C. Bicycle lockers shall be anchored in place and have an opening clearance of at least seven (7) feet.
 - D. Long-term bicycle racks must be located no more than one hundred (100) feet from the building entrance that the bicycle rack is intended to serve.



Virginia State Code

§ 15.2-2309. Powers and duties of boards of zoning appeals.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.