



Department of Planning and Zoning
Town of Vienna
127 Center Street, South
Vienna, Virginia 22180-5719
p: (703) 255-6341
e: DPZ@viennava.gov

MEMORANDUM

Meeting Date: September 29, 2025

To: Town Council

From: Andrea West, Zoning Administrator

RE: Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

Background

On October 23, 2023, the Vienna Town Council adopted broad updates to Chapters 17 (subdivision) Chapter 18 (zoning) of the prior Town Code. Among other changes, this update combined the Zoning Code and Subdivision regulations into a single chapter (new Chapter 18) of the Town Code.

These proposals are the 3rd set of changes presented by the Department of Planning and Zoning since the adoption of the new code in 2023. At the time of that adoption, the Town Council recognized that there would need to be additional updates to the code. The first round of additional changes (approximately 50 of them) was addressed during 2024. The second round, also in 2024, related to the Town Council's allowing Accessory Living Units to be developed in Vienna.

The purposes of this new set are to 1) meet new requirements from the updated state code, 2) provide additional clarification and corrections, and 3) provide new appropriate regulations for new and existing uses.

Guide to the Attachments

The proposed changes are shown as "redlines" over the existing code language in the sections where revisions are proposed. They are presented as attachments, as itemized below. In those attachments:

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- Text in **black** is unchanged from the adopted code.
- Text in **RED** is new text that is proposed to be added.
- Text in **RED with a STRIKE-THROUGH** is proposed to be removed.

Attachments:

1. Staff Memorandum (this document)
2. Article 2 - Sec. 18-213. Lot coverage
3. Article 3 - Sec. 18 304. Principal Uses Table.
4. Article 3 - Sec. 18 323. Drive Through Facilities
5. Article 3 - Sec. 18 340. Religious Assembly
6. Article 6 – Subdivision, Lot Line Adjustment and Lot Consolidation
7. Article 8 - Administration, Procedures, And Enforcement
8. Relevant Virginia Acts of Assembly from 2025 Session

Proposed Amendments

The balance of this memorandum provides a guide for the proposed amendments and the additional attachments, where the amendments are specified. To understand the proposals fully, it helps to view this guide at the same time as viewing the appropriate attachment.

Attachment 2:

Sec. 18-213. Lot coverage.

- This proposed revision is intended to clarify the Town’s policies regarding the features that are considered as lot coverage.
- The revision also would bring into the code features that, for many years and without explicit Town Council direction, have been interpreted by previous Zoning Administrators as not counting toward lot coverage calculations. Key examples include walkways no wider than 5 feet, stairs, and ramps.

Attachment 3:

Sec. 18 304. Principal Uses Table.

- **Cultural Facility or Museum** – Proposed as a conditional use in Transitional and Corporate Park zones.
 - Within the Transitional zone, this use was recently the subject of an application requested to be located within an existing office structure. As the use is not permitted or conditional within the code, staff was unable to offer potential approval, even though there would not have been greater impacts from the proposed use than there would be for permitted office uses. Considering the weakness in the office market,

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

staff suggests that allowing such uses would provide an additional opportunity for productive use and would be compatible with other permitted uses in the Transitional zone.

- The same is true within the Corporate Park zone, where this use may offer additional options to address long-term vacancies.
- **Religious Assembly** – Proposed as a conditional use in Transitional and Corporate Park zones. Other uses of an assembly nature are already permitted in these zones, as conditional uses (for example, Specialized Instruction). Staff therefore recommends that Religious Assembly be permitted through a similar process as other similar uses, using similar use and other zoning standards.
- **Adult Day Support Center** – Proposed as a conditional use in the Corporate Park zone. This use is compatible with the current office and medical office uses already permitted within the Corporate Park zone.
- **Catering** – Proposed as a permitted use in the Corporate Park zone due to the business and quasi-industrial nature of this use.
- **Child Care Center** – Proposed as a permitted use in the Corporate Park zone. This use is compatible with the current office uses within the Corporate Park zone.
- **Continuing Care Facility** – Proposed as a conditional use in the Corporate Park zone. This use is compatible with the current office and medical office uses currently permitted within the Corporate Park zone.
- **Medical Care Facility** – Proposed as a conditional use in the Corporate Park zone. This use is compatible with the current office and prior medical office uses within the Corporate Park zone.
- **Shared Kitchen** – Proposed as a permitted use in the Corporate Park zone due to the business and quasi-industrial nature of this use.
- **Specialized Instruction** – Proposed as a conditional use in the Corporate Park zone. This use is compatible with the use entitled Indoor Recreation, Private use, which is currently a Conditional Use within the Corporate Park zone.
- **Warehouse** – Proposed as a permitted use in Corporate Park due to the business and quasi-industrial nature of this use.
- **Wholesale** – Proposed as a permitted use in Corporate Park due to the business and quasi-industrial nature of this use.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

Sec. 18-305. Accessory Uses Table.

