

Article 3. Uses and Use Standards

Includes standards from

ARTICLE 2. DEFINITIONS
ARTICLE 4. GENERAL REGULATIONS AS TO USES, HEIGHT, AND AREA
ARTICLE 5. RS-16 SINGLE-FAMILY DETACHED RESIDENTIAL ZONE REGULATIONS
ARTICLE 6. RS-12.5 SINGLE-FAMILY DETACHED RESIDENTIAL ZONE REGULATIONS
ARTICLE 7. RS-10 SINGLE-FAMILY DETACHED RESIDENTIAL ZONE REGULATIONS
ARTICLE 8. RTH TOWNHOUSE
ARTICLE 9. - RM-2 MULTIFAMILY, LOW DENSITY ZONE REGULATIONS
ARTICLE 10. - T TRANSITIONAL ZONE REGULATIONS
ARTICLE 11. - C-1 LOCAL COMMERCIAL ZONE REGULATIONS
ARTICLE 12. - C-1A SPECIAL COMMERCIAL ZONE REGULATIONS
ARTICLE 12.1. - C-1B PEDESTRIAN COMMERCIAL ZONE REGULATIONS
ARTICLE 13. - C-2 GENERAL COMMERCIAL ZONE REGULATIONS
ARTICLE 14. - CMP INDUSTRIAL PARK ZONE REGULATIONS
ARTICLE 15. - CM LIMITED INDUSTRIAL ZONE REGULATIONS
ARTICLE 15.1. - PR PARK AND RECREATIONAL ZONE REGULATIONS
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ARTICLE 16. OFF-STREET PARKING AND LOADING AREAS
ARTICLE 17. ACCESSORY BUILDINGS, SWIMMING POOLS AND PRIVATE PARKING AREAS
ARTICLE 18. SUPPLEMENTAL REGULATIONS
ARTICLE 21. - CONDITIONAL USE PERMITS

NOTATION LEGEND:

Current Code reference Section

Current Code or Reference text

Text brought forward without changes

Text not used in proposed draft or use approval changed from current code

Text reworded in proposed draft, with similar intent

New text not in current code

STAFF NOTE

The current code lists permitted and conditional uses in a narrative format throughout the code based on the zones they are permitted.

The processes for the approvals are also currently listed through various articles.

Staff proposes to consolidate all of the information related to where uses are permitted by right or conditionally and any applicable standards in a user friendly format.

19. COMPREHENSIVE USE TABLE BY ZONE AND DISTRICT

The following use table includes all uses that are permitted or conditionally permitted by zone and district. If not expressly permitted or conditionally permitted, then a use is prohibited.

Keys to Use Table:

- 1. Permitted use
A “P” indicates that a use is permitted in the respective districts and zones subject to any specific use standards in [this Article 3, as indicated](#), and the zoning permit requirements of [§_____](#). Such uses are also subject to all other applicable requirements of this chapter.
- 2. Conditional use
A “C” indicates that a use may be permitted in the respective districts and zones only where approved by the Board of Zoning Appeals in accordance with [§_____](#), and the zoning permit requirements of [§_____](#). Conditional uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in [this Article 3](#).
- 3. Special use
An “S” indicates that a use may be permitted in the respective districts and zones only where the proposed use is part of a master plan that is submitted and approved by the Town Council in accordance with processes described in [§_____](#). Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in [this Article 3](#).
- 4. Specific use standards
The “Specific Use Standards” column on the table is a cross-reference to any specific use standard listed in [this Article 3](#). Where no cross-reference is shown, no additional use standard shall apply.
- 5. Use types
The “Use Types” column on the table lists specific uses allowed in the respective districts and zones.
- 6. Uses not permitted
A blank cell in the principal use table indicates that a use is not allowed in the respective districts and zones.

New process proposed by staff; uses proposed for this process are currently Conditional Uses

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

Cottage court housing is proposed as a permitted use in the Residential Multi-Unit district because it has similar characteristics to other uses in that zone including duplexes and townhouses such as density. It is also proposed as a transition between larger lot single family and commercial in the Neighborhood Transitional Zone. The conditional use option in the Avenue Center District is for larger parcels or collections of parcels along Maple that choose to redevelop in the future and may have enough space to propose cottage housing as a transition between the commercial on Maple Avenue and the adjoining single-unit detached residential zones.

Adult day support centers are regulated, non-residential facilities that provide a variety of health, social and related support services in a protective setting during part of the day to four or more aged, infirm or disabled adults who reside elsewhere.

Community gardens are a common use type not currently addressed in our code. It is proposed as both a principal and accessory use.

Cultural Facility or Museum is a common use type not currently addressed in our code.

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

Staff has separated the principal, accessory, and temporary use tables, a change from how they were shown in previous drafts, for clarity and ease of reference.

Residential apartments above the street floor are currently a permitted use in C-1, C-1A, C-1B, C-2, CM in a building which is principally used for other permitted uses.

The current code lists cemeteries and funeral homes as permitted by conditional use however no specific zones are listed.

Child care centers are currently only allowed as a conditional use in residential zones. Staff proposes permitting the use in most commercial zones and conditional use in Avenue Center and Neighborhood Transitional.

Staff recommends changing community gardens in residential to conditional use rather than permitted as previously recommended.

Government uses require conditional use permit in C-1, however that zone is proposed in AC, AE, AW, GS, and NT along with other zones in which it is permitted.

