

CURRENT CODE

Sec. 18-138. - One-story accessory building; where to be located.

An accessory building not exceeding one story or 14 feet in height above average grade may be located only in the rear yard and shall not be closer than five feet to any alley line and not less than one foot from any side or rear lot line.

Sec. 18-139. - Two-story accessory building; where to be located.

A two-story accessory building is permitted provided that no part of it shall exceed the height of the principal building, or be located nearer than ten feet to any lot line.

Sec. 18-140. - Accessory building; area and location.

An accessory building may occupy not more than 30 percent of the area of a required rear yard. In residential zones, where any portion of such accessory building is located in the rear of a principal building, it shall be not less than ten feet therefrom; where no portion of such accessory building is located directly in the rear of a principal building, it shall be not less than 15 feet therefrom; **and provided further that the front of the accessory building shall be no less than ten feet from an extension of the rear wall line of the principal building on the adjacent lots.**

Sec. 18-141. - Accessory building on corner lot.

No accessory building on a corner lot shall be constructed **beyond the building line of any adjoining lot**, nor be located nearer than five feet to the side line of such adjoining lot.

Sec. 18-142. - Accessory building not to be used for dwelling purposes.

No accessory building shall be used for dwelling purposes **other than by domestic servants, employed entirely on the premises.**

Sec. 18-147. - Private garage; when not considered an accessory building.

A private automobile garage having any part of a wall in common with a dwelling is considered a part of a principal building and not an accessory building.

Section 18-401 INTRODUCTION

The standards in this Article 4 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 ACCESSORY STRUCTURES

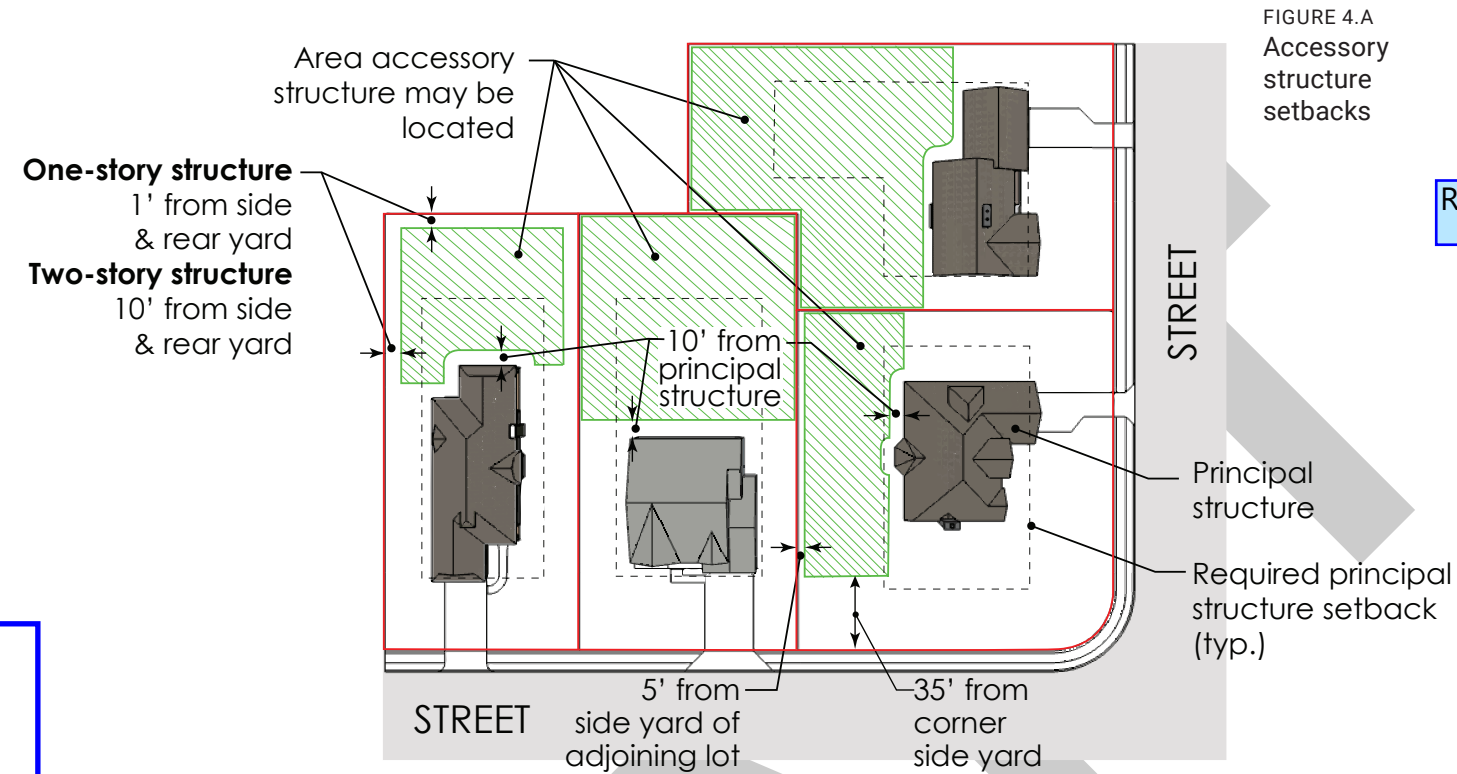
1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.
2. Accessory structures on lots zoned for single-unit detached residential homes may include the following:
 - A. Detached garages or carports
 - B. Sheds and similar storage structures
 - C. Green houses
 - D. Gazebos and similar structures
 - E. Animal hutches or other enclosures per §18-318 and §18-319
 - F. Other similar structures as determined accepted by the Zoning Administrator
3. Accessory structures shall only be located 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 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. The required setbacks for accessory structures are based on the following criteria, multiple criteria may apply:

