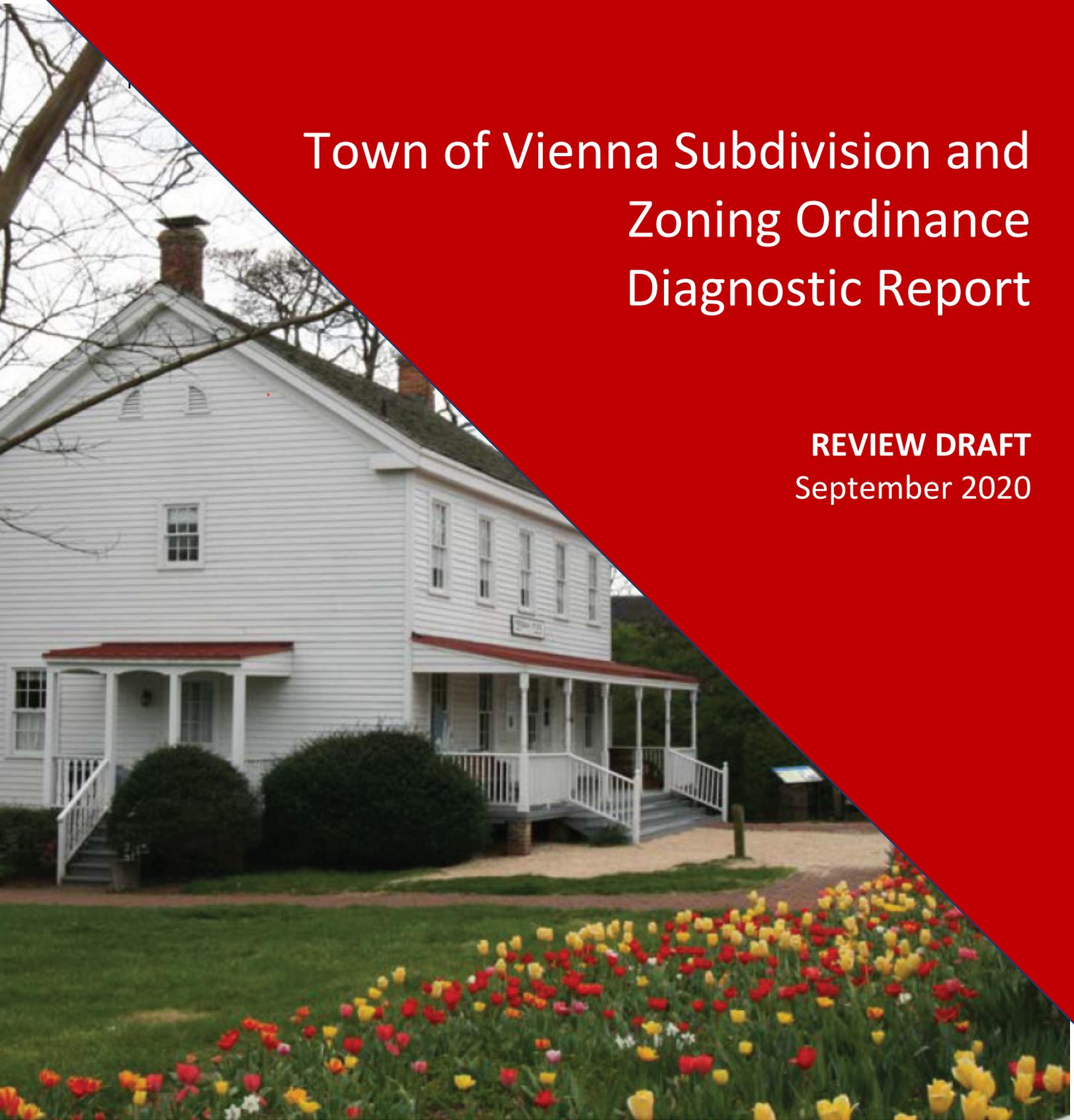


Town of Vienna Subdivision and Zoning Ordinance Diagnostic Report

REVIEW DRAFT
September 2020



LEAD CONSULTANT



PROJECT PARTNERS



Introduction

The Town of Vienna's zoning traces its roots to the late 1950's and 1960's, a period of tectonic change for Vienna when the Town's population grew by an impressive 463% over a decade. During the 1960's, the Town transformed from a relatively small rural crossroads to a full-fledged suburb served by two new major interstate highways – I-495 and I-66. Residents could enjoy a single-family detached home in a small-town exurban setting while commuting to nearby employment opportunities in Northern Virginia, D.C. or Maryland.

More than a half-century later, the Town of Vienna's Subdivision and Zoning Ordinance codified under Chapters 17 and 18 of the Town of Vienna Code (collectively, the "Zoning Code") largely reflect this period in the Town's history. The vast majority of provisions in the Zoning Code were initially adopted in 1956 and then carried forward as part of the 1969 code with piecemeal updates to address certain changing conditions over time. A complete overhaul of the Zoning Code has not been undertaken or completed to date. Efforts to shoehorn design-based zoning districts in commercial corridors, specifically the Maple Avenue Corridor, have been repealed.

In 2020, more than 50 years after the adoption of the Zoning Code, the Town has identified the need to undertake a comprehensive review and re-write of the Zoning Code to avoid further piecemeal efforts. As the Town's planning has evolved, so must its zoning regulations to ensure that the Town's zoning is implementing the community's vision. We have been tasked with this important undertaking along with our project partners, the national consulting firms of Nelson Nygaard and Yard & Company and Virginia land use lawyers from the law firm Venable LLP.

This diagnostic report (this "Report") is the first step in the code re-write process. It is critically important to understand where the Town is relative to its past, present and future, in order to chart a course for its regulatory future. This Report provides an assessment of the extent to which the subdivision and zoning regulations codified under the Zoning Code advance or serve as a barrier to the Town of Vienna's (the "Town" or "Vienna") planning vision set forth in Vienna's 2015 Town of Vienna Comprehensive Plan Update, as amended by Town Council on February 3, 2020 (the "Plan Update"). Aspects of the Town's vision are also articulated in the 2019 *Town of Vienna Strategic Plan: Honing Excellence in an Exceptional Hometown* (the "Strategic Plan") (together, hereinafter, the "Town's Plans"). Ultimately, the development vision set forth in the Plan Update and the Strategic Plan can be summarized through the five land use goals and corresponding objectives outlined below (collectively, the "Land Use Goals").