- **Adult Day Support Center** – Proposed as a new accessory conditional use. This use is compatible with other uses, such as medical or institutional uses.
- **Catering** – Proposed as a permitted accessory use in the Corporate Park zone due to the business and quasi-industrial nature of this use.
- **Child Care Center** – Proposed as a new accessory use. This use is compatible with office and commercial uses.
- **Outdoor Storage** – Proposed as a conditional accessory use within the Corporate Park zone. Outdoor Storage is a companion use with some quasi-industrial and manufacturing uses. The use-specific standards for screening of any outdoor storage would be applicable to the accessory use.
- **Shared Kitchen** – Proposed as a new accessory use.
- **Specialized Instruction** – Proposed as a new accessory use.
- **Warehouse** – Proposed as a new accessory use to meet the demands of modern retail and manufacturing uses.
- **Wholesale** – Proposed as a new accessory use to meet the demands of modern retail and manufacturing uses.

Attachment 4:

Sec. 18 323. Drive Through Facilities.

- *Remove the restriction that does not allow drive-through facilities in the front setback for the GS Gateway South and CP Corporate Park districts, but retain that restriction in the AW Avenue West and AE Avenue East districts.*

As currently adopted, drive-through facilities are prohibited to be placed in the front setback in all zones where they are allowed to be developed. This proposal would allow front placement of a drive-through in two of those zones – GS Gateway South and CP Corporate Park. In those zones, the property characteristics make distinguishing the building fronts from sides and rears less relevant than in other zones. Specifically, staff recommends retaining that restriction in the two districts along Maple Avenue where drive-throughs are allowed - the AW Avenue West and AE Avenue East zoning districts – so as to retain the desired aesthetic quality and walkability along Maple Avenue. (The AC Avenue Center zoning district prohibits drive-throughs entirely.) The Board of Zoning Appeals recently made a decision that is supportive of this change; it approved a waiver in the Corporate Park zone that allowed a drive-through to be placed at the front of a Navy Federal Credit Union property, based on the site characteristics; and staff believes that the BZA decision was justified.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- *Permit two drive-through lanes per property.*

The current code, adopted in October 2023, allows one lane for a drive-through on each property where drive-through facilities are allowed. This change was a recommendation of the zoning consultant and was never changed during the approval process. The previous code allowed two drive-through lanes. In a staff review of the existing conditions within Town since then, staff found that many existing drive-throughs within the Town had more than a single lane. In addition, restricting new drive-throughs to one lane may conflict with the goal of eliminating stacking, when possible, both on the Town's rights-of-way and on private property. Staff supports allowing two lanes of drive-through facilities, as long as all other zoning and other requirements can be met.

- *Allow the Zoning Administrator to waive certain application requirements based on the scope and scale of the proposed drive-through, in consultation with the Director of Public Works.*

As adopted, the Town requires that all listed information in Sections 18-323.10.A. and 18-323.10.B. be submitted for any application relating to a drive-through facility. Staff has found that some applications, such as a minor modification to an existing facility, do not merit such a comprehensive submittal package, may be overly burdensome, and are not necessary for staff to complete a thorough review of the application. If the initial review reveals that additional material is needed, staff would still retain the authority to request and require that material.

Attachment 5:

Sec. 18 340. Religious Assembly.

- *Revise the language in the code to expand the uses that are allowed within Religious Assembly facilities within all zoning districts.*

Religious organizations typically have office or classroom space for associated uses. Those uses may be directly related to the organization or separate non-profit organizations that benefit from co-location with religious institutions. Most religious institutions are within residential districts; and, under the code as adopted, no office uses not directly part of the religious organization may be located within the same building. The code has always restricted all offices to commercial zones. This proposed change would allow non-profit organizations to make use of office space within a religious facility that is already permitted, as long as it does not increase the impacts that are associated with the approval of the religious facility.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- Child care facilities and schools are currently allowed only after being approved through a Conditional Use Permit. This requirement would remain unchanged.

