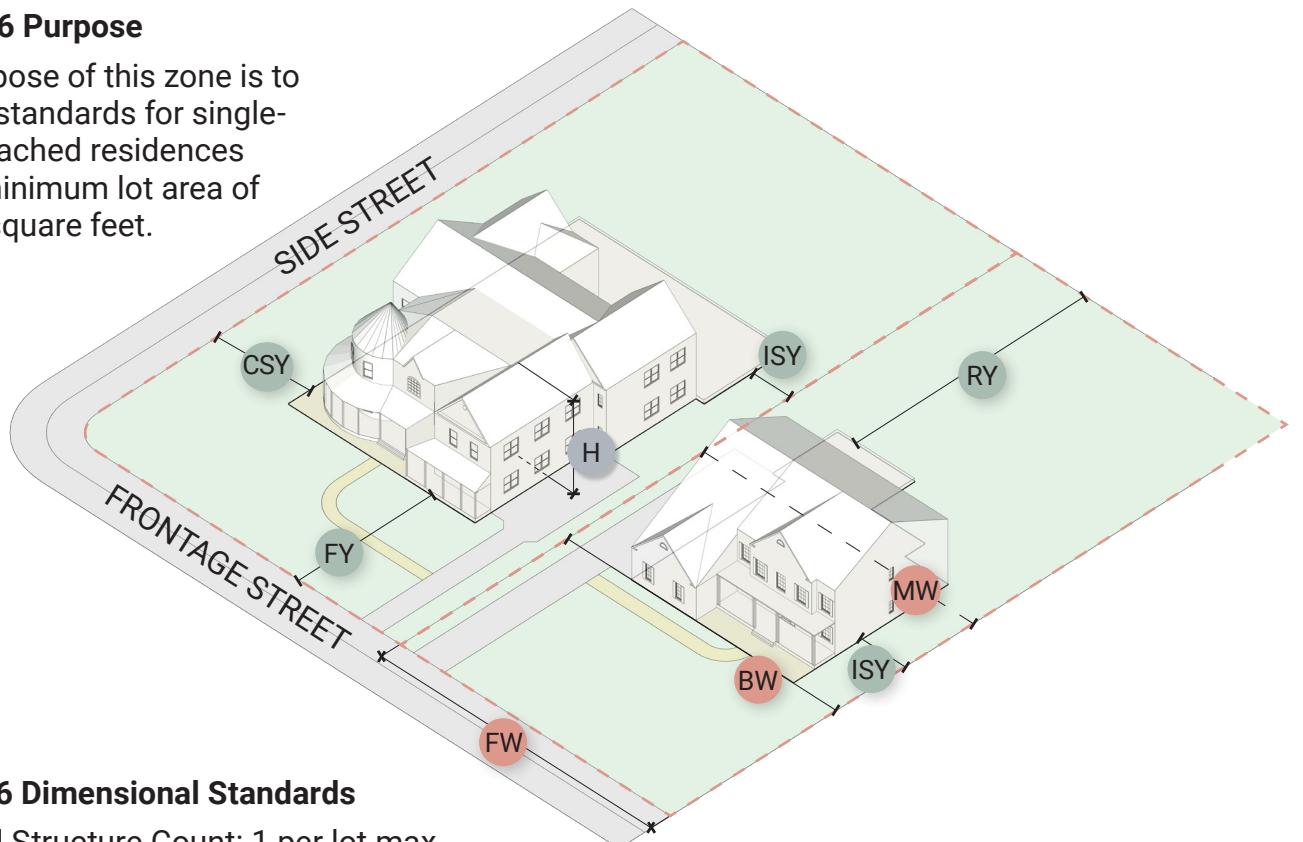


Section 18-217 Residential - Single-Unit, 16,000 sq. ft. Zone (RS-16)

1. RS-16 Purpose

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 16,000 square feet.



2. RS-16 Dimensional Standards

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS

Lot Area Per Dwelling Unit	16,000 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	90 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, 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	35 ft. min. from front property line, including 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.