This Report is technical but is not scientific. It is based on our best professional judgment and experience with zoning codes and best practices in Virginia and in similarly situated communities throughout the country. In addition to our assessments, we will provide recommendations for improvements for discussion that will inform our conversations going forward.

We hope that you find this Report useful and illuminating and look forward to discussing our findings with you.

General Principles Applied

Our review, analysis, conclusions and recommendations in this Report are guided by three general principles:

1. Zoning Should Respect Existing and Reflect Desired Development Patterns.

Regulations that fail to relate or respond to existing development patterns or that fail to promote the community's vision for future development patterns erode the relevance and sustainability of both the built and natural environment. Places that lose relevance or overtax natural resources can become inhospitable, unsustainable and unattractive for residents and visitors alike.

Zoning should be a tool to implement the community's vision set forth in its plan. Homogeneity should not be confused for order. Zoning districts should be focused less on simple use segregation, which can lead to disjointed development patterns, and more on the finer details of the desired character and amenities of the uniqueness of the Town.

2. Zoning Should Regulate Only What Actually Needs to Be Regulated and Focus on Desired Outcomes.

Regulations that do not justify government intervention or merit investment of precious local government resources should be reconsidered and removed if possible. First and foremost, zoning regulations that no longer relate to any public interest or are not relevant to advancing the plan may not be enforceable if challenged.

Even if they are not challenged, such regulations are unlikely to be enforced since they do not address any actual or potential public harm. Expending resources to administer zoning regulations that do not address actual or potential public harms can create unproductive friction in the process and unnecessary expenditure of local government resources.

3. Zoning Should Be the Implementation of the Plan Rather Than a Barrier to Achieving the Vision.

Outdated, confusing, inconsistent and disorganized zoning regulations are often cumbersome to use and administer and can be an impediment to achieving a community's economic development goals and planning vision. Because zoning regulations are the implementation of a plan, the plan should lead and the regulations follow. Often much effort has been expended on the plan, but the zoning regulations are overlooked or revised in a disjointed or piecemeal manner. Zoning regulations that make it more difficult, or even impossible, to achieve the planning vision should be reconsidered.

For example, zoning regulations that are inconsistent, unclear, poorly worded, disjointed, disorganized, or confusing can create unnecessary process friction, discourage investment, be indefensible and result in undesirable outcomes. Cumbersome approval and administrative processes can add significant time and expense to property development and redevelopment and discourage investment.

If the regulations and processes are based on the community's vision in the plan, then the public should be comforted in knowing that the regulations are setting the plan in motion. Clear, usable, defensible, and consistent regulations operate to protect the public visioning process while balancing the needs of property owners.

Review and Analysis

Our analysis includes general observations, a review of permitted uses, and an assessment of each provision of the Zoning Code as it relates to the Land Use Goals.

The attached consistency matrix contains the data underlying the conclusions and recommendations in this Report as well as observations that relate to key background documents, including the Town's Zoning Code Review Priority Chart dated June 26, 2017 (the "Priority Chart"), the Maple Avenue Corridor Multimodal Transportation and Land Use Study dated December 20, 2019 (the "Maple Avenue Transportation Study"), the Technical Assistance Panel Report dated September 6-7, 2017 (the "W&OD TAP Report"), and other documents and reports that are cited throughout this Report and the consistency matrix. We note that the Maple Avenue Commercial (MAC) zone was repealed by the Town Council on June 1, 2020. Despite its repeal, we have included a review and analysis of the MAC zone provisions as they relate to the Town's Plans to illuminate those provisions and concepts that the Town may wish to incorporate into its new zoning code.

The consistency matrix includes specific comments and notes related to each provision of the Zoning Code. In completing the consistency matrix, we used our professional judgment and experience to determine whether a section (i) promotes and advances a Land Use Goal (+), (ii) serves as a barrier to a Land Use Goal (-), or (iii) has no effect on or plays a necessary supporting role to a Land Use Goal (=).

It is important to note that those regulations identified as having no effect, or that play a necessary supporting role, should be reviewed and considered just as carefully as the other regulations to determine if there are ways that they may be amended or improved to promote the Land Use Goals.

As we work with the Town on the Zoning Code rewrite project, each new or revised provision should support at least one of the Land Use Goals, including those provisions that are administrative or procedural.

I. Overall User-Friendliness and Simplicity

Before analyzing specific provisions of the Zoning Code, we begin by providing general observations on the format and overall usability of the Zoning Code. In older, piecemeal-updated zoning codes, we often find that the code is disjointed and difficult to navigate. Vienna's Zoning Code is no exception. The following are our observations:

- The overall format of the Zoning Code is a fairly straightforward, modified cumulative code following the *Euclidean* legacy of New York City's 1915 Building Standards (i.e. Applicability, Definitions, Use Districts/Zones, Administration). The only section of the Zoning Code that breaks with the Euclidean zoning style is the Maple Avenue Commercial (MAC) zone (repealed), which was decidedly more form-based in format and style.
- The Zoning Code is wordy and lacks charts and tables to consolidate and more effectively organize information such as uses and development standards.
- The Zoning Code lacks sufficient explanatory graphics. Defined terms related to yards, setbacks, building placement, scale and massing, and other regulatory standards can be more effectively communicated through illustrations and diagrams.
- There are a number of administrative provisions that could be consolidated into a single administration and procedures section in the Zoning Code for ease of navigation and use.
- Navigating the Zoning Code is cumbersome and requires familiarity to know where to find important provisions that to the unfamiliar seem buried, such as parking, signage, and other use and development standards. Chapter and section headings and more pronounced page and section breaks would improve its navigability.

II. Plan Goal Consistency Review and Analysis

The Town has identified the following Land Use Goals in the Town's Plans:

Vienna Land Use Goals

1. Vienna as a complete community;
2. Encourage housing for residents of all age groups;
3. Maintain and strengthen the Central Business District within existing boundaries;
4. Create a more walkable Vienna; and
5. Ensure that Vienna retains its unique single-family residential character and quality of life.

The Zoning Code scores highest relative to **Land Use Goal #5 – “Ensure that Vienna retains its unique single-family residential character quality of life.”** This Land Use Goal is advanced through the existing regulations governing the Town's traditional single-family zoning

districts. These regulations serve as a strong “shield” to protect the Town’s most common development pattern and prevent the introduction of nonresidential and higher-density residential uses.

The Zoning Code scores the lowest relative to **Land Use Goal #2 – “Encourage Housing for Residents of All Age Groups.”** The negative scores under Land Use Goal #2 are attributable to an over-emphasis on retaining single-family detached housing as the predominant housing-type in the Town, and the lack of regulations that permit diverse housing types in the Town’s transitional, multi-family, and townhome districts.