Attachments 6-8

The majority of the changes proposed in Attachments 6 and 7 relate directly to changes required of localities, as adopted in the Code of Virginia during the 2025 legislative session. The State adopted bill reference is specified below, where relevant. Attachment 8 provides the adopted legislative changes to the Code of Virginia.

Attachment 6:

Sec. 18-606. Board and Commissions. (Page 1)

- *Revise the description of the authority of the Planning Commission and Town Council.*

Virginia law has, until 2025, considered the Planning Commission and staff to be the primary decision makers for subdivisions and other lot modifications (e.g., lot line adjustments and lot consolidations). In Vienna, the Town Council has had the power of approval through interpreting the Town Council to be the “designated agent,” as permitted under the Virginia code. The 2025 Virginia legislation eliminated the possibility of either the Planning Commission or the Town Council serving as the “designated agent.” State law now requires these processes to be administrative.

- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-607. Subdivision.

- Clarification of the definition of a subdivision.

Sec. 18-608. Lot Line Adjustment.

- Revision of the lot line adjustment definition to be consistent with the Code of Virginia definition.

Sec. 18-611. Application Requirements. (Page 2)

- Adding the requirement for applicants to identify the non-compliant conditions within a subdivision or lot modification application.

Sec. 18-617. Pre-Application Meeting Required.

- Removing the requirement for a Pre-Application Meeting with staff before the formal submission of a subdivision or lot modification.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-619. Review Process. (Page 2 - 3)

- *Revise the process for review and approval, for subdivisions and other lot modifications, to establish them as administrative processes. It also specifically identifies that, as before, applications for Modifications of Requirements are allowed to be submitted and shall proceed through a recommendation from the Planning Commission and approval/denial by Town Council.*

The previous public hearing process, stating that final approval will be by the Town Council, is changed to an administrative process, with the Director of Planning and Zoning granting the final approval.

- *Added reference to the Modifications of Requirements process within Article 8.* The code as adopted in 2024 did not provide clear directions for Town Council to approve subdivisions and lot modifications where requirements of the Zoning and Subdivision ordinance could not be met and an applicant has requested a modification of requirements. Under this proposed code change, the process is clarified, in accordance with new State requirements. Town Council has the authority to approve or deny requests for such modifications or requirements. Staff will then approve or deny the final plan, following all zoning requirements and the Town Council approval/denial.
- These revisions are required to comply with HB2660 2025 and SB974 2025.

Sec. 18-620. Approval Criteria. (Page 3)

- *Remove the specified approval criteria.*

Town staff will review the proposed subdivision or lot modification for compliance with the Article 6 requirements, which remain unchanged, and the entirety of Chapter 18.

- This revision is required to comply with HB2660 2025 and SB974 2025.

Attachment 7:

Sec. 18-804. Review and Decision-Making Authorities for Single-Unit Residential Applications. (Page 1)

- *Revise the table to exclude processes not applicable to single-unit development, and revise processes and authorities to be administrative where needed.*
- These revisions are required to comply with HB2660 2025 and SB974 2025.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- The table title was revised to include “single-unit” for additional clarity of the process within the table.
- The processes *Board of Architectural Review Certificate of Approval (Duplex, Townhouse & Multi-Unit only)*, *Condominium Conversion*, and *Modification of Requirements (Duplex, Townhouse & Multi-Unit only)* have been relocated to the table within Sec. 18-805.

Sec. 18-805. Review and Decision-Making Authorities for Multi-Unit, Non-Residential, and Mixed-Use Applications. (Page 2)

- *Revise the table to include all applications for Multi-Unit land uses and revise the processes to be administrative as required by the Code of Virginia.*
The processes *Site Plan*, *Avenue Center Amenity Overlay*, *Site Plan*, *Church Street Vision*, *Site Plan*, *Corporate Park Site Plan*, *Parks Zones* were removed from the table.
- The process for Subdivisions and Lot Modifications was amended to be administrative
- These revisions are required to comply with HB2660 2025 and SB974 2025.
- A new process was added to send all signs within the Church Street Vision overlay zone to the Board of Architectural Review for approval, separating the signage from the development plan review for the development modifications.