Criteria	Setback
Location in relation to principal structure	10 ft. min. from principal structure
Located on corner lot	35 ft. min. from corner side yard and 5 ft. min. from side yard of adjoining lot
One-story or no greater than 14 ft. in height	1 ft. min. from rear or side yard; and 5 ft. min. from any alley line
Two-story or more than 14 ft. in height	10 ft. min. from rear and side yard
Animal hutches or other enclosure	10 ft. min. from rear and side yard

Definition of accessory structures added for clarity. Article 9 - Definitions will be updated to include reference to this section.

Setbacks for accessory structures summarized in table rather than individual numbered standards for each.

Proposed change from defining setback by location of neighboring house to a set dimension of 35 feet, consistent with greatest front yard setback of all single-unit residential zones, for consistency and clarity.



Revised graphic

CURRENT CODE
Sec. 18-15. - Area requirements.
 E. Rear yard. The rear yard shall be a minimum of 35 feet in depth. Decks may encroach into a rear yard, provided that no deck may cause the reduction of any rear yard to less than 25 feet in depth.
Sec. 18-169. - Bay windows, eaves, decks and other architectural features.
 3. Uncovered decks, which shall not project more than four feet into any required yard, except as specified for rear yards in the RS-16, RS-12.5, RS-10 and RTH zones.

Section 18-403 DECKS

Uncovered decks may encroach into the required rear yard by up to 10 feet and any other required yard by up to 4 feet. See Article 2.

No change proposed to existing standards for decks.

CURRENT CODE
Sec. 18-134. - Improvements applicable to parking areas and loading spaces.
 A. All parking areas in the single-family residential zoning districts shall be constructed of permanent materials, with an asphalt, concrete, or grid paver surface, meeting the specifications of the Town. Ingress and egress to a public street shall be provided by means of a driveway meeting these same specifications and maintaining a width of not less than 12 nor more than 25 feet at the street right-of-way line.