Overall, Zoning Code largely does not consider the Land Use Goals and could be doing much more to advance them. This is not surprising recognizing that much of the Zoning Code was adopted in the late 1960s with a number of piecemeal updates over the subsequent decades well before the Land Use Goals were established. The regulations that are advancing the Land Use Goals should be reviewed to ensure that they are most effectively doing so and work well in conjunction with the new provisions.

1. Vienna as a complete community.

Scoring Summary (out of 461 Zoning Code subsections)

=	+	-
396	26	39

Summary

Land Use Goal #1 provides that “the Town will embrace its independent, active and welcoming character as a unique place to live-work-play-dine-shop in Northern Virginia¹.” To accomplish Land Use Goal #1, the Strategic Plan adopts the strategy of “[e]ncouraging unique placemaking through high-quality development, public art, and enhanced public spaces².” To advance this strategy, the Strategic Plan proposes undertaking the below-listed land use-specific action steps:

- Preserve and restore historical sites where appropriate; and
- Develop a public art master plan.

It is our assessment that the Zoning Code fails to advance Land Use Goal #1 due to its failure to consistently implement placemaking and public art principles throughout the Town. Additionally, it is our assessment that the historic district regulations are deficient and must

¹ Strategic Plan, Page 5

² Strategic Plan, Page 5

be updated to more effectively protect the Town's historic assets while encouraging administrative flexibility where appropriate and desirable.

Advances

One of the requirements of establishing a MAC zoning district (repealed) was the submittal of a public engagement plan that "establishes the principles, processes and milestones for public engagement related to the development proposal . . ." While no longer in effect, the inclusion of this requirement is a best practice for ensuring that new commercial development in the Town reflect the desired vision in Land Use Goal #1. The Town should consider incorporating a similar requirement for commercial projects of a certain size and scale and in certain locations in the Town.

The regulations governing the Windover Heights Historic District are also positive provisions with respect to Land Use Goal #1³. As noted in the 2006 *Town of Vienna, Virginia Comprehensive Plan*, "the Windover Heights Historic District preserves the history, character, and appearance of one of Vienna's oldest residential areas⁴." To this end, Section 18-280.8 of the Zoning Code is a good starting point for preserving the built environment of this historic district as it emphasizes that new construction and renovations maintain the district's historic fabric. Likewise, the regulations governing the Church Street corridor also advance Land Use Goal #1 as they preserve the turn-of-the-century architecture that gives the Town its unique character⁵. In particular, the "General design requirements" codified under Section 18-87.5(4) of the Zoning Code promote positive design principles such as façade continuity and façade proportion.

Ultimately, while these positive examples are a starting point for achieving Land Use Goal #1, for the reasons outlined below, the Zoning Code could be doing more to encourage placemaking and character preservation throughout the Town.

Barriers

While the Strategic Plan envisions "enhanced public spaces," the Zoning Code incorporates few provisions that encourage the utilization of spaces in the public realm for public use. For example, while the incorporation of open space⁶ into new developments is encouraged, these regulations focus on elements such as "outside display," "landscaping," and "lighting," and overlook the underlying purpose of these spaces. To more directly advance Land Use Goal #1, the updated Zoning Code should expressly permit temporary uses and structures to activate the public realm and promote placemaking. For example, regulations governing the installation of parklets and the operation of pop-up food services can help to activate the commercial districts in a manner that is consistent with Land Use Goal #1.

³ See generally, Section 18-258, *et. seq.*, Zoning Code

⁴ 2006 Comprehensive Plan, Page 20

⁵ Section 18-87.5, Zoning Code

⁶ See Zoning Code, Sections, 18-95.13, 18-126.4(E), and 18-126.14

There is also a lack of regulations governing the installation and display of public art and murals throughout the Town. While the Strategic Plan contemplates a forthcoming public art master plan, the Zoning Code rewrite can serve as a first step in this effort. For example, the sign chapter revisions can incorporate “mural” and “public art” categories that provide express guidelines for the incorporation of murals in new development and adaptive reuse projects. Building upon these updates, while there is a prior zoning administrator’s interpretation of the term “mural,” the Zoning Code does not have any standalone definition for this term and the inclusion of a carefully crafted definition would further promote Land Use Goal #1.

2. Encourage housing for residents of all age groups.

Scoring Summary (out of 461 Zoning Code subsections)

=	+	-
397	9	25

Summary

The Plan Update contemplates several alternatives to single-family detached housing to meet the housing needs for a diversity of income levels and age groups⁷. To accomplish this goal, the Plan Update proposes using transitional zones for the development of townhouses, multi-family housing and village housing⁸. Expounding upon these housing types, the Plan Update describes a “village housing” development pattern that would incorporate single-family homes and townhouses located on smaller lots as compared to the Town’s traditional large lot development pattern. To advance Land Use Goal #2, the Plan Update also proposes the use of incentives to encourage the renovation of “existing, older houses⁹.”

Under the Zoning Code the RM-2 Multi-Family zone (the “RM-2 Zone”) and the Residential Townhome zone (the “RTH”) are the primary zones for achieving Land Use Goal #2. To this end, our analysis below examines whether the regulations in these districts advance Land Use Goal #2. Based on our analysis, we conclude that the Zoning Code is a barrier to achieving Land Use Goal #2 as it relates to providing a wider-range of housing options for all age groups.

Advances

The purpose statement for the RTH zone contemplates “provid[ing] for development of closely spaced, high quality, single-family residential buildings with individual design characteristics and appearances . . .” The RM-2 zone incorporates two-family dwellings and multiple-family dwellings as permitted principal uses. As it pertains to Land Use Goal #2, these

⁷ Plan Update, Page 22

⁸ Plan Update, Page 22

⁹ Plan Update, Page 22

regulations directly advance the Town's vision for promoting a diversity of housing-types. These zones allow for higher-density housing without the "cookie-cutter" design.

The inclusion of "cluster townhouse developments" as a permitted principal use in the RTH also advances Land Use Goal #2. Specifically, the minimum lot size of 2,000 square feet per residential unit in this zone promotes a higher-density development pattern of approximately 22 units per acre, which is consistent with the Plan Update. The base zoning regulations for the RTH also promote Land Use Goal #2 through the incorporation of site plan requirements to ensure high quality development.