Principal Uses																
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL											SPECIFIC USE STAN- DARDS	
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-O	NT	GS	CP	PR	PC		
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED																
Residential Uses																
Single-unit, Detached	P	P	P													
Duplexes				P												
Townhouses				P			C									
Multi-unit				P												
Upper Story Residential					C	C	P		P		C				§18-70	
Cottage Court				P			C			P						
Public, Institutional, and Community Uses																
Adult Day Support Center	C	C	C	C	P	P	C		C	C	P					
Cemetery	C	C	C	C												
Child Care Center	C	C	C	C	P	P	C		C	C	P				§18-43	
Club or Service Organization	C	C	C	C	P	P	P		P	C	P					
College or University	S	S	S	S	S	S	S				S	S				
Community Garden	C	C	C	C						C			P			
Convention or Conference Center					C	C	C				C	C				
Cultural Facility or Museum					P	P	P		P		P					
Funeral Home or Mortuary					P	P	C		C		P					
Government Uses	C	C	C	C	P	P	P	P	P	C	P	P	P			
Independent Living Facility					P	P	C		C	C	P				§18-51	
Medical Care Facility					P	P	C		C	C	P				§18-55	
Outdoor Recreational Uses, Private	C	C	C	C												

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

Wireless Facility is a use with many state regulations. A separate section on standards will be provided in the next draft. Currently they are being reviewed as conditional uses.

Brewpub is a new use that is common in other jurisdictions.

Principal Uses															
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL											SPECIFIC USE STAN- DARDS
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NT	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED															
Outdoor Parks and Recreational Uses, Public	C	C	C	C	P	P	P	P	P	P	P	P	P	P	
Public Community Center	C	C	C										P		
Religious Assembly	S	S	S	S	P	P	S	S	S	S	P	S			§18-60
School, Private	S	S	S	S								S			
School, Public	S	S	S	S								S			
Utility Facility	C	C	C	C				C		C		C			
Wireless Facility	See Standards for permissions														§18-74
Commercial Uses															
Agriculture and Animal-Related															
Agriculture, General	C	C	C												
Agriculture, Enclosed								C				P			§18-41
Pet Grooming					P	P	P	P	P		P				
Veterinary					P	P	C	C	C		P				§18-73
Food & Lodging															
Bed and Breakfast					P	P	P		P	C	P				§18-42
Brewpub					P	P	P	P	P		P				
Catering					P	P	C	P	C		P				
Hotel					C	C	P		C		C				
Hotel, Boutique					P	P	P		P		P				
Restaurant					P	P	P	P	P		P				
Shared Kitchen					P	P	C	P			P				§18-63
Office and Financial Institutions															
Financial Institution					P	P	P		P		P	P			
Office					P	P	P	P	P	P	P	P			

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

Religious Assembly, Public and Private Schools are permitted by Conditional Use Permit in residential zones only in the current code. Staff is proposing a new Special Use process for these uses and allowing them in the commercial zones.

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

The current code allows massage therapists as a conditional use in residential zones. Further discussion on this use is needed with Town Council.

The current code allows transitional parking as a conditional use in residential zones and public parking lots as a permitted use in C-1A, C-1B, C-2 and CM.

Manufacturing, Artisan is a new use common in other jurisdictions and proposed in conjunction with the Economic Development Strategy.

Compost Drop-off Facility is a new use to address sustainability goals.

Craft Beverage Production Establishment is a new use that is common in other jurisdictions and proposed in conjunction with the Economic Development Strategy.

Principal Uses															
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL											SPECIFIC USE STAN- DARDS
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NT	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED															
Entertainment, Personal, and Business Services															
Entertainment, Adult								C							
Entertainment, Public					P	P	P	C	P		P				
Services, General					P	P	P	P	P		P				
Services, Personal					P	P	P		P	C	P				
Retail Sales															
Grocery, Small					P	P	P	P	P		P				
Grocery, Large					P	P	P		C		P				
Retail, Small					P	P	P	P	P		P				
Retail, Large					P	P	P		C		P				
Vehicle-related															
Car Wash					P	P	C				P				
Commercial Off-Street Parking					C	C	C		C		C				
Vehicle Fueling Station					P	P	C				P				§18-72
Vehicle Repair and Maintenance					P	P	C	P			P				
Vehicle Sales and Rental					C	C					C				
Industrial Uses															
Manufacturing, Artisan					P	P	P	P	P		P				
Manufacturing, Light								P							
Building Materials Storage and Sales								P							
Composting Drop-off Facility								P							
Craft Beverage Production Establishment					C	C	C	P	C		C	C			

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

Data Center is not currently a permitted or conditional use in our code. Staff receives inquiries about this use common in Northern Virginia.

Principal Uses															
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL											SPECIFIC USE STAN- DARDS
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NT	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED															
Data Center												C			
Production or Processing								P							
Recycling Drop- Off Facility								P							
Self-storage								C							
Storage Yard								P							§18-67
Warehouse								P							
Wholesale								P							

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

Staff has separated the principal, accessory, and temporary use tables, a change from how they were shown in previous drafts, for clarity and ease of reference.

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

Community gardens are a common use type not currently addressed in our code. It is proposed as both a principal and accessory use.

Keeping of Chickens, Keeping of Domestic Animals and Keeping of Honey bees are new uses that are common in other jurisdictions and not currently addressed in our code. The current code only addresses horses. Defining these as uses allows staff to apply standards for compliance and link to other related ordinances.

Smoking Lounge is not currently addressed in our code. Hookah lounges are currently permitted as an accessory to restaurants.

Vehicle Charging Station is a new use not addressed in the current code. If they do not meet the standards provided then they are considered a principal use as a vehicle fueling station.