Reference to Other Standards

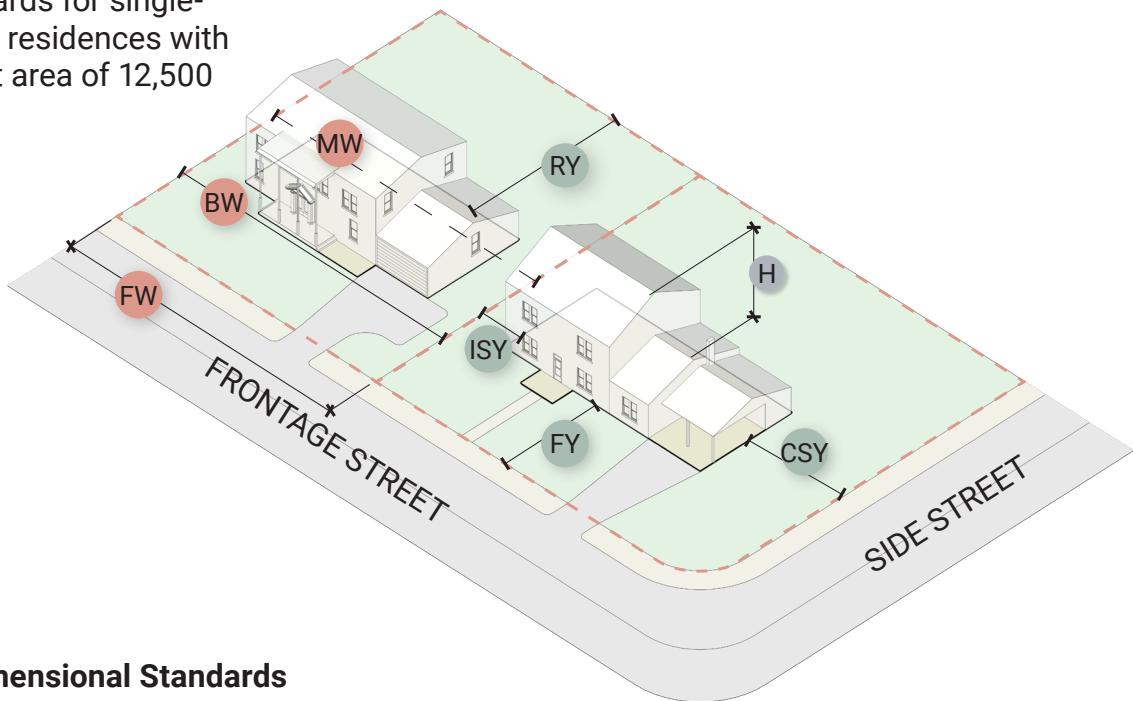
- » Uses and Use Standards; **Accessory Living Units**: See Article 3;
- » Accessory structure setbacks: See Article 4A
- » Development Standards - Single-Unit Detached Residential Uses: See Article 4A;
- » Development Standards - Public, Institutional, and Community Uses - See Article 5B

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

1. RS-12.5 Purpose

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 12,500 square feet.



2. RS-12.5 Dimensional Standards

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS

Lot Area Per Dwelling Unit		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, 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.