Barriers

It is our assessment that despite the positive provisions described above, the Zoning Code does not go far enough to promote Land Use Goal #2. To effectively promote a variety of residential housing-types, the updated Zoning Code must increase the range of residential housing-types in the RTH, RM-2 Zone and the Transitional Zone (the "T Zone"). For example, the only forms of residential development permitted in the RTH are cluster townhome developments and group townhome developments. An updated RTH should also incorporate single-family detached housing as well as appropriately-scaled, garden-style, and "missing-middle" scale multi-family housing as permitted principal uses. Moreover, with the repeal of the Maple Avenue Corridor (MAC) regulations, "assisted living" is no longer a permitted principal use in any zoning district. To this end, to ensure housing options for the Town's elderly residents, assisted living should be added as a permitted principal use to the T Zone, the RTH and any other transitional zone that is developed in conjunction with the Zoning Code rewrite. As this use is implemented in the applicable districts, the Town should develop clear standards for the operation of this use consistent with the Town's planning vision.

Further, the regulations governing the Transitional Zone (the "T Zone") do not permit any type of residential development. The lack of residential development options in the T Zone is in direct contradiction of the Planning Updates vision for incorporating a range of housing options in transitional areas. Moreover, including townhomes, multi-family developments and duplexes as permitted principal uses in the T Zone would also allow for a less intense transitional use between the Town's residential neighborhoods and commercial districts.

3. Maintain and strengthen the Central Business District within existing boundaries.

Scoring Summary (out of 461 Zoning Code subsections)

=	+	-
420	6	35



Summary

As it pertains to Land Use Goal #3, the Plan Update contemplates that the zoning regulations governing the Central Business District (the “CBD”) should encourage “improvement and redevelopment” to “ensure that Vienna remains an attractive place to live, work and shop¹⁰.” To accomplish this goal, the Plan Update proposes to “enhance the CBD to provide alternative shopping opportunities¹¹.” The Plan Update also emphasizes the constraints on the geographic size of the CBD so as to avoid the encroachment of the district into the surrounding residential neighborhoods.

Currently, the Zoning Code regulates the CBD through a number of different district regulations, including Local Commercial (C-1), Special Commercial (C-1A), Pedestrian Commercial (C-1B), General Commercial (C-2), Transitional (T), Multi-Family Residential (RM-2), and Maple Avenue Corridor (MAC) (repealed). To this end, our analysis below examines the extent to which these regulations advance Land Use Goal #3 and concludes that the Zoning Code serves as a barrier to achieving Land Use Goal #3.

Positives

It is our assessment that the component parts of the now-repealed MAC regulations are a positive starting point for developing more streamlined and effective regulations to govern the CBD. With this in mind, we also understand that these regulations must be carefully calibrated to address concerns related to transforming the CBD into Tyson’s Corner and other high-intensity commercial and mixed-use districts throughout the region. Vienna is not a one-size-fits-all community and its zoning should not reflect the approaches of other communities that have evolved into large-scale mixed-use centers of activity. The repealed MAC

¹⁰ Plan Update, Page 24

¹¹ Plan Update, Page 24

regulations, while a place to start, require a comprehensive re-calibration and streamlining to reflect and achieve the desired outcomes in the Town's commercial corridors.

The C-1B regulations which govern the Church Street corridor positively advance Land Use Goal #3. More specifically, the C-1B regulations effectively focus on pedestrian-oriented development through well-crafted design guidelines that emphasize the relationship between the built environment and the street. Together, the former MAC regulations and the existing C-1B regulations can serve as a template for expanding character-based regulations to all areas of the CBD and for promoting a more cohesive mixed-use, commercial development pattern that maintains the Town's character.

Barriers

The lack of modern uses as permitted uses in the CBD, and particularly the C-1 Local Commercial Zone, serve as a barrier to achieving Land Use Goal #3. Updating the Zoning Code to include uses such as breweries, distilleries, co-working spaces, and small makerspaces would attract a variety of new business types and help to address concerns related to commercial vacancies by virtue of expanding the portfolio of options in the commercial districts. These updates are consistent with the uses contemplated in the Priority Chart as well¹². Moreover, introducing a mix of modern use-types will help the commercial districts evolve into the dynamic places envisioned in the Plan Update.

Another barrier to achieving Land Use Goal #3 is the Zoning Code's outdated sign regulations. Specifically, the current sign regulations have limited requirements related to materials and design standards. Specifically, Section 18-184 of the Zoning Code provides minimal guidance with respect to the color or composition of signs in commercial districts. Additionally, the sign code also fails to incorporate any provisions governing the incorporation of wayfinding signs throughout commercial districts. While the repealed MAC regulations and the C-1B regulations incorporate more robust, self-contained sign regulations, this organizational structure is not user-friendly and needlessly complicates the effort of identifying which regulations govern a specific property. To this end, a comprehensive sign code update should result in regulations that address all districts. Also, it is important to note that the sign ordinance will be reviewed for content-based sign regulations post *Reed v. Gilbert*, an effort that Town staff has already initiated.

Finally, the minimum off-street parking requirements applicable to the commercial districts serve as a barrier to achieving Land Use Goal #3. In particular, the minimum off-street parking requirements for certain uses may be excessive as compared to peer jurisdictions¹³. For example, at one parking space per 200 square feet of building area, the minimum off-street parking requirement for office and commercial uses is greater than the off-street parking requirements for offices in the City of Fairfax, the Town of Herndon, and Arlington County (**See Appendix**). To permit flexibility where possible, the updated Zoning Code should incorporate provisions to allow the Town Council or Zoning Administrator to approve a shared parking plan

¹² Priority Chart, Page 5

¹³ See Off-Street Parking Requirement Comparison (**Appendix**)

in conjunction with all mixed-use proposals within commercial or transitional districts by special permit in order to reduce off-street parking requirements. Under these provisions, plans should include: (i) eligible uses whose pattern of parking demand do not overlap; (ii) shared parking study results demonstrating feasibility, anticipated peak hours and parking occupancy per land use, anticipated overall parking peak, and anticipated parking turnover; and (iii) a description of active transportation or transit infrastructure alternatives.

4. Create a more walkable Vienna

Scoring Summary (out of 461 Zoning Code subsections)

=	+	-
420	6	35

Summary

With respect to Land Use Goal #4, the Plan Update envisions implementing a number of objectives and corresponding implementation strategies to “create a more walkable Vienna.” The objective under Land Use Goal #4 that is most germane to land use is Objective #2 under the Streets section of the Plan Update’s Transportation Chapter – “Connect streets to their land use and multi-modal function,” which proposes the following implementation strategies: (i) create street typolog[ies] that in addition to functional classification addresses all functions with the transportation and land use of the Town; and (ii) create standard street sections to be used for the street typolog[ies]¹⁴. This objective and the corresponding implementation strategies are complemented by the W&OD TAP Report and the Maple Avenue Transportation Study, which both set forth location-specific visions for pedestrian-oriented development. Also related to Land Use Goal #4 is the Plan Update’s objective of “coordinating land uses with surface transportation facilities, including roadways, mass transit, sidewalks and bike paths¹⁵.”