Accessory Uses															
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL											SPECIFIC USE STAN- DARDS
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NT	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED															
Cafeteria												P			
Catering for Restaurant					P	P	P		P		P				
Community Garden	P	P	P	P						P		P	P		
Dancing and Entertainment					C	C	C		C		C				§18-45
Drive-through Windows/ Facilities					C	C	C				C				§18-46
Family Day Home, 1-4 Children	P	P	P	P	P	P	P		P	P	P				§18-47
Family Day Home, 5-12 Children	C	C	C	C	C	C	C		C	C	C				§18-47
Home-Based Business	P	P	P	P						P					§18-50
Keeping of Chickens	P	P	P												§18-52
Keeping of Domestic Animals	P	P	P	P	P	P	P		P	P	P				§18-53
Keeping of Honeybees	P	P	P												§18-54
Outdoor Dining					P	P	P	P	P		P				§18-57
Outdoor Display and Sales					P	P	P	P	P		P				§18-58
Residence for Manager or Employee								P			P	P			§18-61
Ride Share Standing Area					P	P	P	P	P		P	P			§18-62
Smoking Lounge					C	C	C	C	C		C				
Stable and Riding, Personal Use	P	P	P												§18-66
Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-71

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

Staff has separated the principal, accessory, and temporary use tables, a change from how they were shown in previous drafts, for clarity and ease of reference.

Current code references for uses are listed in the background document "Current Code to Draft Code - Use Comparison Chart"

18-154

Farmers Markets are addressed in the current code under display of merchandise and are limited to one market. Town Council has directed staff to research the possibility of allowing more than one market and use standards.

Shelter, Hypothermia Prevention are currently reviewed as conditional uses. Staff proposes regulating it as a temporary use with specific standards to be included in the next draft.

Special Events are not currently addressed in the code.

Temporary Family Health Care Structures are not currently addressed in the code but are required by State Code. The proposed definition will reference state code.

Temporary Uses																
USE TYPES	RESIDENTIAL			NON-RESIDENTIAL												SPECIFIC USE STAN- DARDS
	RS- 16	RS - 12.5	RS- 10	RMU	AW	AE	AC / AC-O	M	CS / CS-0	NT	GS	CP	PR	PC		
P = PERMITTED / C = CONDITIONAL / S = SPECIAL / BLANK = NOT PERMITTED																
Construction Site Office and Storage	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-44	
Farmers Market	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-48	
Garage Sale or Yard Sale	P	P	P	P						P					§18-49	
Model Home Sales or Leasing Office/Trailer	P	P	P	P	P	P	P		P	P	P				§18-56	
Portable Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-59	
Shelter, Hypothermia Prevention	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-64	
Special Event	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-65	
Temporary Family Health Care Structures	P	P	P													
Trailer, Public Use	P	P	P	P	P	P	P	P	P	P	P	P	P		§18-68	
Trailer, Residential Use	P	P	P												§18-69	

Multi-unit Residential Use and Non-Residential Uses are the focus of the discussion at this time.

New uses are highlighted in yellow.

Definitions for each use will be included in Article 9 to be presented at a later date.

Some uses have proposed use specific standards, some of which are from the current code and others are newly proposed.

In the current code, temporary uses are not clearly defined by process or location allowed.

Staff has separated the principal, accessory, and temporary use tables, a change from how they were shown in previous drafts, for clarity and ease of reference.

Some temporary and accessory uses will not be permitted on parcels with a residential use. The next draft will include this distinction for applicable uses.

20. SPECIFIC USE STANDARDS

The following uses are specifically regulated as set forth herein.

Text proposed
by consultant

Agriculture, Enclosed is a new use that would allow enclosed urban agriculture facilities.

18-4

Text proposed
by consultant

Text proposed
by consultant

Text proposed
by consultant

Section 18-41 AGRICULTURE, ENCLOSED

- 1. Enclosed agriculture shall not include the keeping of any animals, insects, or bees.
- 2. No on-site sales of agricultural products grown on the property or otherwise shall be permitted from the property.
- 3. No emissions, odors or other nuisances shall be created or caused by any enclosed agriculture use.

Section 18-42 BED AND BREAKFAST

No more than eight rooms within the principal structure may be use for lodging.

Section 18-43 CHILD CARE CENTER

- 1. In addition to the standards set forth herein, child day care centers shall adhere to all applicable standards promulgated by the Virginia State Board of Social Services.
- 2. Child day care centers shall be designed and located to allow the safe and convenient pick up and drop off of persons on the property.
- 3. Privacy screening at least six feet tall shall be provided along play areas or parking lots abutting a residential lot or use. Such screening may be vegetative if it meets the height requirement. These requirements shall not be construed to permit fences or walls, which may be prohibited by other sections of this chapter.

Section 18-44 CONSTRUCTION SITE OFFICE OR STORAGE

- 1. A building may be used as a temporary office, security shelter, or shelter for materials or tools necessary for construction on or development of the premises upon which the temporary construction office is located.
- 2. Such use shall be strictly limited to the time construction or development is actively underway.

Section 18-45 DANCING AND ENTERTAINMENT

Dancing and entertainment areas may be allowed accessory to restaurants or food service, provided:

- 1. The dancing area, together with any entertainment area, does not exceed 25 percent of the gross floor area of the restaurant; and
- 2. Dancing shall be restricted to a dancing area which shall be clearly demarcated.

Sec. 18-4. - Definitions.
Bed and breakfast inn (also referred to as "inns") means a structure in which eight or fewer rooms are set aside for transient guests. Such rooms shall not have separate utilities, provisions for cooking or dormitories for sleeping and must be located within the principal structure.