Section 18-404 DRIVEWAYS AND OFF-STREET PARKING

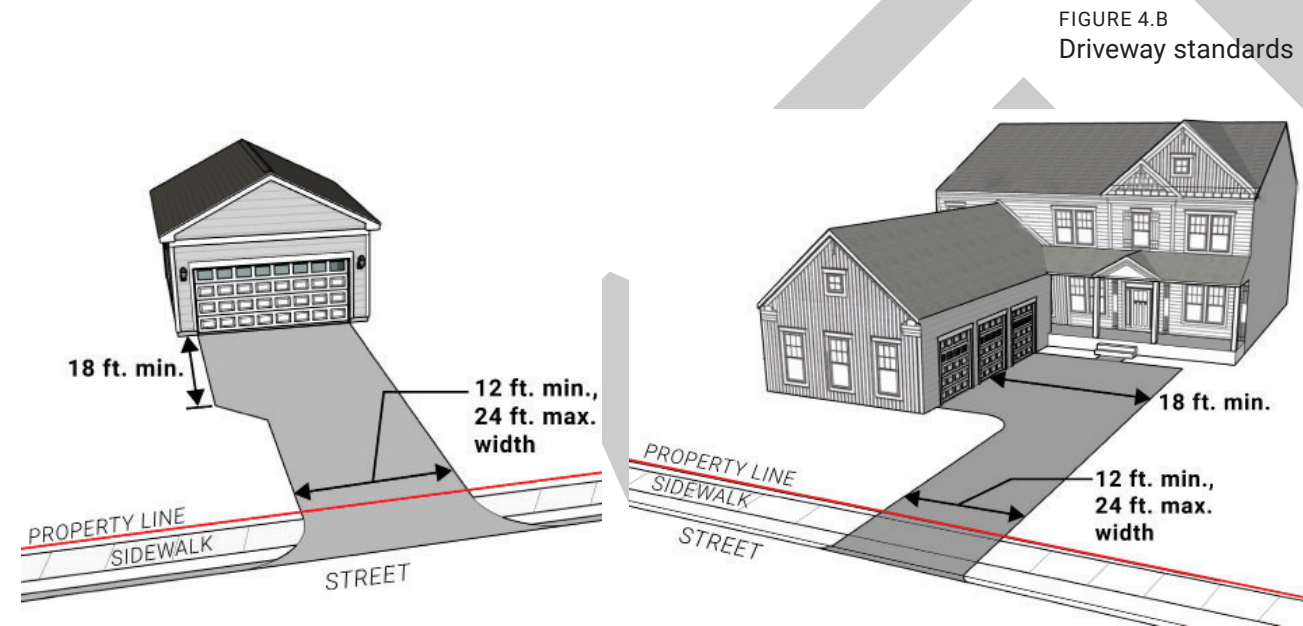
1. All driveways and parking areas shall be constructed of permanent materials, with an asphalt, concrete, or grid paver surface. Gravel or grass shall not be permitted surface treatments for driveways or parking areas. Other permeable surfaces that are permanent may be proposed, but must be approved by both the Zoning Administrator and the Director of Public Works.
2. Parking spaces may be located on a driveway, in a garage, or carport.
3. Minimum off-street parking required:
 - A. 2 spaces for up to 3 bedrooms.
 - B. 3 spaces for 4 bedrooms.
 - C. 4 spaces for 4 bedrooms or more.
4. A single-unit residential parking space shall provide for an area with a minimum width of 8 feet and depth of 16 feet, as it relates to determining the number of off-street parking spaces provided on a driveway or in a garage.
5. Ingress and egress to a public street shall maintain a width of not less than 12 nor more than 24 feet at the street right-of-way line.
6. A width of at least 12 feet shall be maintained for the length of the driveway.
7. The width of the driveway shall meet the width of the garage opening for a minimum of 18 feet from the garage.

Added text to allow other permeable materials as driveway material alternatives.

Clarifying text added to parking space measurement standard.

Reduced driveway minimum width from 14' previously proposed to 12'.