It is our assessment that the Zoning Code fails to advance Land Use Goal #4 due to the outdated street standards contained under Chapter 17 and the disconnect between the existing street typologies and the corresponding land uses.

Positives

As it pertains to Land Use Goal #4, Section 17-33 of the Zoning Code is a positive provision as it requires that all streets must conform to the comprehensive plan. In principal, this provision should implement the vision of Land Use Goal #4 and Objective #2 as they are derived from the Plan Update and the Comprehensive Plan. Unfortunately, at this time, Section 17-33 is merely an aspirational statement as the balance of the Designs Standards chapter fails to advance the Plan Update’s vision as it pertains to Land Use Goal #4. As the Town undertakes

¹⁴ Plan Update, Page 87

¹⁵ Plan Update, Page 40

the Zoning Code rewrite, emphasis should be placed on calibrating updated street standards to ensure that all provisions advance Land Use Goal #4 and the corresponding objectives.

The regulations governing the C-1B Pedestrian Commercial zoning district incentivize development that results in more walkable, pedestrian oriented development. To this end the C-1B regulations effectively advance Land Use Goal #4 and Object #2 by placing an emphasis on the relationship between the built environment and the street. Furthermore, as it pertains to the construction of new single-family dwellings, Section 17-67.1 requires the installation of new sidewalks adjacent to the new dwellings, thus advancing Land Use Goal #4 by promoting pedestrian connectivity. It is our assessment that these provisions can be expanded upon with respect to the development of all new single family dwellings by requiring the installation of sidewalks of at least 4 feet in width on all new or reconstructed roadways.

Barriers

As noted above, the current street standards included under Article 4, Chapter 17 of the Zoning Code (the “Design Standard Provisions”) serve as a barrier to achieving Land Use Goal #4. Specifically, under the Design Standard Provisions the minimum street width for secondary and local streets is 50 feet, which is an excessive dimension that detracts from the pedestrian-oriented development patterns contemplated under Land Use Goal #4. It appears that this excessive standard with respect to street width is due to inconsistent terminology between the Zoning Code and ancillary transportation regulations. More specifically, the Street Section diagram published by the Town’s Department of Public Works, describes a standard *street* width as 29 feet, and the standard *right of way* width as 50 feet. This discrepancy between the defined terms “street” and “right of way” should be clarified so that the applicable sections under Chapter 17 are in alignment with the Town’s supporting documentation and the Plan Update.

Similarly, under Section 17-57 of the Zoning Code the maximum permitted block length is 1,000 feet which is again a dimension that is contrary to the vision set forth under Land Use Goal #4. When combined, wider streets and longer blocks reduce the walkability of a district or zone by limiting connectivity from one area to another, thus serving as a barrier to Land Use Goal #4.

With respect to pedestrian mobility and Land Use Goal #4, the Plan Update recognizes that “[t]he Town’s pedestrian network not only depends on accessible usable sidewalks; it encourages stronger social connections exercise, and recreation, environmental quality, and economic growth¹⁶.” In contrast to this aspirational statement, the Design Standard Provisions do not impose any requirement for property owners or the Town to install sidewalks when an existing street is reconstructed or widened. To this end, where there are existing deficiencies in the pedestrian network, the Zoning Code perpetuates those deficiencies by not requiring new sidewalks to be installed.

¹⁶ Plan Update, Page 75

Finally, as it pertains Land Use Goal #4 and the effort to correlated street typologies with land uses, the Zoning Code only allows a mix of uses in a handful of zoning districts¹⁷. The result of this single-use, single-story development pattern is a less compact, auto-oriented development pattern that requires individuals to make several trips, thus placing greater strain on the Town's street infrastructure and available parking supply.

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¹⁷ See T Zone, C1-A, C-1B, C-2, and CMP regulations

Additional Transportation Provisions

The Town Ordinances incorporate certain regulations that are not specifically related to land use, yet still require careful consideration in light of the transportation goals set forth in the Plan Update. To this end, below is an abbreviated scoring matrix that specifically addresses these additional transportation provisions and their consistency with Land Use Goal #4.

Barrier		
Neutral		
Advancing		
Chapter	Goal #4 Create a more walkable Vienna	Comments
16-2		This section requires pedestrian traffic and public right-of-way be maintained during all construction or repair work, something that promotes pedestrian activity by reducing disruption of safe paths.
16-4		This section provides that the Town Council will only consider major arterials, inner loop, or secondary roadways for widening at public expense.
16		Reconstruction or widening of a street does not require the addition of sidewalks where they previously did not exist, serving as a barrier to Comprehensive Plan goals.
21		Electric power-assisted bicycles are permitted to be operated in Town limits, which is supportive for encouraging bicycle trips.
21		Bicyclists are required to “ride as near to the right side of the roadway as practicable”, which may reduce safety for some riders and may encourage drivers of motor vehicles to pass bicyclists at higher speeds.
21		The chapter does not designate any roads or paths as bike routes or bike plans.
All Chapters		TDM had been encouraged in the MAC zoning regulations as a mechanism to achieve reduced minimum parking requirements in non-residential or mixed-use developments.
All Chapters		The only reference to TDM is in Section 18-4, the definitions under the zoning regulations.
All Chapters		The only references to traffic impact analysis are in the context of drive-thru restaurant requirements, and in the definitions section 18-4.

5. Ensure that Vienna retains its unique single-family residential character and quality of life.

Scoring Summary (out of 461 Zoning Code subsections)

=	+	-
395	32	34

Summary

The Plan Update contemplates that the Town should maintain its “predominantly single-family detached residential community [through] careful land use planning and targeted redevelopment strategies¹⁸.” With 70.5% of land in the Town dedicated to residential land uses, the Plan Update acknowledges that “single-family detached housing is, and will remain, the predominant land use [in the Town]¹⁹.”

Currently, the RS-10, RS-12.5, and RS-16 zones (collectively, the “Single-Family Residential Districts”) are the Zoning Code’s primary mechanisms for advancing Land Use Goal #5. To this end, our analysis below examines the extent to which the regulations governing the Single-Family Residential Districts advance Land Use Goal #5 and concludes that while the Zoning Code is mostly effective in retaining the single-family residential character of the Town, there are updates that can be incorporated to enhance and maintain the character of these areas of the Town.