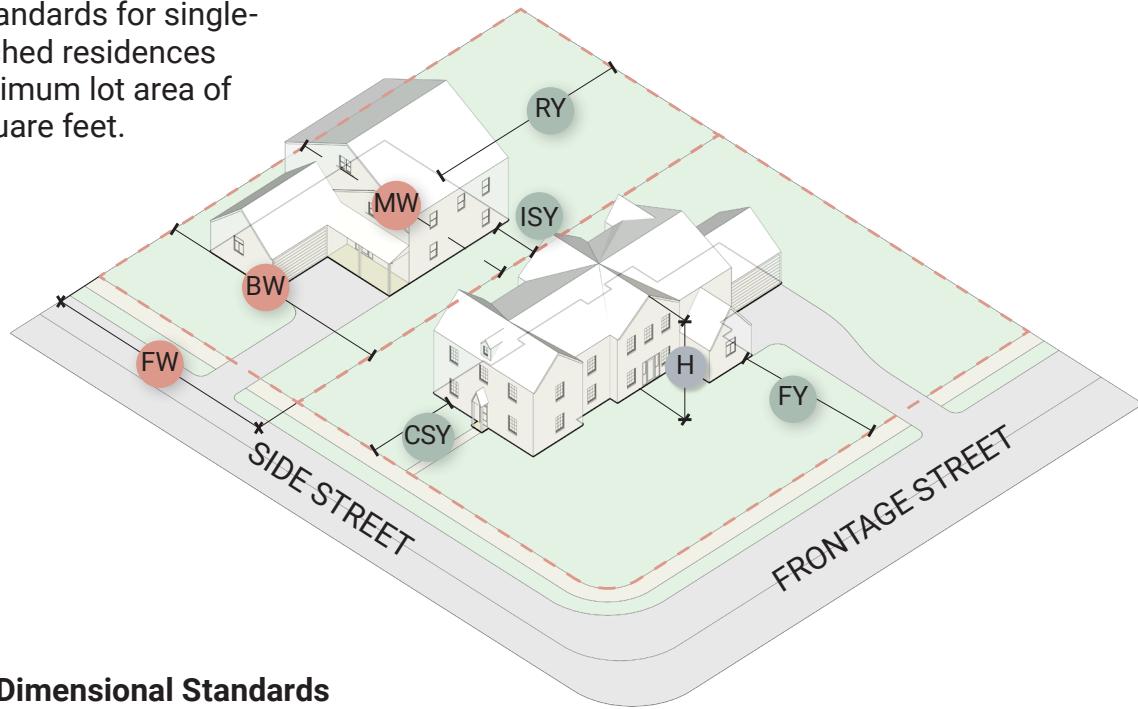
Reference to Other Standards

- » Uses and Use Standards; [Accessory Living Units](#): See [Article 3](#);
- » Accessory structure setbacks: See [Article 4A](#)
- » Development Standards - Single-Unit Detached Residential Uses: See [Article 4A](#);
- » Development Standards - Public, Institutional, and Community Uses - See [Article 5B](#)

Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10)

1. RS-10 Purpose

The purpose of this zone is to provide standards for single-unit, detached residences with a minimum lot area of 10,000 square feet.



2. RS-10 Dimensional Standards

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS

Lot Area Per Dwelling Unit		10,000 sq. ft. min.
FW	Lot Width at Front Lot Line	45 ft. min.
BW	Lot Width at Front Building Line	60 ft. min.
MW	Lot Width at Midline	75 ft. min.

BUILDING PLACEMENT STANDARDS

FY	Front Yard Setback	25 ft. min. from front property line, incl. after any required dedication
ISY	Interior Side Yard Setback	12 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 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, with conditions outlined in §18-213

BUILDING STANDARDS

H	Building Height	35 ft. max.
	Number of Stories	2.5 max.

Reference to Other Standards

- » Uses and Use Standards; [Accessory Living Units](#): See Article 3;
- » Accessory structure setbacks: See Article 4A
- » Development Standards - Single-Unit Detached Residential Uses: See Article 4A;
- » Development Standards - Public, Institutional, and Community Uses - See Article 5B

Section 18-305 Accessory Uses Table

USE TYPES	DISTRICTS AND ZONES														SPECIFIC USE STANDARDS	
	RESIDENTIAL				NON-RESIDENTIAL AND MIXED USES											
	RS-16	RS-12.5	RS-10	RMU	AW	AE	AC / AC-O	M	CS / CS-O	NM	T	GS	CP	PR	PC	
P = PERMITTED / C = CONDITIONAL / - = NOT PERMITTED (See Article 2 for Zone and District Names)																
<u>Accessory Living Unit - Attached</u>	P/C	P/C	P/C	-	-	-	-	-	-	-	-	-	-	-	-	<u>§18-306.5</u>
Cafeteria	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Catering	-	-	-	-	P	P	P	-	P	-	-	P	-	-	-	<u>§18-313</u>
Community Garden	P	P	P	P	-	-	-	-	-	-	-	-	P	P	-	
Curbside Pick-up	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	<u>§18-321</u>
Dancing and Live Entertainment	-	-	-	-	C	C	C	-	C	-	-	C	-	-	-	<u>§18-322</u>
Drive-through Facilities	-	-	-	-	C	C	-	-	-	-	-	C	-	-	-	<u>§18-323</u>
Family Day Home, 1-4 Children	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	<u>§18-324</u>
Family Day Home, 5-12 Children	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	<u>§18-324</u>
Home-Based Business	P	P	P	P	P	P	P	-	P	P	-	P	-	-	-	<u>§18-327</u>
Keeping of Companion Animals	P	P	P	P	P	P	P	-	P	P	-	P	-	-	-	<u>§18-328</u>
Keeping of Fowl or Poultry	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	<u>§18-329</u>
Keeping of Honeybees	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	<u>§18-330</u>
Massage Therapy	C	C	C	C	P	P	P	P	P	P	P	P	-	-	-	<u>§18-331</u>
Outdoor Dining, Seasonal	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	<u>§18-335</u>
Outdoor Dining, Permanent, 1-12 seats	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	<u>§18-335</u>
Outdoor Dining, Permanent, 13 or more seats	-	-	-	-	C	C	C	C	C	-	-	C	-	-	-	<u>§18-335</u>
Outdoor Display and Sales	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	<u>§18-336</u>

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DIVISION 3. USE STANDARDS

The following uses are specifically regulated as set forth herein.