8. Driveway design must accommodate turning radius that does not force drivers to drive on grass, or for access to the garage.
9. Turn around spaces or additional parking spaces shall be located a minimum of 6 feet from the right of way, except that an apron may be provided at the intersection with a driveway. The apron must maintain a minimum setback of a 5-foot radius from a point that is 1 foot away from the right of way.
10. Lots with two driveway entrances must have a minimum of 15 feet between entrances from interior edge to interior edge at the right of way line.



Revised graphic

Section 18-405 EXTERIOR LIGHTING

1. Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.
2. No light source shall be located or maintained in any manner such that it creates a nuisance to the users of adjoining properties.
3. Directional control shields must be installed, maintained, and used to limit stray light and protect motorists and pedestrians from glare.
4. Spotlighting used to illuminate landscaping, flags, statues, signs, or any other objects must be aimed and shielded to confine light to the object and not violate any of these other requirements of this section.
5. High intensity light beams in the form of outdoor search lights, lasers, or strobe lights are prohibited.
6. Temporary holiday lighting displayed for a period not exceeding 45 consecutive days is exempt from the requirements for full cut-off and directional control shields, provided the lighting does not violate any other provisions of this section.

Revised exterior lighting standards per comments received

Section 18-406 FENCES AND WALLS

1. Fence height standards shall be as follows:
 - A. Front Yard: 4 ft. max. (Note: See sight triangle §18-410)
 - B. Interior Side Yard: 6 ft. max.
 - C. Corner Side Yard: 4 ft. max. (Note: See sight triangle §18-410)
 - D. Rear Yard: 6 ft. max.
2. Fences on corner lots may not be greater than 4 feet in height in the area between the extension of the neighbor’s front building line and the right-of-way. See Figure 4.C.
3. All fences or screens shall have the finished side facing the street and the adjoining properties.
4. The use of barbed wire is not permitted.
5. Retaining Walls
 - A. Walls of 5 feet in height or greater must meet requirements for building setbacks.
 - B. Walls located within sight triangle may not exceed 3 ft. in height. See sight triangle §18-410.
6. Decorative Walls
 - A. Walls of 4 feet or greater must meet requirements for building setbacks.
 - B. Walls located within sight triangle may not exceed 3 ft. in height. See sight triangle §18-410.

No change proposed to existing standards for fences and walls.

CURRENT CODE

Sec. 18-17. - Fences.

(a) Any fence from the rear lot line to and including the front line of the building shall be no more than six feet high, except that on a corner lot the fence along the side yard fronting on a street shall be not more than four feet high, and the fence along the rear line, from the front of the adjacent house to its street line shall not exceed four feet in height. Any fence located between the front of the house and the front property line shall be not more than four feet high.

(b) Any fence or screen constructed in any residential zone shall have the finished side facing the street or adjacent or abutting properties. The use of barbed wire is not permitted in any residential zone.

Sec. 18-171. - Walls; when setback and yard requirements do not apply.

The setback and yard requirements of this chapter shall not apply to any retaining wall which is less than five feet high, nor to any decorative masonry wall which is less than four feet high.