18-210

Section 18-46 DRIVE-THROUGH FACILITIES

1. A drive-through shall be designed as complimentary to the principal building it serves.
2. Drive-through features shall not have any pick-up windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the front building wall and street right-of-way.
3. Where a structure served by a drive-through is located on a corner lot, the orientation of the drive-through and the principal structure shall be located such that the drive-through facilities are located opposite the corner.
4. Vehicles shall not be permitted to wait or stack within any public right-of-way for service at any drive-through.
5. A lane for not less than eight vehicles shall be provided for vehicular stacking as they wait for service.
6. A drive-through lane shall be a minimum of 11 feet wide.
7. A drive-through may have more than one window; one for ordering and paying, and one for pick up; provided, however, there shall not be more than one drive-through bay on a property.
8. Order boards shall not be more than 24 square feet in total area and shall not emit any sound, noise, or music other than an order speaker of reasonable noise levels. All drive-through related advertisements shall be located on the order board.
9. No drive-through facility shall be located adjacent to any residential zone or single-unit residential use.

Standards
added by staff

Section 18-47 FAMILY DAY HOME

1. Family day homes are permitted in residential units per Code of Virginia § 15.2-2292, as amended.
2. Family day homes are not permitted as accessory uses for non-residential uses.

18-154

Section 18-48 FARMERS' MARKET

1. The zoning administrator is authorized to permit one private farmers' market or marketplace in the Town each year from May 1 to October 31, inclusive, at a location authorized by approved by them, or other public property and only for the sale of vegetables, fruits, agricultural and farm products of a perishable nature grown or produced by the vendors thereof and not purchased by the vendors for sale.
2. Conduct of such markets or marketplaces shall be in compliance with all applicable federal, state and local laws, including but not limited to **Sec. 8-31**.

Sec. 18-154. - Display of merchandise

C. Notwithstanding subsections A and B of this section, the **Town Manager** is authorized to permit one private farmers' market or marketplace in the Town each year from May 1 to October 31, inclusive, at a location authorized by this chapter and approved by him, or other public property and only for the sale of vegetables, fruits, agricultural and farm products of a perishable nature grown or produced by the vendors thereof and not purchased by the vendors for sale. Conduct of such markets or marketplaces shall be in compliance with all applicable federal, state and local laws. All sales must be conducted in person by that vendor having grown or produced the products sold, members of his family or his direct employees. The hours of activity shall be limited to 7:30 a.m. until 1:30 p.m., Saturday only.

Sec. 18-210. - Use permits required.

II. Drive-through facility, with the following submittal requirements and evaluation criteria:

1. Application submittal requirements:

A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information would include, but not be limited to: The type of product or service to be offered; the proposed hours of operation and employee staffing; plans for the control of litter and the disposal and recycling of waste material; effects on air quality at the site and in adjacent areas; and estimates of sound levels that would be generated by the proposed use at site boundary lines.

B. A traffic analysis providing information that would include, but not be limited to: Estimates of the number of vehicle trips and the amount of vehicular stacking that would occur daily and during a.m./p.m. peak hours; trip generation by use type; estimated internal and external traffic flows; parking and vehicular stacking spaces that would be provided on-site; and data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use. In addition, the analysis would discuss sight distances at points of ingress and egress, pedestrian and bicycle traffic, and any other site-specific traffic factors or public safety issues associated with the application.

2. Applications for drive-through facilities will be evaluated on the basis of the following criteria, with emphasis given to potential adverse effects on adjoining or nearby properties:

A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.

B. Appropriateness of proposed hours of operation.

C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.

D. Pedestrian circulation and safety.

E. Adequacy of screening of vehicle use and parking areas.

F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.

G. Compliance with federal, commonwealth and local pollution standards.

H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.

3. Drive-through facilities adjacent to residentially-zoned properties shall meet the following applicable criteria:

A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.

B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.

Sec. 18-173.4. - Number of sales limited.
~~It shall be unlawful for any such sale to be conducted on premises other than those occupied as a residence by one of the persons conducting such sale. No more than two such sales may be conducted at any one residence and/or family household during any calendar year. If members of more than one residence join in conducting such sale, such sale shall be considered to have been conducted at all of such residences.~~
~~Sec.18-173.2- Intent and purpose.~~
~~Sec. 18-173.3. - Definitions. (ARTICLE 9)~~
~~Sec. 18-173.5. - Home of operation.~~
~~Sec. 18-173.6. - Advertising; signs. (ARTICLE 4)~~
~~Sec. 18-173.7. - Public nuisance~~
~~Sec. 18-173.8. - Parking.~~
~~Sec. 18-173.9. - Persons exempted from ordinance.~~
~~Sec. 18-173.10. - Separate violations.~~

18-173.2
through
18-173.11

Text proposed
by consultant

3. All sales must be conducted in person by that vendor having grown or produced the products sold, members of his family or his direct employees. The hours of activity shall be limited to 7:30 a.m. until 1:30 p.m.

Section 18-49 GARAGE OR YARD SALE

Two yard sales are permitted on each single-unit lot per calendar year.