Positives

“Single-family detached dwelling” is the only residential use that is a permitted principal use in the Single-Family Residential Districts. This defensive use of the Zoning Code advances Land Use Goal #5 by preventing the encroachment of nonresidential and high-density residential uses into the Town’s traditional single-family detached neighborhoods. The minimum lot sizes of 10,000 square feet, 12,500 square feet, and 16,000 square feet in the RS-10, RS-12.5, and RS-16, respectively, further advances Land Use Goal #5 by maintaining the large minimum lot sizes that are conducive for the construction of single-family detached structures. Together, these provisions are sufficient for advancing Land Use Goal #5 by retaining the low-density development pattern that predominates throughout the Town’s residential neighborhoods.

Barriers

¹⁸ Plan Update, Page 48

¹⁹ Plan Update, Page 20

It is our assessment that while the Zoning Code effectively promotes the Town's low-density Single-Family Residential Districts, it could be doing more to enhance the character of these areas. For example, Section 18-167 of the Zoning Code prohibits the projection of any "enclosed or unenclosed porch" into any required front, side, or rear yard. As it pertains to Land Use Goal #5, this prohibition is contrary to best practices for the new construction and renovation of single-family detached structures in residential neighborhoods. To this end, our recommendation is to calibrate a tolerable level of porch projection into the required yards to foster the relationship between single-family detached structures and the street.

As it pertains to Land Use Goal #5, the Priority Chart identifies an issue with the absence of any regulations governing the relationship between principal structures and accessory structures. More specifically, under the current regulations a detached carport or accessory structure can be located even with the front façade of a principal structure. This location is undesirable and attracts unwanted attention to the accessory structure. To address this issue, updated accessory structure regulations should be developed to specifically regulate the position of a new accessory structure in relation to a principal structure.

Finally, from an efficiency standpoint, the only differentiating factor between the three Single-Family Residential Districts is minimum lot size. This results in duplicative regulations that make the Zoning Code difficult to navigate. In conjunction with the Zoning Code rewrite process, it is our recommendation that the Town considers consolidating the Single-Family Residential Districts into a single comprehensive district that encompasses a range of lot sizes.

Please see the attached consistency matrix for more specific scoring, comments, and recommendations relative to each provisions of the Zoning Code. A summary of our conclusions and recommendations follow.

Summary Conclusions and Recommendations

The following is a summary of our conclusions based on our review and consistency analysis:

- The RTH, RM-2 Zone, and the T Zone do not effectively permit a diversity of housing-types to attract and retain diverse residents of all ages and income levels.
- The principal permitted uses in the commercial zoning districts and the CBD are outdated and should include uses desired by the community and the market.
- There are not any regulations promoting the incorporation of public art in conjunction with new development projects and adaptive reuse projects.
- The historic district regulations lack sufficiently unique design guideline and standards to preserve the character of the Town's unique locations.
- The street standards under the subdivision regulations are outdated and do not sufficiently address the relationship between streets and land use patterns.
- The minimum street widths and maximum block sizes are too large and result in an auto-oriented development pattern that is inconsistent with the Plan Update.
- The Single-Family Residential districts effectively maintain the desired low-density, large lot residential development.
- The Zoning Code lacks sufficient infill guidelines pertaining to the construction of new single-family detached residential structures.
- While a Town-wide Transportation Demand Management (TDM) policy was recommended in the 2015 Comprehensive Plan, references to TDM in the existing Zoning Code are very limited.

To build upon the above conclusions, this Report makes the following recommendations with respect to updating the Zoning Code:

- The single-family residential districts should be consolidated into new residential districts with each property being classified based upon its street-type and lot configuration.
- Promote flexibility in minimum off-street parking requirements by waiving minimum off-street parking requirements for smaller renovations, additions, and/or adaptive reuse projects in select districts.
- Incorporate more robust shared parking regulations for select overlays or sub-districts that promote flexibility in the minimum off-street parking regulations when certain

conditions are satisfied such as shared parking plans, in-lieu payments, and bicycle parking.

- To increase interest in and demand for the commercial district the Zoning Code should incorporate modern uses such as co-working spaces, makerspaces and breweries and distilleries. The permitted principal uses in commercial and mixed-use districts should also be updated to allow for temporary uses under specified conditions.
- Codify updated subdivision regulations with a street hierarchy that expressly addresses the relationship between street type and land use pattern.
- Update minimum street widths and maximum block lengths to better align with the pedestrian-oriented design standards contemplated in the Plan Update.
- Craft updated parking regulations that are applicable to the commercial districts and expressly account for publicly available off-street and on-street parking in close proximity to businesses.
- Reconsider the Maple Avenue Corridor as a series of nodes and villages within a Town so that it can be calibrated in a more granular fashion and avoid a monolithic one-size-fits-all corridor style approach that the Town seeks to avoid.
- Implement a TDM program to encourage multimodal travel and otherwise support development that furthers goals of the Comp Plan. Consider TDM program elements that apply to new development, as well as to large employers and other institutions.
- Require bicycle parking and long-term storage facilities in multifamily residences and commercial/office uses.
- Require multifamily and mixed-use developments above a threshold (e.g. 25 off-street spaces) to provide at spaces designated for car-sharing programs and for electric-vehicle charging stations.

DIAGNOSTIC CONSISTENCY MATRIX

Color Key	Barrier						
	Neutral						
	Advancing						
Chapter 17 Article 1 In General	Goal #1: Vienna as a Complete Community	Goal #2: Encourage housing for residents of all age groups	Goal #3: Maintain and Strengthen the Central Business District within existing boundaries	Goal #4 Create a more walkable Vienna	Goal #5: Ensure that Vienna retains its unique- single-family residential character and quality of life	Comments	
Definitions (17-1)						These provisions have a neutral impact on the land use goals.	
Interpretation and purpose of chapter (17-2)						These provisions have a neutral impact on the land use goals.	
Planning commission to administer chapter; authority of planning commission generally (17-3)						These provisions have a neutral impact on the land use goals.	
Compliance with chapter required (17-4)						These provisions have a neutral impact on the land use goals.	