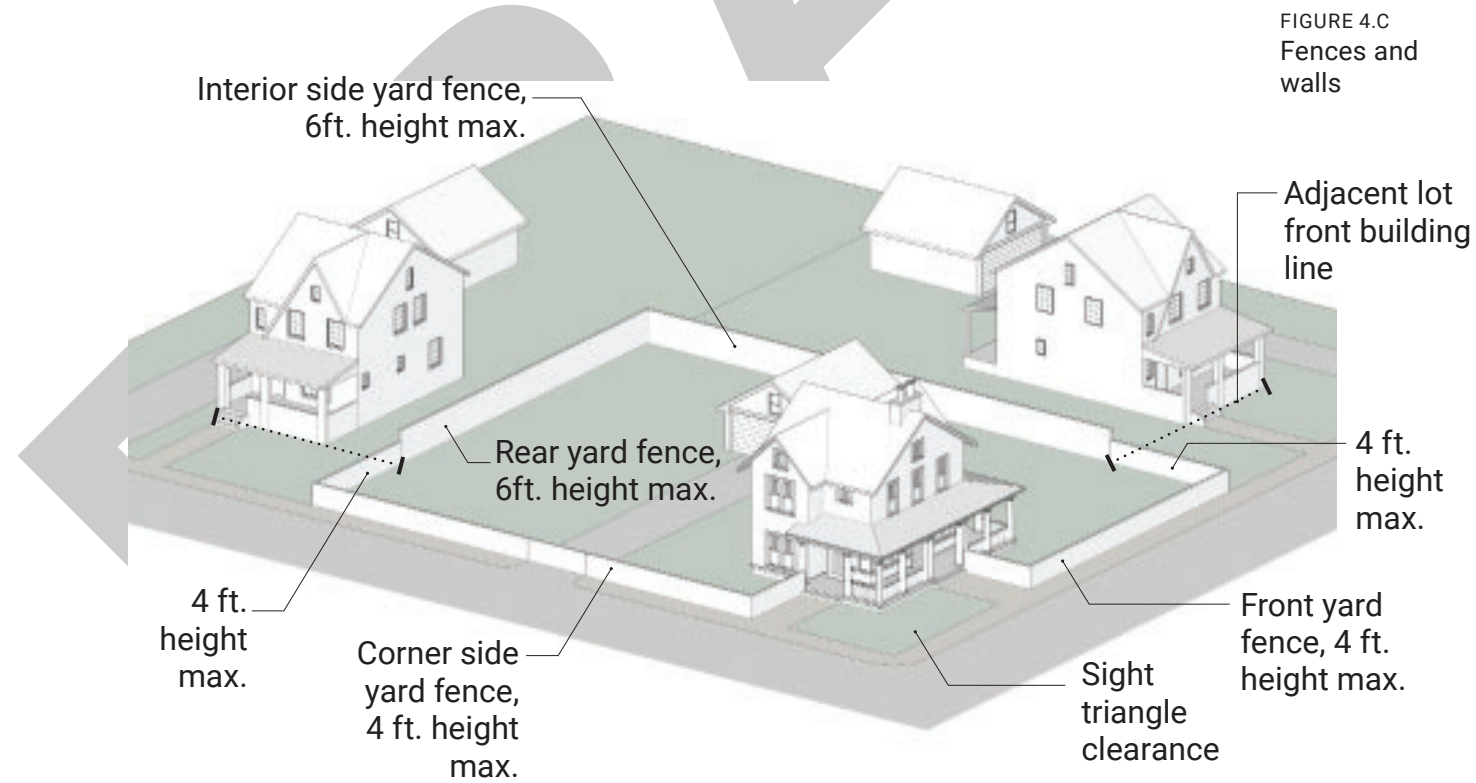


FIGURE 4.C
Fences and walls

CURRENT CODE

Sec. 17-67.1. - Dedication of sidewalks for single-lot development.

The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Code.

Sec. 17-67.2. - Completion and construction of sidewalks for single-lot development.

(a)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 Code.
(b)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 in accordance with sections 17-65 and 17-65.1.

No change proposed to existing standards for overnight parking of commercial vehicles.

Section 18-407 FRONTAGE IMPROVEMENTS

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on 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 in accordance with §18-611.

Section 18-408 OVERNIGHT PARKING OF COMMERCIAL VEHICLES

1. For the purposes of this section, the term “commercial vehicle” shall include the following:
 - A. Any solid waste collection vehicle, tractor truck, tractor truck/semitrailer, tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment;
 - B. Any trailer, semitrailer, or other vehicle in which food or beverage are stored or sold;
 - C. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment, and whether or not such trailer or semitrailer is attached to another vehicle;
 - D. Any vehicle licensed by the commonwealth for use as a common contract carrier or as a limousine.
2. It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays, and holidays on the property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.
3. Notwithstanding the provisions of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded or while the custodian of any such vehicle is actively performing services in the area or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.