Sec. 18-806. Director of Planning and Zoning. (Page 3)

- *Revise the authority of the Director of Planning and Zoning to include final decisions on subdivisions and other lot modifications.*
- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-812. Zoning Administrator.

- *Revising the authority of the Zoning Administrator to remove the final decision on subdivisions and other lot modifications.*
- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-816. Planning Commission. (Page 3 – 4)

- *Revising the authority of the Planning Commission to remove the recommendation to Town Council on Avenue Center Amenity Overlay applications.*
The authority remains for the Planning Commission to provide recommendations related to Modification of Requirement applications.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-817. Town Council. (Page 4)

- *Revising the authority of the Town Council for final decisions.*
- The processes *Site Plans, Avenue Center Amenity Overlay, Site Plans, Church Street Vision Incentive Overlay, Site Plans, Corporate Park and Site Plans, Parks Zones* are removed from the list.
- This revision is required to comply with HB2660 2025 and SB974 2025.

Sec. 18-822. Building Permit. (Page 4 – 6)

- *Adding references for clarification of processes.*

Large-Scale Residential building permits are referenced to the appropriate site planning process where the review will take place. Commercial building permits are referenced to the two levels of site plans that may be required.

Sec. 18-823. Certificate of Occupancy. (Page 6)

- *Revising the issuance of Certificate of Occupancy to take place with the filing of a bond by applicants.*

This revision codifies the link between bonds collected for incomplete improvements at projects requesting a Certificate of Occupancy. The Seasonal Planting Deferral is linked to the time periods in the year when trees that are being counted towards canopy coverage, or required by any plan, should be planted.

Sec. 18-830. Modification of Requirements. (Page 6 – 7)

- *Revise the Modification of Requirements process to include additional authority for the Town Council to modify requirements of Chapter 18 for site plans and subdivisions and lot modifications.*

The Modification of Requirements process will be used to obtain approvals for deviations from Chapter 18 requirements and overlay zone modifications (Church Street Vision, Avenue Center Amenity).

- The zones and projects for which the Modification of Requirements process is used, versus the Zoning Variance process, were added.
- The standards that may be waived have been renamed and expanded to match the requirements of Article 2 - Zones, Districts, And Dimensional Standards.
- The authority to waive requirements of the Use specific standards in Article 3 was added.

Discussion and Referral to Planning Commission: Proposed Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18).

- The requirement for certified mailings was changed to first class mailing, from the previous requirement of certified mail, as is permitted per HB2330 2025. This change will result in significant cost savings for the Town.

Sec. 18-836. Site Plan Review. (Page 7 – 12)

- *Revise the Site Plan Review processes to meet the Code of Virginia changes.*
- The level of site plan required for a Modification of Requirements is revised to ensure that the level of site plan review (“Minor” versus “Major”) for projects that are not single-unit residential, will be based on the amount of land disturbance (less than 2,500 square feet versus 2,500 square feet or more).
- The review processes for Overlay Zones were added, to reference the Modification of Requirements process.
- The previous review and approval processes were removed for the *Church Street Vision Overlay*, *Corporate Park districts*, and *Parks* zones.
- The final approval authority for all site plans was changed to the Director of Planning and Zoning.
- The Overlay Zone approval process is created to include the Modification of Requirements process, to allow the incentive to be granted; but the final approval of the site plan is an action of the Director of Planning and Zoning.
- The appeals authority is changed from the Board of Zoning Appeals to the Fairfax County Circuit Court.
- These revisions are required to comply with HB2660 2025 and SB974 2025.

Sec. 18-843. Zoning Variance. (Page 12 – 13)

- *The requirement to submit a statement of justification showing how the criteria for a zoning variance are met was added.*

Sec. 18-845. Summary of Notifications Table and Abbreviations Used. (Page 13 – 14)

- *Revisions to match the administrative processes and clarify the type of notification required for other public meetings and hearings.*
Notification requirements for *Site Plan*, *Avenue Center Amenity Overlay (AC-O)*, *Site Plan*, *Church Street Vision (CS-O)*, *Site Plan*, *Corporate Park (CP) District*, *Site Plan*, *Parks Zones (PC & PR)* and *Subdivision*, *Lot Line*, and *Boundary Adjustment* were removed.
- All notifications labeled as “Courtesy” were renamed “Required” as they are required by this code.
- These revisions are required to comply with HB2660 2025 and SB974 2025.