Chapter 17 Article 1 In General	Goal #1: Vienna as a Complete Community	Goal #2: Encourage housing for residents of all age groups	Goal #3: Maintain and Strengthen the Central Business District within existing boundaries	Goal #4 Create a more walkable Vienna	Goal #5: Ensure that Vienna retains its unique- single-family residential character and quality of life	Comments
Making and recording plats generally (17-5)						These provisions have a neutral impact on the land use goals.
Procedure for obtaining final approval (17-6)						These provisions have a neutral impact on the land use goals.
Approval and certification of plat required to recording. (17-7)						These provisions have a neutral impact on the land use goals.
Changes on preliminary of final plat after approval. (17-8)						While this provision generally has a neutral impact on the land use goals, it is difficult to determine what the process for changes to an approved plat will be and how changes are considered.
Sale of land in subdivision prior to recording plat (17-9)						These provisions have a neutral impact on the land use goals.
Issuance of building or repair permits (17-10)						These provisions have a neutral impact on the land use goals.

	Goal #1: Vienna as a Complete Community	Goal #2: Encourage housing for residents of all age groups	Goal #3: Maintain and Strengthen the Central Business District within existing boundaries	Goal #4 Create a more walkable Vienna	Goal #5: Ensure that Vienna retains its unique-single-family residential character and quality of life	Comments
Furnishing of municipal services (17-11)						These provisions have a neutral impact on the land use goals however they are positive in that they ensure compliance with critical land use regulations.
Variances (17-12)						These provisions have a neutral impact on the land use goals.
Vacation of Plats (17-13)						These provisions have a neutral impact on the land use goals.
Chapter 17 Article 2 Preliminary Plat						
Preparation; scale (17-14)						These provisions have a neutral impact on the land use goals.
Contents (17-15)						While these provisions generally have a neutral impact on the land use goals, consider carefully evaluating whether a list is necessary, or a simple cross-reference could reduce code length and allow flexibility for requirements to be modified.
Planting and replacement of trees (17-15.1)						These provisions have a neutral impact on the land use goals.
Reservation of land for public purposes (17-16)						These provisions are likely moot given the developed nature of the Town at this time.

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Application for approval (17-17)						This provision could be consolidated with an overarching application section.
Discussions about plat with planning commission, etc; recommended (17-18)						This provision has a neutral impact on the land use goals.
Referral to Town and County Officials (17-19)						This provision has a neutral impact on the land use goals.
Time within which planning commission to act (17-20)						This provision has a neutral impact on the land use goals.
Notice of action taken by planning commission (17-21)						This provision has a neutral impact on the land use goals.
Effect of Approval (17-22)						This provision has a neutral impact on the land use goals.
Chapter 17 Article 3 Final Plat						

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Subdivider to furnish engineering data; approval of director of						This provision has a neutral impact on the land use goals.
Engineer or surveyor to prepare plat (17-24)						This provision has a neutral impact on the land use goals.
Owner's statement (17-25)						This provision has a neutral impact on the land use goals.
Contents (17-26)						This provision has a neutral impact on the land use goals.
Submission to council for approval (17-27)						This provision has a neutral impact on the land use goals.
Notification of subdivider by mail ten days prior to the date of consideration (17-28)						This provision has a neutral impact on the land use goals.

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Refer actions of Council (17-29)						This provision has a neutral impact on the land use goals.
Filing of Final Plat After Approval (17-30)						This provision has a neutral impact on the land use goals.
Recording (17-31)						This provision has a neutral impact on the land use goals.
Reapproval by Town Council upon failure of subdivider to record (17-32)						This provision has a neutral impact on the land use goals.
Chapter 17 Article 4 Design Standards						
Compliance with comprehensive plan and official map (17-33)						This provision has a positive impact on Land Use Goal #4 as it requires new streets to be developed in a manner that is consistent with the comprehensive plan. The “complete streets” principles incorporated in the Plan Update serve as a solid foundation for implementing this aspirational regulation.
Location (17-33.1)						These provisions have a neutral impact on the Land Use Goals.

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Arrangement, character, extent, etc.. (17-34)						These provisions have a neutral impact on the Land Use Goals.
Relation to adjoining Streets (17-35)						These provisions have a neutral impact on the Land Use Goals.
Projection of Streets (17-36)						These provisions have a neutral impact on the Land Use Goals.
Streets to be carried to property lines (17-37)						These provisions have a neutral impact on the Land Use Goals.
Street Jogs (17-38)						These provisions have a neutral impact on the Land Use Goals.
Dead-end street or cul-de-sac (17-39)						These provisions have a neutral impact on the Land Use Goals. Where not shown, new streets should continue from existing streets and intersections. Dead-end streets or culs-de-sac must be no longer than 800 feet, meaning that a connected network of streets is relatively preserved.
Service drives (17-40)						These provisions have a neutral impact on the Land Use Goals.

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Widths, Dedication or rights-of-way (17-41)						This provision has a negative impact on Land Use Goal #4 as the minimum requirements are excessive and in turn serve as a barrier to the Plan Update’s pedestrian-oriented development pattern. Assess terminology to provide for “right-of-way” width rather than street width or both.
Intersections (17-42)						These provisions have a neutral impact on the Land Use Goals.
Deflections (17-43)						These provisions have a neutral impact on the Land Use Goals.
Reserve Strips (17-44)						These provisions have a neutral impact on the Land Use Goals.
Grades (17-45)						These provisions are contrary to Land Use Goal #4 as they do not advance a “complete streets” pedestrian-oriented vision that encourages continuity between corresponding land uses and public infrastructure.
Names and Numbers (17-46)						These provisions have a neutral impact on the Land Use Goals.
Access to streets across ditches (17-47)						These provisions have a neutral impact on the Land Use Goals.
Vacation (17-48)						These provisions have a neutral impact on the Land Use Goals.

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Private Streets (17-49)						These provisions have a negative impact on Land Use Goal #4 as the excessive minimum requirements are contrary to the Plan Update's pedestrian-oriented development vision.
Street Interval (17-50)						These provisions have a neutral impact on the Land Use Goals.
Residential Areas (17-51)						These provisions have a neutral impact on the Land Use Goals.
Commercial and Industrial Districts (17-52)						These provisions have a neutral impact on the Land Use Goals.
Width (17-53)						
Dead-End Alleys (17-54)						These provisions have a neutral impact on the Land Use Goals.
Public Utilities and storm drains (17-55)						These provisions have a neutral impact on the Land Use Goals.
Streams and Watercourses (17-56)						These provisions have a neutral impact on the Land Use Goals.

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Lengths (17-57)						These provisions have a neutral impact on the Land Use Goals.
Width (17-58)						These provisions have a neutral impact on the Land Use Goals.
Crosswalks (17-59)						These provisions have a neutral impact on the Land Use Goals.
Dimensions (17-60)						These provisions have a neutral impact on the Land Use Goals.
Lot shape factors (17-60.1)						These provisions have a neutral impact on the Land Use Goals.
Location (17-61)						These provisions have a neutral impact on the Land Use Goals.
Corner Lots (17-62)						These provisions have a neutral impact on the Land Use Goals.
Lines (17-63)						These provisions have a neutral impact on the Land Use Goals.