New section added to address frontage improvements currently outlined only in Subdivision chapter.

CURRENT CODE

Sec. 18-153. - Overnight parking of commercial vehicle in residential zone.

A. General prohibition; time limits; exceptions.
 1.It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays and holidays off street on the property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.
 2.The provisions of this section, however, shall not apply to any vehicle or vehicles designed or used to haul garbage, trash, refuse or wastes of any type, the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.
 3.The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles, owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
 B.Notwithstanding the provisions of subsection A of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded or while the custodian of any such vehicle is actively performing services in the area or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.

Sec. 18-153.1. - Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles....

Article 4. Development Standards – Single-Unit Detached Residential Uses

4. The provisions of this section shall not apply to any waste collection vehicle(s) or the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.
5. The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
6. It shall be unlawful to park, or to permit to be parked, or to be left standing in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.
7. Notwithstanding anything to the contrary in this section, one resident of each single-family dwelling unit zoned residential may be permitted to park one vehicle licensed as a taxicab or limousine on such street or highway, provided other vehicles are permitted to park thereon.

Section 18-409 PATIOS

Patios may be located in any yard so long as they are set back at least five feet from any property line.

New standard; currently no minimum setback for patios.

Section 18-410 SIGHT TRIANGLE

On any corner lot there shall be no fences, walls, structure, planting, shrubbery, or obstruction to vision more than three feet above the curb level within 25 feet of the intersection of any two street lines.

No change proposed to existing standards for sight triangle.

CURRENT CODE
Sec. 18-159. - Obstruction to vision at corner, residential zone prohibited.
On any corner lot in a residential zone there shall be no planting, structure, fences, shrubbery, or obstruction to vision more than three feet above the curb level within 25 feet of the intersection of any two street lines.

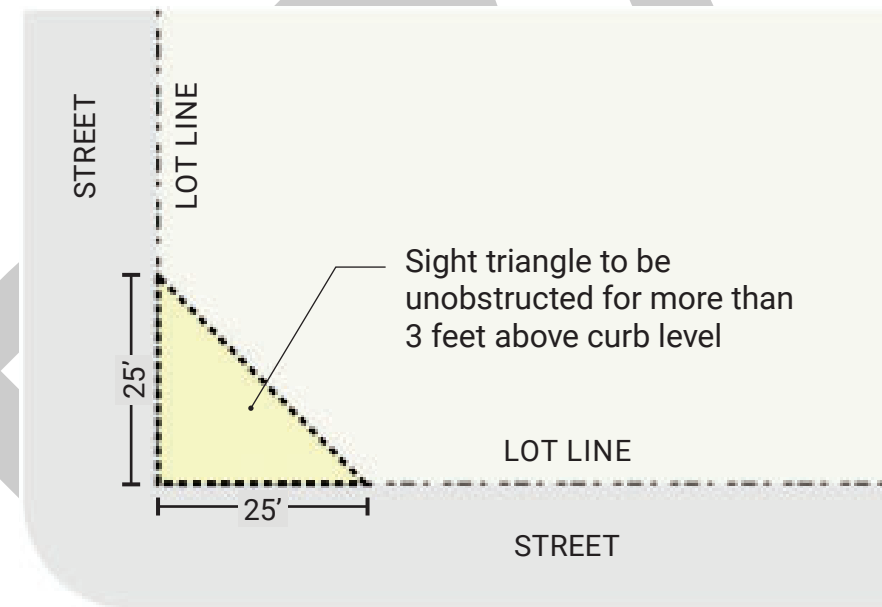


FIGURE 4.D
Sight triangle

Section 18-411 SIGNS

1. Temporary window and yard signs are permitted provided they meet the following standards:

Type of Sign	Maximum Size	Maximum Duration
Window signs	25% of total area of single window	Unlimited
Yard Signs	Per Sign: 4 square feet Total Sign Area: 24 square feet	60 days