Section 18-50 HOME-BASED BUSINESS

1. The following uses are not permitted as home-based businesses:
- A. Vehicle service;
 - B. Vehicle repair;
 - C. Plant nurseries and greenhouses;
 - D. Manufacturing, heavy, which relates to the handling, processing, packing, or serving of food directly or indirectly to the public;
 - E. Medical or dental laboratory;
 - F. Restaurant or food services;
 - G. Bulk storage of flammable liquids;
 - H. Funeral homes;
 - I. Boardinghouses;
 - J. Massage therapist or massage therapy establishments; and
 - K. Kennels, breeding of animals, and animal care facilities.
2. All home-based businesses shall comply with the following requirements:
- A. Shall be operated entirely within the dwelling unit or accessory structure and only by the person maintaining a dwelling therein;
 - B. Shall not be any change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home-based business;
 - C. Shall not utilize more than 25 percent of the gross livable floor area of the dwelling, including the basement;
 - D. Shall not employ any person other than a member of the immediate family residing on the premises;
 - E. Shall not use any equipment other than that normally used for domestic, hobby, and household or small office purposes in a dwelling;
 - F. Shall not involve the emission of any sounds, odors, or smoke beyond the property line in excess of normal single unit dwelling use;
 - G. Shall not include any service involving the presence of customers or clients on the premises will be operated on an appointment basis only;
 - H. Shall not constitute a nuisance because of sidewalk or street traffic;
 - I. Shall not adversely affect the use and development of adjoining properties in the immediate neighborhood;
 - J. Shall not include the storage of hazardous materials; and
 - K. Shall not include the display of products that are visible from the street.

Sec. 18-173. - Home occupation.

In any residential zone a home occupation is permitted, including the use of the home as an office, provided that the occupation complies with all the following conditions:

- A.Is operated in its entirety within the single unit dwelling and only by the person maintaining a dwelling therein.
- B.Does not display or create outside the building any external evidence of the home occupation, including any method of advertisement other than a dwelling nameplate as permitted in section 18-185.
- C.Does not utilize more than 25 percent of the gross livable floor area including the basement.
- D.No person is employed other than a member of the immediate family residing on the premises. Provided, however, that in the event any such family member so employed in any home occupation dies or becomes physically incapacitated, and such incapacitation is certified by a medical doctor as preventing said family member from performing such employment thereby causing a hardship to the proper conduct of said home occupation, the board of zoning appeals may grant a variance to permit temporary employment of not more than one person for a period not to exceed six months following a public hearing, pursuant to section 18-234.
- E.Does not use any internal combustion engine as a power source and does not use more than a total of three horsepower in fractional horsepower electric motors (other than is normally used for domestic use).
- F.Will not involve the emission of any sounds, odors, or smoke beyond the property line in excess of normal single unit dwelling use.
- G.No commodity will be sold on the premises.
- H.Any service involving the presence of customers or clients on the premises will be operated on an appointment basis only.
- I.Will not constitute a nuisance because of sidewalk or street traffic.
- J.Said use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood.
- K.No equipment or merchandise shall be stored anywhere on the premises other than inside the principal residential structure itself.
- L.No commercial deliveries shall be made either to or from the premises before 8:00 a.m. and after 6:00 p.m.

A boardinghouse, tourist home, massage therapist or massage therapy establishment, or principal office of a real estate business shall not be deemed a home occupation.

3. No person shall conduct a home-based business without obtaining the appropriate business, service or occupational license required by law. All home occupations shall comply with applicable state, federal, and local regulations.

**Section 18-51 INDEPENDENT LIVING FACILITY
NEEDS STANDARDS**

Section 18-52 KEEPING OF CHICKENS

1. Keeping of up to four chickens on an occupied single-unit residential lot shall be allowed, provided that:
- A. No person shall keep any rooster.
 - B. Chickens shall be used only for non-commercial household egg production and selling eggs and slaughtering chickens shall be prohibited.
 - C. Chickens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.
 - D. Chickens must be kept in the covered enclosure or within a fenced or walled area at all times.
 - E. No enclosure shall be located closer than 25 feet to an occupied, off-site residential dwelling.
2. Any person who keeps chickens under this section shall comply with all Town and Virginia laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the Town.

Section 18-53 KEEPING OF DOMESTIC ANIMALS

1. The keeping of animals is allowed as an accessory use if the animals are not kept for the purpose of commercial breeding, boarding, or any other activity meeting the definition of a kennel or animal shelter.
2. Hutches, animal houses, coops, runs, cages, pens and other similar structures for the housing of domestic animals shall be located in the rear yard only; provided that in no instance shall a structure, run or pen for three or more dogs be located closer than 10 feet to any lot line.
3. Accessory use is limited to residential uses.

Section 18-54 KEEPING OF HONEYBEES

Keeping of up to four beehives on an occupied residential lot shall be allowed provided:

1. Beehives will not be located any closer than 10 feet from any side or rear lot line.

Text shown here for Keeping of Chickens, Domestic Animals, and Honeybees are a combination of code language from Fairfax County and Fairfax City.

After receiving comments from the Planning Commission, Town Council, and the community, staff is working with the consultant on revised standards that will be shared in the next draft.

- 2. All honey bee colonies shall be kept within types of hives with removable combs to facilitate inspection, and maintained in sound and usable condition.
- 3. A constant supply of fresh water shall be provided on the lot within 20 feet of all hives. The water source shall be maintained so as not to become stagnant.
- 4. A flyway barrier at least six feet in height but no greater than seven feet in height shall be erected parallel to the property line between the hive opening and any property line located 10 feet or less therefrom. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof extending five feet beyond the hive in each direction. A flyway barrier of dense vegetation shall not be limited to seven feet in height provided that the initial planting is four feet in height and the vegetation normally reaches six feet in height or higher. Barriers shall be maintained in good condition so that all bees are forced to fly at an elevation of at least six feet above ground level.
- 5. Where a colony exhibits aggressive or swarming behavior, the beekeeper shall ensure that the colony is re-queened or removed. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

Section 18-55 MEDICAL CARE FACILITY
NEEDS STANDARDS

Section 18-56 MODEL HOME SALES OR LEASING OFFICE/TRAILER

- 1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development. Such offices and homes shall be removed or converted to a use permitted within the district when use as a sales office or model home has ceased.
- 2. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon sale the home shall comply with applicable residential parking standards.

