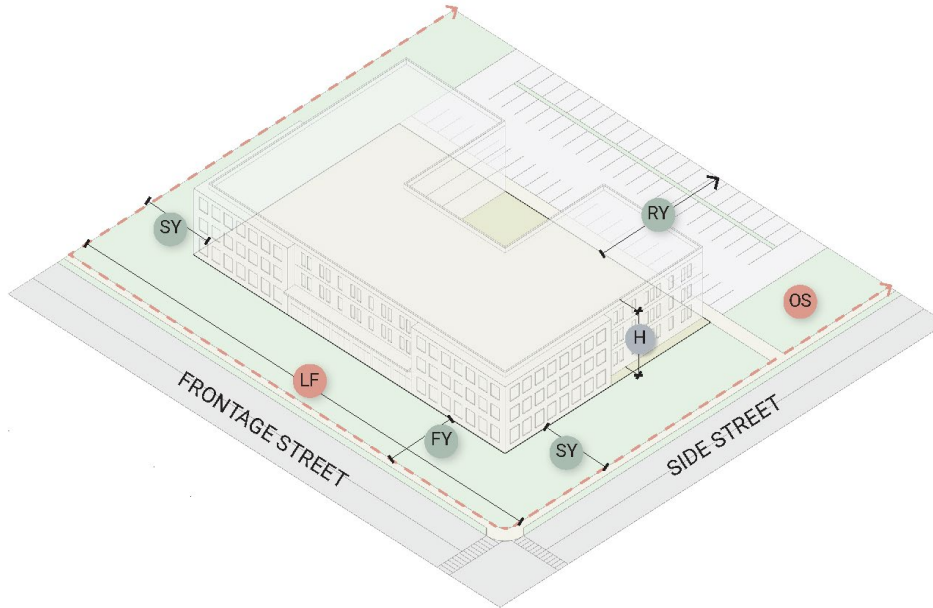


**Sec. 18-227. Corporate Park District (CP).**

- CP Purpose.** The purpose of the Corporate Park District is to provide standards for the use and development of properties as a cohesive campus-style corporate employment center.



**2. CP Dimensional Standards.**

LOT STANDARDS		
LF	Lot Frontage	150 ft. min. 100 ft. min. for lots on cul-de-sac or on street curves.
OS	Open Space	30% min.
BUILDING STANDARDS		
H	Building Height	45 ft. max., not including rooftop equipment.
BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	50 ft. min. 100 ft. min. if abuts a residential zone.
SY	Side Yard Setback	50 ft. min. (each side) 100 ft. min. if abuts a residential zone.
RY	Rear Yard Setback	50 ft. min. 100 ft. min. if abuts a residential zone.
	Distance from Street Right-of-Way (R.O.W.)	50 ft. min.

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**Reference to Other Standards**

Uses and Use Standards: See Article 3;

Development Standards - Commercial, Industrial, and Mixed-Uses: See Article 5A;

Development Standards - Public, Institutional and Community Uses: See Article 5B;

Corporate Park District Performance Standards: See Article 5A, Division 8.

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## Sec. 18-323. Drive-Through Facilities.

1. A drive-through facility shall be designed as complementary 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 facility is located on a corner lot, the orientation of the drive-through facility and the principal structure shall be located such that the drive-through facility is not located between the principal structure and the intersection of the main thoroughfare.
4. Vehicles shall not be permitted to wait or stack within any public right-of-way for service at any drive-through.
5. See Article 5A, § 18-532 for stacking standards.
6. A drive-through lane shall be a minimum of eleven (11) feet wide.
7. A drive-through may have more than one window for ordering, paying and pickup; provided, however, there shall not be more than one drive-through lane on a property.
8. The signage provided by the restaurant in the drive aisle for patrons to view the menu of options shall not be more than twenty-four (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 advertisements related to drive-through services shall be located on the order board.
9. 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 thirty-five (35) feet from any residentially zoned property.
10. Application submittals for this use must include the following:
  - A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information shall include, but not be limited to:
    - i. Type of product or service to be offered;
    - ii. Proposed hours of operation and employee staffing;
    - iii. Plans for the control of litter and the disposal and recycling of waste material;
    - iv. Effects on air quality at the site and in adjacent areas; and
    - v. Estimates of sound levels that would be generated by the proposed use at site boundary lines.
  - B. A traffic analysis providing information that includes, but is not limited to:
    - i. 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;
    - ii. Trip generation by use type;
    - iii. Estimated internal and external traffic flows;
    - iv. Parking and vehicular stacking spaces that would be provided on-site;

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- v. Data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use;
  - vi. Sight distances at points of ingress and egress;
  - vii. Pedestrian and bicycle traffic; and
  - viii. Any other site-specific traffic factors or public safety issues associated with the application.
11. 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.

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**Sec. 18-532. Stacking Requirements.**

1. Stacking spaces must be designed so that they do not impede pedestrian or vehicular circulation on the site or along any abutting street.
2. All required stacking spaces must be a minimum of eighteen (18) feet in length.
3. The geometric design of the stacking aisle, including but not limited to the radius and width of the travel aisle, is subject to the approval of the Board of Zoning Appeals.
4. Minimum stacking spaces required.