Section 18-306.5 Accessory Living Unit (ALUs) - Attached

1. No ALU may operate in the Town of Vienna unless the property owner has first been issued a permit by the Department of Planning and Zoning, in conformance with all provisions of this chapter.
2. The property owner must reside in either the principal residence or the accessory living unit.
3. An ALU may not be established as a separate property than that of the principal residence.
4. The maximum size of an ALU is 800 square feet or 40% of the floor area of the principal residence, whichever provides a lesser amount of floor area. An amount greater than 800 square feet may be approved by the Board of Zoning Appeals as a conditional use, in accordance with Section 18-824; but under no circumstance may the ALU cover more than 1,000 square feet or 40% of the floor area, whichever provides a lesser amount of floor area.
5. No ALU shall contain more than two bedrooms.
6. An ALU must have areas for living, sleeping, eating, preparing food, and sanitation (i.e., bathroom). Such areas may be established as distinct from those of the principal residence.
7. An ALU may not be issued a permit, nor operate, if a Family Day Home is permitted at the property.
8. An ALU may be located only within or sharing at least one wall with the principal structure, including a second story above an attached garage, and is subject to all development standards. A floor plan showing the location and dimensions of the proposed ALU in relation to the principal structure must be submitted prior to occupancy.
9. Any new external entrance proposed for an ALU must be located on the side or rear of the dwelling.
10. Any ALU must meet the applicable regulations for zoning, building, safety, health, and sanitation.
 - A. For properties converting an existing structure into an ALU, inspections are required prior to occupancy. Inspections shall include verifying the structure complies with building codes, electrical, plumbing, fire safety, and other relevant requirements.
 - B. For properties incorporating an ALU into new construction, inspections will be conducted as part of the regular building inspections prior to occupancy.
11. An ALU must receive a Certificate of Occupancy before it may be established and occupied as a residence. Owner must submit an Owner-Occupancy Affidavit as part of the application for occupancy, including name of property owner, address of property, a statement that owner will reside in one of the units as their primary residence, and acknowledgement of penalties for providing false information or non-compliance.

12. Property owners are required to submit a Residency Compliance Form to the Zoning Administrator every two years to affirm compliance.
13. Upon transferring ownership of the property, the new owner shall submit a new Owner-Occupancy Affidavit to the Zoning Administrator within 30 days of acquiring the property. The affidavit must include whether the ALU will continue to be used in compliance with the conditions of the previous approval or whether it will not be used. Failure to submit the affidavit will render the ALU permit null and void. An ALU may not be used as a short-term rental unit. As such, no occupancy agreement, whether through a formal lease or an informal agreement, is permitted for a period of fewer than 30 days.
14. The Zoning Administrator or their authorized agent shall have the right to inspect any property with an approved Accessory Living Unit (ALU) or refer concerns as appropriate to Fairfax County, as part of the bi-annual renewal process or as necessary to verify compliance with the ALU regulations.
 - C. The Zoning Administrator or their agent shall provide the property owner with a minimum of 7 days written notice prior to any routine or bi-annual inspection.
 - D. In cases where the Town has reason to believe a violation is occurring, the notice period may be reduced to 48 hours.
 - E. The property owner shall make provisions to allow inspections of both the principal residence and the accessory unit during reasonable hours (e.g., between 8:00 AM and 5:00 PM) upon prior notice.

Section 18-307 Adult Business

1. In addition to the standards for conditional use permit contained in §18-824, the Board of Zoning Appeals shall be prohibited from issuing the said use permit if:
 - A. The location abuts a residentially zoned or residentially used property;
 - B. The use is located closer than 1,000 feet to the property of any church, school, or child care center; and
 - C. No two adult businesses may be located closer than 1,000 feet to each other.
2. Nothing contained herein shall be construed in any way to limit the application of any state statute relating to obscenity or relating to distribution of materials to juveniles.
3. Wide-angle mirrors and/or video systems must be used to provide the manager or operator of the adult business with continuous monitoring of all areas of the establishment.