Section 18-57 OUTDOOR DINING
STANDARDS UNDER CONSIDERATION BY TOWN COUNCIL

Section 18-58 OUTDOOR DISPLAY AND SALES

- 1. Regulations governing outdoor storage and display shall apply in all non-single-unit and multi-unit residential zones.
- 2. Outdoor display is the display of products actively available for sale. Outdoor displays are only permitted in conjunction with an established business on the same lot and must be brought indoors when the associated business is closed.
- 3. Outdoor display shall be allowed adjacent to a principal building wall and

Text proposed
by consultant

Placeholder, subject to further
discussions with Town Council

Text proposed
by consultant

extending to a distance no greater than 10 feet from the wall. Such display shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use sidewalks.

4. Seasonal displays and decoration not advertising a product, service or entertainment; displayed for a period not exceeding 45 consecutive days shall be exempt from these provisions.

18-152.3 Section 18-59 PORTABLE STORAGE CONTAINERS

Notwithstanding any contrary provisions of this chapter, portable storage containers located outside of a fully-enclosed building or structure shall be allowed subject to the following restrictions:

1. No more than one portable storage container shall be allowed on a zoning lot, and for no longer than a total of 30 days in any consecutive 12-month period; provided, however, that during a bona fide construction activity and a building permit on such lot, and for an additional period of 24 hours before and after such construction, a portable storage container used in connection with such construction activity may remain for a period not exceeding a total of six months in any 12-month period;
2. No portable storage container shall have dimensions greater than 16 feet in length or eight feet in height; and
3. Except where a building permit has been issued, all portable storage containers shall be located on private property and on a driveway or other paved surface.

Text proposed
by consultant

Section 18-60 RELIGIOUS ASSEMBLY

Standards applicable to all religious assembly:

1. The regulations that relate to religious assembly uses address land use matters only and do not affect an individual's right to determine and exercise their religious beliefs.
2. The use of land, buildings, and facilities associated with a religious assembly use may be used for other accessory purposes in furtherance of the mission of the religious assembly use. These additional uses, such as child day centers or private schools, may require a conditional use permit if specified in that district or zones.
3. In non-residential districts or zones, any parsonage or rectory must be located in conjunction with, on the same lot, and within the same structure as a religious assembly use.

Text proposed
by consultant

Section 18-61 RESIDENCE FOR MANAGER OR EMPLOYEE

May be permitted accessory to nonresidential principal uses; provided that they are used exclusively by the owner, manager or operator of the use.

Text proposed
by consultant

Ride Share Standing Area is not currently addressed in our code but is an emerging use with the popularity of ride sharing services. Including use specific standards will aid in site plan review.

Text proposed
by consultant

Shared Kitchen is a new use that is becoming more common in other jurisdictions.

Proposed standards for Hypothermia Prevention Shelter are based on conditions of approval for current CUPs for this use in Town.

Section 18-62 RIDE SHARE STANDING AREA

1. The area shall not be larger than 10 ft. x 20 ft. and shall be located within 100 feet of the main pedestrian entrance of a building.
2. The area may be painted or striped to indicate that the area is designated for ride share use only.
3. The area shall be maintained and kept clear of trash and other debris at all times.

Section 18-63 SHARED KITCHEN

1. Each shared kitchen user shall have a separate business license;
2. A shared kitchen shall be used for the preparation of food for public consumption off site only; and
3. Operators of a shared kitchen shall submit a parking plan acceptable to the zoning administrator that provides adequate on-site or off-site parking for the users of the shared kitchen during hours of operation.

Section 18-64 SHELTER, HYPOTHERMIA PREVENTION

1. Use is limited to non-residential facilities.
2. Host location must have a valid conditional or special use permit.
3. Operation must be registered through the Fairfax County Hypothermia Prevention Program.
4. Operation is limited to two weeks per winter season, during the months of November through March.
5. Maximum number of guests and volunteers permitted is determined by the Building Official and Fire Marshal.
6. Hours of operation are limited between 4:30 pm to 7:30 am.

Section 18-65 SPECIAL EVENT

Refer to [Special Event Ordinance XXXX](#).

18-12

Section 18-66 STABLE AND RIDING (PERSONAL USE)

The keeping of horses and/or ponies primarily owned and kept for the personal use of the occupant on the land on which they are maintained on parcels of at least two acres in area, provided:

1. All buildings and structures used in connection with the keeping of horses or ponies shall be located at least 100 feet from all of the property lines of the owner or keeper.
2. All bulk feed and other supplies, equipment and materials used in connection with the keeping of horses or ponies shall be located in such buildings or structures located at least 100 feet from all of the property lines of the owner or keeper.
3. Not more than one pony or horse per acre shall be kept and all such

Sec. 18-12. - Permitted uses.
(e)The keeping of horses and/or ponies primarily owned and kept for the personal use of the occupant on the land on which they are maintained on parcels of at least two acres in area, provided:
1.All buildings and structures used in connection with the keeping of horses or ponies shall be located at least 100 feet from all of the property lines of the owner or keeper.
2.All bulk feed and other supplies, equipment and materials used in connection with the keeping of horses or ponies shall be located in such buildings or structures located at least 100 feet from all of the property lines of the owner or keeper.
3.Not more than one pony or horse per acre shall be kept and all such property on which such ponies or horses are kept shall be fenced in a manner which will prevent any or all of them from straying closer than ten feet from any property line of the owner or keeper.

property on which such ponies or horses are kept shall be fenced in a manner which will prevent any or all of them from straying closer than ten feet from any property line of the owner or keeper.