2. Signs not exceeding 1.5 square feet in area are exempt from these regulations.

Section 18-412 SWIMMING POOLS AND OUTDOOR HOT TUBS

1. A swimming pool or hot tub may be located only in the rear yard.
2. A swimming pool may occupy not more than 25 percent of the area of the rear yard.
3. The front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots.
4. The setbacks for swimming pools and outdoor hot tubs are based on the following criteria, multiple criteria may apply:

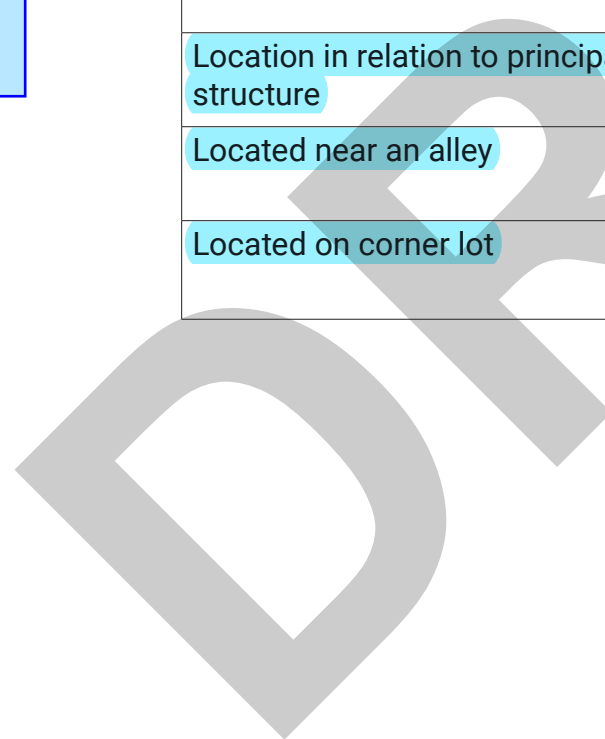
Criteria	Setback
Location in rear yard	10 ft. min. from side or rear property line
Location in relation to principal structure	10 ft. min. from principal structure
Located near an alley	20 ft. min. from property line adjoining alley
Located on corner lot	35 ft. min. from corner side yard and 10 ft. min. from side yard of adjoining lot

Sign chart and regulations simplified. See chart from previous version in blue box below.

Type of Sign	Maximum Size	Maximum Duration
Window signs	25% of total area of single window	Unlimited
Yard signs	Maximum total sign area of 12 square feet with maximum 4 square feet for any single sign	Unlimited
Yard signs, short duration	Maximum total sign area of 21 square feet with maximum 4 square feet for any single sign	60 days
Yard signs, limited duration	Maximum total sign area of 54 square feet with maximum 6 square feet for any single sign	7 days
Yard signs, non-commercial (construction, for sale, rent, or lease)	Maximum total sign area of 12 square feet	During duration of construction, sale, rent or lease

Setbacks for pools and hot tubs summarized in table rather than individual numbered standards for each.

Proposed change from defining setback by location of neighboring house to a set dimension of 35 feet, consistent with greatest front yard setback of all single-unit residential zones, for consistency and clarity.