Section 18-308 Adult Day Support Center

An adult day support center may not operate until a license has been granted by the appropriate Commonwealth of Virginia agency.

Section 18-309 Agriculture, Enclosed

1. Enclosed agriculture shall not include the keeping of any animals, insects, or bees.
2. This use shall not result in the emission of any sounds, odors, or smoke beyond the property line in excess of what is permitted under a normal commercial use.

DIVISION 1. GENERAL PROVISIONS

Section 18-401 Purpose

The standards in this Article 4A apply generally to all new construction, additions, and alterations in any RS-10, RS-12.5, or RS-16 zone. Standards for principal structures (single-unit residential homes) relative to maximum permitted heights and required setbacks may be found in Article 2.

Section 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.

DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES

Section 18-403 Accessory Structures Generally

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. Accessory structures on lots zoned for single-unit detached residential homes may include the following:
 - A. Detached garages or carports
 - B. Sheds and similar storage structures
 - C. Green houses
 - D. Gazebos and similar structures
 - E. Animal hutches or other enclosures per §18-328, §18-329, and §18-330
 - F. Other similar structures as determined acceptable by the Zoning Administrator
3. Accessory structures shall be located only in the rear yard.
4. A two-story accessory building is permitted provided that no part of it shall exceed the height of the principal building.
5. An accessory structure may not occupy more than thirty (30) percent of the area of a rear yard.
6. No accessory structure may be used for dwelling purposes.
7. A private automobile garage having any part of a wall in common with a dwelling is considered a part of the principal building and is not an accessory structure for purposes of this Chapter.
8. Accessory structures, as discussed in Division 2 of this Chapter, do not include Accessory Living Units. See Section 18-306.5 for Accessory Living Unit use standards.

DIVISION 5. PARKING

Section 18-417 Minimum Off-Street Parking Required

1. Parking spaces may be located on a driveway, in a garage, or in a carport.
2. Minimum off-street parking required:
 - A. Two (2) spaces for up to three (3) bedrooms.
 - B. Three (3) spaces for four (4) bedrooms.
 - C. Four (4) spaces for four (4) bedrooms or more.
3. An Accessory Living Unit (ALU) must include one parking space per sleeping quarters or bedroom within the ALU, in addition to the spaces required for the principal residence.
3. 4. A single-unit residential parking space shall provide for an area with a minimum width of eight (8) feet and depth of sixteen (16) feet, as it relates to determining the number of off-street parking spaces provided on a driveway or in a garage.

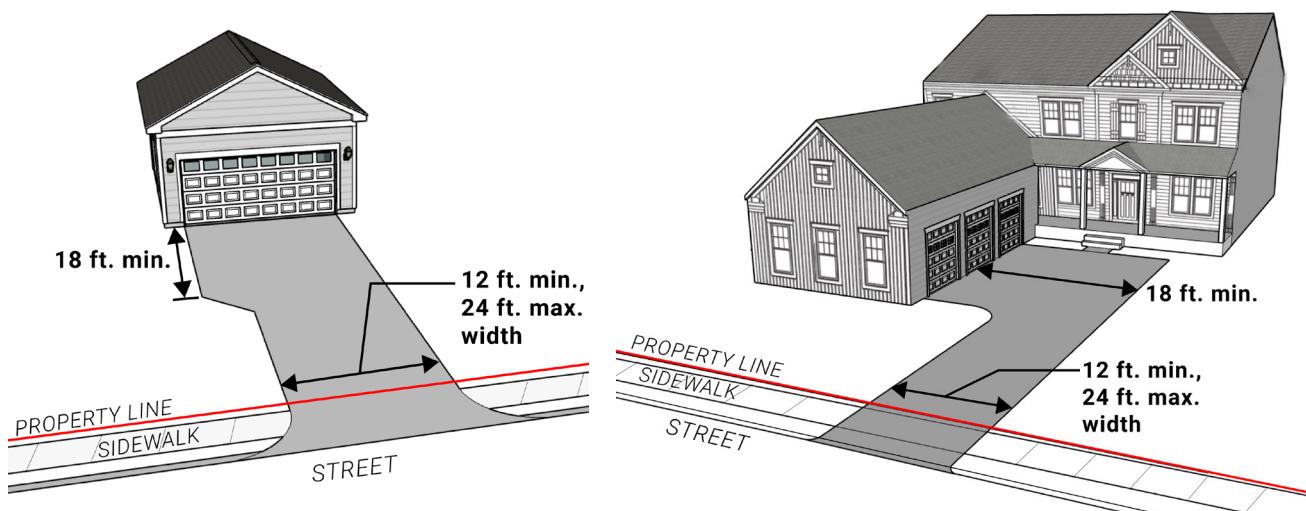
Section 18-418 Non-availability of Parking Area

At any time that a required parking area shall cease to be available for such use, except as a result of government action, the occupancy or use permit for the principal use to which such parking area is appurtenant shall be revoked and declared null and void, until such time as other acceptable off-street parking space is provided.