Text proposed
by consultant

Section 18-67 STORAGE YARD

1. Supplies and materials may be stored outside provided all such outside storage is contained within and screened from the outside on all sides by an ornamental masonry wall not less than six feet in height.
2. A chain link or other acceptable open fence, not less than six feet in height, may be substituted in part or in total for the opaque wall or fence when, in the judgment of the Zoning Administrator after consultation with the Director of Public Works, it is determined that:
 - A. Due to topographic conditions, a solid fence would not screen the storage area from residential property at higher elevation, or other public view in general; or
 - B. Solid screening from public view at ground level is not a paramount consideration, i.e., when the only view is from the storage area of one property to the immediately adjacent storage area, a view not generally shared by the public.

18-152.2

Section 18-68 TRAILER, PUBLIC USE

Notwithstanding the prohibitions set forth in section 18-152, a public use trailer or a public use manufactured home may be permitted to serve an interim need as part of a permitted public use subject to the following standards and procedures:

1. The Town Council may approve, for a period of up to three years, a public use trailer or temporary public use manufactured home upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to section 18-209.
2. For an existing public use trailer permitted pursuant to subsection A of this section or approved pursuant to this subsection B, the council, upon a finding that the public health, safety and welfare of the Town will not be thereby impaired, may extend the time allowed for a public use trailer for additional periods of up to two years each pursuant to section 18-256.
3. All public use trailers must comply with all provisions of this chapter and be consistent with all conditions of any permit issued pursuant to section 18-209, unless such requirements are modified pursuant to section 18-256.
4. Notwithstanding the provisions in subsections A through C of this section, the Town Manager may approve installation of a public use trailer or public use manufactured home in order to respond to exigent needs. Such approval shall be for an interim period, not to exceed one school year, pending satisfaction of the requirements of this section.

Section 18-69 TRAILER, RESIDENTIAL USE

Notwithstanding the prohibitions set forth in this section, the Town Council

Sec. 18-152.2. - Public use trailers and manufactured homes.

Notwithstanding the prohibitions set forth in section 18-152, a public use trailer or a public use manufactured home may be permitted to serve an interim need as part of a permitted public use subject to the following standards and procedures:

- A. The Town Council may approve, for a period of up to three years, a public use trailer or temporary public use manufactured home upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to section 18-209.
- B. For an existing public use trailer permitted pursuant to subsection A of this section or approved pursuant to this subsection B, the council, upon a finding that the public health, safety and welfare of the Town will not be thereby impaired, may extend the time allowed for a public use trailer for additional periods of up to two years each pursuant to section 18-256.
- C. All public use trailers must comply with all provisions of this chapter and be consistent with all conditions of any permit issued pursuant to section 18-209, unless such requirements are modified pursuant to section 18-256.
- D. Notwithstanding the provisions in subsections A through C of this section, the Town Manager may approve installation of a public use trailer or public use manufactured home in order to respond to exigent needs. Such approval shall be for an interim period, not to exceed one school year, pending satisfaction of the requirements of this section.

Sec. 18-152 - Trailers.

~~The use of a trailer as a residence, an office, or for conducting retail sales or solicitations, as referred to in chapter 15, is hereby prohibited, with the following exceptions:~~

~~(a) Public use trailers as provided in section 18-152.2;~~

~~(b) The temporary use of a trailer on an actual construction site for the purpose of an on-site construction office during the period of actual construction only, and when first approved by the director of public works; and~~

~~(c) A sales trailer for residential development on a newly subdivided site subject to the terms of section 18-152.1 when first approved by the director of public works.~~

Notwithstanding the prohibitions set forth in this section, the Town Council may authorize the temporary use of a trailer or mobile home as a dwelling for a period not to exceed six months by residents of the Town when the council is first satisfied that such temporary use is required during reconstruction of a dwelling located in the Town and formerly occupied by said residents which dwelling has been destroyed or rendered uninhabitable by fire or other disaster not willfully caused by such residents. Any such authorization of the council pursuant hereto may be revoked by the council prior to expiration of the six-month period if revocation is deemed by the council to be necessary in the public interest.

Text proposed
by consultant

Text proposed
by consultant
See reference
code from
Fairfax County
on next page

may authorize the temporary use of a trailer or mobile home as a dwelling for a period not to exceed six months by residents of the Town when the council is first satisfied that such temporary use is required during reconstruction of a dwelling located in the Town and formerly occupied by said residents which dwelling has been destroyed or rendered uninhabitable by fire or other disaster not willfully caused by such residents. Any such authorization of the council pursuant hereto may be revoked by the council prior to expiration of the six-month period if revocation is deemed by the council to be necessary in the public interest.

Section 18-70 UPPER-STORY RESIDENTIAL

Lobby and similar areas which serve upper story residential uses may be located on the ground floor but may not occupy more than 30% of the entire ground floor.