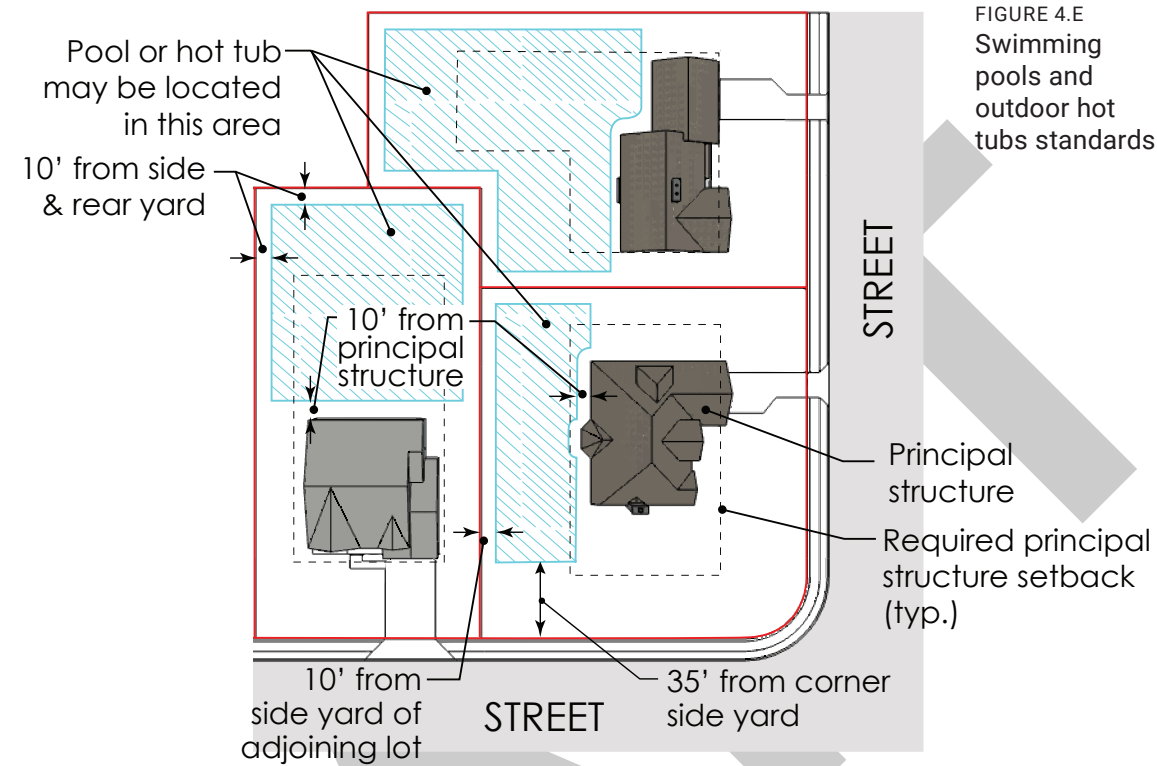


FIGURE 4.E
Swimming pools and outdoor hot tubs standards

Revised graphic

Section 18-413 TREE CANOPY COVERAGE

1. Under the following circumstances, a plan shall be submitted for the planting and replacement of trees on the site such that a 20% minimum tree canopy coverage will be achieved within 20 years:
 - A. The development of an undeveloped tract;
 - B. The redevelopment of any existing tract by removal of a dwelling and replacement with a new dwelling; or
 - C. The addition to an existing dwelling that results in an area of disturbed soil exceeding 2,500 square feet
2. All planting and replacement of trees shall be in accordance with Section 17-15-1 and the Town of Vienna Tree Preservation and Planting Specifications Manual, which is available in hardcopy at the Department of Public Works and online available for download at www.viennava.gov.
3. Existing trees that are to be preserved, and with no citations having been issued by the Town of Vienna throughout the duration of the project, may be included in the plan to meet all or part of the canopy requirements if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town. Town of Vienna staff will perform a minimum of two unannounced site inspections to determine compliance with tree protection and preservation regulations during construction.

Added language to clarify tree canopy must be achieved in 20 years

4. The Town Council may grant reasonable exceptions or deviations from the requirements of this section when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:
 - A. Areas devoid of woody materials.
 - B. Dedicated school sites.
 - C. Playing fields and other non-wooded areas and uses of a similar nature.
5. Violation of this section shall constitute a Class 3 misdemeanor punishable by fine of not more than \$250.00, and each day after the first during which such violation shall continue shall constitute a separate violation.

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