Section 18-419 Driveways

1. All driveways and parking areas shall be constructed of permanent materials, with an asphalt, concrete, or grid paver surface. Gravel or grass shall not be permitted surface treatments for driveways or parking areas. Other permeable surfaces that are permanent may be proposed, but must be approved by both the Zoning Administrator and the Director of Public Works.
2. Ingress and egress to a public street shall maintain a width of not less than twelve (12) feet nor more than twenty-four (24) feet at the street right-of-way line.
3. A width of at least twelve (12) feet shall be maintained for the length of the driveway.

FIGURE 4A.5
Driveway standards



Article 9. Definitions

Section 18-902 General Terms

Any term not herein defined shall be as defined elsewhere in the Town Code, or, if not defined elsewhere in the Town Code, as defined in Webster's New International Dictionary, most recent edition.

Abut or abutting means sharing one or more common boundaries or points; contiguous.

Accessory building or structure means any structure, other than a principal structure, used to facilitate an accessory use. The following are examples of accessory structures: utilities above or below ground, such as all necessary pumps, transformers, distribution structures or terminals; any generation, exchange, or treatment facility; garages; patios; barns, animal hutches; and swimming pools.

Accessory Living Unit – Attached means a secondary residential unit established in conjunction with, structurally part of or connected to, and clearly subordinate to a single-unit detached dwelling unit.

Adjacent means sharing a common boundary or separated by a right-of-way or water body.

Adult business means an establishment having as a substantial and significant portion of its stock or services that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For the purpose of this definition:

1. The term "specified sexual activities" means:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
2. The term "specified anatomical areas" means:
 - a. Less than completely and opaquely covered:
 - i. Human genitals, pubic region;
 - ii. Buttock; and
 - iii. Female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult day support center means a day care facility for adults but where neither residential nor in-patient services are provided.

Aggregate caliper inches means a measure of the total combined caliper inches for a group of trees.

Single-unit detached dwelling, or single-unit dwelling, or single-family dwelling, or one-unit dwelling means a detached building designed or used exclusively for occupancy by one family (or family equivalent).

Sleeping quarters means bedrooms or other rooms within a residential facility where occupants are permitted use as sleeping areas as permitted by the Virginia USBC.

Smoking lounge means any facility, building, structure, or location, where customers consume tobacco or a similar legal smoking product.

Solar panel or solar collection system means a collection device that converts radiant energy from the sun into electricity.

Special event means an activity sponsored by a nonprofit organization or public agency lasting fourteen (14) consecutive calendar days or less and includes but is not limited to such activities as school carnivals, dinners, concerts, bazaars, and neighborhood fairs.

Specialized instruction means a facility primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. This use does not include a childcare center, home day care facility, or health and exercise facility..

Sports court means an outdoor asphalt, concrete or other hardscape court (not including parking lots) designed for athletic purposes (i.e. basketball court, tennis court, etc.) surrounded by fencing or on a standalone pad.

Stable and riding, personal use, means the lodging and care of horses, where such horses are used principally by the horses' owners.

Stacking or stacking space means the space specifically designated as a waiting areas for vehicles whose occupants will be patronizing a drive through facility.

Standard conditions means a gas temperature of sixty (60) degrees Fahrenheit and gas pressure of fourteen and seven-tenths (4.7) pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

Step-back means an area of a façade above the first floor of a building or structure that is located a set distance further back from the façade or story below it.

Stoop means a small staircase typically, but not necessarily, constructed of concrete and/or masonry, ending in a platform, and utilized primarily as an access to a building.

Storage yard means a location that is used for the storage of equipment, vehicles, machinery, materials, paints, pipe, or electrical components. If a use fulfills the definitions of this term and that of "building materials storage and sales," it shall be considered a "building materials storage and sales" use.