Section 18-71 VEHICLE CHARGING STATION

Standards when permitted as an accessory use:

1. An electric vehicle charging space as an accessory use is permitted in accordance with the following standards:
 - A. The space must not interfere with vehicular, bicycle, or pedestrian circulation, including fire lanes and access to the site.
2. When accessory to any residential development:
 - A. Electric vehicle charging is allowed only for the residents and their guests; and
 - B. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.
3. When accessory to any nonresidential or mixed-use development:
 - A. The space must be located in a parking structure or parking lot that serves a principal use; and
 - B. The minimum height of the dispenser is three feet.
4. When located in a surface parking lot and not mounted on the exterior of the principal structure, or when located on the top level of a parking structure open to the sky:
 - A. The maximum height of the dispenser and any associated transformer, switchgear, or other similar items is nine feet;
 - B. A canopy is not permitted in association with an electric vehicle charging space located in a surface parking lot unless it supports a solar collection system. Any canopy supporting a solar collection system must comply with height and setback requirements for a freestanding accessory structure herein and cannot include signage or illumination on the sides of the canopy;
 - C. On the top level of a parking structure, a canopy may be allowed if it does not include signage or illumination on the sides of the canopy;
 - D. Electric vehicle charging spaces and related equipment cabinets or

REFERENCE CODE FROM FAIRFAX COUNTY

4102.7E. Electric Vehicle Charging

Standards when permitted as an accessory use:

- (1) An electric vehicle charging space as an accessory use is permitted in accordance with the following standards:
 - (a) The space must not interfere with vehicular, bicycle, or pedestrian circulation, including fire lanes and access to the site.
 - (b) When accessory to any residential development:
 1. Electric vehicle charging is allowed only for the residents and their guests; and
 2. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.
 - (c) When accessory to any nonresidential or mixed use development:
 1. The space must be located in a parking structure or parking lot that serves a principal use; and
 2. he minimum height of the dispenser is three feet.
 - (d) When located in a surface parking lot and not mounted on the exterior of the principal structure, or when located on the top level of a parking structure open to the sky:
 1. The maximum height of the dispenser and any associated transformer, switchgear, or other similar items is nine feet;
 2. A canopy is not permitted in association with an electric vehicle charging space located in a surface parking lot unless it supports a solar collection system. Any canopy supporting a solar collection system must comply with height and setback requirements for a freestanding accessory structure in 4102.7.A(6) and cannot include signage or illumination on the sides of the canopy;
 3. On the top level of a parking structure, a canopy may be allowed if it does not include signage or illumination on the sides of the canopy;
 4. Electric vehicle charging spaces and related equipment cabinets or structures must not be located in any required transitional screening yard. The location of plantings required for parking lot landscaping may be modified for electric vehicle charging spaces but the parking lot landscaping requirements must be met in accordance with Section 5108.5; and
 5. Related equipment, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, evergreen landscaping, or any combination. Any landscaping used for screening purposes must be maintained.
 - (e) Each dispenser is permitted to have digital display area up to one square foot in size. Digital display areas greater than one square foot are regulated as signs and are subject to Article 7.
- (2) Accessory electric vehicle charging spaces must be in conformance with any zoning approvals.
- (3) An electric vehicle charging space that does not conform to the standards in subsection (1) above is considered a vehicle fueling station.

structures must not be located in any required transitional screening yard. The location of plantings required for parking lot landscaping may be modified for electric vehicle charging spaces but the parking lot landscaping requirements must be in accordance with this Code; and

- E. Related equipment, including transformers, switchgear, and other similar items must be screened with a fence, wall, berm, evergreen landscaping, or any combination. Any landscaping used for screening purposes must be maintained.
- 5. Each dispenser is permitted to have digital display area up to 1.5 square feet in size. Digital display areas greater than 1.5 square feet are regulated as signs herein.
- 6. Accessory electric vehicle charging spaces must be in conformance with any zoning approvals.
- 7. An electric vehicle charging station that does not conform to the standards in subsections 1-6 above is considered a vehicle fueling station.

18-161

Section 18-72 VEHICLE FUELING STATION

Text proposed
by consultant

Sec. 18-161. - Gasoline stations; locations of pumps and driveways.
Gasoline pumps shall be erected at least ten feet behind the building line. When a gasoline service station occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot. Any driveway serving a gasoline service station shall have a minimum width at the throat of 25 feet and a width at the throat not to exceed 35 feet. A lot shall not be used for a gasoline service station if it is within 300 feet of an entrance to a public or parochial school, a public park or playground.

- 1. Gasoline pumps shall be erected at least ten feet behind the building line.
- 2. When a gasoline service station occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot.
- 3. A vehicle fueling station may not be used for the performance of major repairs; however, within a completely enclosed structure, it may include accessory minor servicing and repair of vehicles, such as:
 - A. The sales and servicing of spark plugs, batteries, distributors, brakes, and tires, but not include recapping or regrooving;
 - B. The replacement of mufflers, tail pipes, fan belts, grease retainers, wheel bearings, and the like;
 - C. Greasing, lubrication, and radiator flushing;
 - D. Repair of carburetors, fuel, oil, and water pumps and lines;
 - E. Minor motor adjustments not involving removal of the head or crank case or racing the motor; and
 - F. Emergency wiring repairs.
- 4. A vehicle fueling station may have no more than three minor servicing or repair bays.
- 5. Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours.
- 6. Dismantling, wrecking, or sale of such vehicles or their parts is not permitted.
- 7. The retail sales of food, beverages, and other frequently needed items for household consumption is allowed as long as the maximum gross floor area devoted to such sales is 2,500 square feet; and
- 8. Fuel pumps may not produce amplified sound at a volume that renders the sound perceivable above ambient noise levels at any lot line.

Text proposed
by consultant

Section 18-73 VETERINARY

- 1. The site plan shall show fencing and building material soundproofing designed to mitigate the noise impact of the proposed use on the surrounding properties.
- 2. Waste handling and ventilation shall be designed to substantially control odors discernable off-site.
- 3. Outdoor exercise areas, runs, or yards, when provided for training or exercising, shall be restricted to use during daylight hours.

Text to be
provided at a
later date

**Section 18-74 WIRELESS FACILITY
NEEDS STANDARDS**

DRAFT