<b>PROPOSED USE</b>	<b>Minimum Stacking Space Required</b>
Car Wash	Ten (10) stacking spaces per bay or stall for an automated establishment
Drive Through Financial Institution	Four (4) stacking spaces for each drive-through window
Drive Through Pharmacy	Four (4) stacking spaces for each drive-through window
Restaurant with Drive Through	Eleven (11) stacking spaces for each drive-through window
Drive Through Other	Four (4) stacking spaces for each drive-through window

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## Sec. 18-830. Modification of Requirements.

1. **Purpose.** Applications for modifications of requirements, in which the proposed development cannot be achieved within the requirements of the Zoning Code, must submit a narrative and Major Site Plan demonstrating the requested modifications to any of the following standards:
  - A. Setbacks per Article 2.
  - B. Lot Area per Article 2.
  - C. Lot Coverage per Article 2.
  - D. Number of units per Article 2.
  - E. Height of an architectural feature per Article 2.
  - F. Open space standards per Article 2.
  - G. Screening or landscaping standards per Articles 4B, 5A and 5B.
  - H. Parking standards per Articles 4B, 5A and 5B.
2. **Application and Review Process.**
  - A. **Requests must be in writing.** Requests for Modifications of Requirements shall be submitted to the Director of Planning and Zoning, accompanied by a written statement including the code sections from which relief is sought and setting forth the reasons therefor.
  - B. **Completeness and Compliance.** Applications for modifications of requirements are reviewed for completeness and compliance with the Code of Vienna by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator.
  - C. **Transmission to Planning Commission.** Once staff review is complete, the application will be transmitted to the Planning Commission for review at a regular meeting. The Planning Commission shall make a recommendation on the application to the Town Council, which shall include reviewing for consistency with the Comprehensive Plan and the integrity of the Town Code.
  - D. **Final Decision by Town Council.** The application and Planning Commission's recommendation are then transmitted to the Town Council for review and determination at a public hearing. The Town Council's review shall include, but not necessarily be limited to, determining whether the requested modifications would, if approved, be consistent with the Comprehensive Plan and would not impair the integrity of the Town Code.
  - E. **Notification.** Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification. See also Division 5
  - F. **Final Approval Required before the Issuance of Other Permits.** Applications for modifications of requirement must be approved by Town Council and the final site plan must be stamped as approved prior to the issuance of building permits or a Certificate of Occupancy.
  - G. **Referral to Board of Architectural Review.** All site plans, except those for single-unit residential properties, may require referral to the Board of Architectural Review prior to approval. See § 18-821.

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## Sec. 18-843. Zoning Variance.

1. **Variations are allowed from requirements of this Chapter.** The Board of Zoning Appeals shall have the power to grant, upon appeal or original application in specific cases, such variance from the terms of this chapter provided the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section.
2. **Modification of Requirements.** Modification of Requirements, as described within § 18-830, are not Zoning Variances, and the modifications that are eligible for site plan applications are not also eligible for Zoning Variances.
3. **Submission Requirements.**
  - A. **Site Survey or Infill Lot Plan.** All Zoning Variance requests shall be submitted with a site plan drawn by a licensed surveyor, showing existing lot conditions.
  - B. **Site Survey Showing Proposed Conditions.** A site survey must be provided, showing the proposed specific improvements and the proposed variance from the Zoning Code.
  - C. **Architectural Plans Required.** Variance requests that include the construction of an addition to an existing home or a new structure must include architectural elevations drawn by a licensed architect or other design professional. The architectural plans must be specific and complete as to the variance requested from the Zoning Code.
4. **Criteria for Approval.** Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:
  - A. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
  - B. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
  - C. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
  - D. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,
  - E. The relief or remedy sought by the variance application is not available through the Conditional Use Permit process or, when permitted by this Chapter, determination by the Zoning Administrator.
5. **Application and Review Process.**
  - A. **Pre-Application Meeting.** Applicant is required to attend a pre-application meeting with Town staff prior to submitting an application for a Zoning Variance. See § 18-833 Pre-Application Meeting.
  - B. **Review for completeness.** An application for a Zoning Variance is reviewed for completeness by the Director of Planning and Zoning and the Zoning Administrator. The application may be referred to the Director of Public Works if determined to be necessary by the Zoning Administrator.
  - C. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application to be complete, the application and supporting materials are transmitted to the Board of Zoning Appeals.

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- D. **Action by the Board of Zoning Appeals.**
- i. **Final Decision.** The Board of Zoning Appeals has the final decision authority on Zoning Variances.
  - ii. **Board may Impose Conditions.** In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
6. **Appeals.** Decisions by the Board of Zoning Appeals may be appealed to the Circuit Court per the Code of Virginia, § 15.2-2285, 1950, as amended.
7. **Variance Valid for six (6) months from Approval.** Any variance authorized by the board to permit the erection or alteration of a building or structure shall be valid only for six months. Within the six months, a Building Permit must be obtained for the approve variance to remain valid.