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Lot remnants (17-64)						These provisions have a neutral impact on the Land Use Goals.
Chesapeake Bay resource protection areas (17-64.1)						These provisions have a neutral impact on the Land Use Goals.
Article 5 Chapter 17 Improvements						
Performance bond; cancellation of building permits (17-65)						This provision has a neutral impact on the land use goals.
Use of escrowed improvement funds (17-65.1)						This provision has a neutral impact on the land use goals.
Public improvement completion time extensions (17-65.2)						This provision has a neutral impact on the land use goals.

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Maintenance bond (17-66)						This provision has a neutral impact on the land use goals.
Improvement at subdivider's cost (17-67)						This provision has a neutral impact on the land use goals.
Dedication of sidewalks for single-lot development (17-67.1)						This provision has a neutral impact on the land use goals.
Completion of sidewalks for single-lot development (17-67.2)						This provision has a neutral impact on the land use goals.
Specifications (17-68)						This provision has a neutral impact on the land use goals.
Improvement Plans (17-69)						This provision has a neutral impact on the land use goals.
Inspection of construction (17-70)						This provision has a neutral impact on the land use goals.

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Acceptance of improvements generally (17-71)						This provision has a neutral impact on the land use goals.
Acceptance procedure (17-72)						This provision has a neutral impact on the land use goals.
Chapter 18 Article I Title, Applicability, Purpose						
Title (18-1)						This provision has a neutral impact on each of the Land Use Goals.
Applicability (18-2)						This provision has a neutral impact on each of the Land Use Goals.
Purpose (18-3)						This provision has a neutral impact on each of the Land Use Goals.
Definitions (18-4)						These definitions fail to promote innovative uses that would directly advance the objectives under Goal #2.

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Zone Categories (18-5)						While the general principles of the underlying zones may be consistent with the land use goals, overall, there are too many duplicative zones that could be consolidated.
Determination of Zone Boundaries (18-6)						This provision has a neutral impact on each of the Land Use Goals.
Zoning Map (18-7)						This provision has a neutral impact on each of the Land Use Goals, however, see the note above regarding the consolidation of like zones.
Minimum Requirements (18-8)						This provision has a neutral impact on the land use goals, and generally reflects a best practice.
Uses (18-9)						This provision has a neutral impact on the land use goals.
Height (18-10)						This provision has a neutral impact on the land use goals.
Area (18-11)						This provision has a neutral impact on the land use goals.

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RS-16 Single-Family Detached Residential Zone Regulations						
Permitted Uses (18-12)						The uses in this district are generally appropriate for residential uses and in turn Land Use Goal #5, however, it does not appear that “agriculture” as defined is the most appropriate description for the type of agriculture that is desired in the Town. Per the Priority Chart, consider incorporating forms of urban agriculture and corresponding accessory structures.
Conditional Uses (18-13)						These conditional uses are generally appropriate for the residential district. Address family day homes and include use specific standards.
Transitional Uses (18-14)						This provision has a neutral impact on the Land Use Goals.
Area Requirements (18-15)						These lot dimensions are consistent with a “large lot” residential zoning district. Revise area requirements currently based on street width (address cul-de-sacs) and side yard setbacks. See Town Staff GIS analysis demonstrating disconnect between existing lots and underlying lot regulations.
Height Limit (18-16)						This building height is consistent with the residential predominant in the district.
Fences (18-17)						These provisions have a neutral impact on the Land Use Goals.

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Accessory Building and Private Parking Area Requirement (18-18)						These provisions have a neutral impact on the Land Use Goals however consider incorporating these provisions directly in the district regulations.
Off-Street Parking Area (18-19)						These provisions have a neutral impact on the Land Use Goals however consider incorporating these provisions directly in the district regulations.
Nameplate and Signs (18-20)						These provisions have a neutral impact on the Land Use Goals however consider incorporating these provisions directly in the district regulations.
RS-12.5 Single-Family Detached Residential Zone Regulations						
Permitted Uses (18-21)						The permitted uses for this district are appropriate.
Conditional Uses (18-22)						These provisions have no impact on the Land Use Goals.
Transitional Uses (18-23)						These provisions have a neutral impact on the Land Use Goals.

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Area Requirements (18-24)						These provisions are generally positive Land Use Goal #5. Consider whether the RS-16 and RS-12.5 districts can be merged since the only differentiating factors are lot size and front setbacks. See Town Staff GIS analysis demonstrating disconnect between existing lots and underlying lot regulations.
Height Limit (18-25)						This provision is positive with respect to Land Use Goal #5 and the residential development form contemplated for the district.
Fences (18-26)						This provision has a neutral impact on the Land Use Goals.
Accessory Building and Private Parking Area Requirements (18-27)						This provision has a neutral impact on the Land Use Goals.
Off-Street Parking Areas (18-28)						This provision has a neutral impact on the Land Use Goals.
Nameplates and Signs (18-29)						This provision has a neutral impact on the Land Use Goals.
RS-10 Single-Family Detached Residential Zone Regulations						

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Permitted Uses (18-30)						The permitted uses for this district are appropriate.
Conditional Uses (18-31)						These provisions have no impact on the Land Use Goals.
Transitional Uses (18-32)						These provisions have a neutral impact on the Land Use Goals.
Area Requirements (18-33)						These provisions are generally positive Land Use Goal #5. Consider whether the RS-16 and RS-12.5 districts can be merged since the only differentiating factors are lot size and front setbacks. See Town Staff GIS analysis demonstrating disconnect between existing lots and underlying lot regulations.
Height Limit (18-34)						This provision is positive with respect to Land Use Goal #5 and the residential development form contemplated for the district.
Fences (18-35)						This provision has a neutral impact on the Land Use Goals.
Accessory Building and Private Parking and Area Requirements (18-36)						This provision has a neutral impact on the Land Use Goals.

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Off-Street Parking Areas (18-37)						This provision has a neutral impact on the Land Use Goals.
Nameplates and Signs (18-38)						This provision has a neutral impact on the Land Use Goals.
RTH Townhouse						
Statement of Purpose (18-39)						This provision adequately states the purpose and intent of the district and the Town should consider similar statements at the beginning of all districts to support defensibility.
Uses Permitted (18-40)						Consider incorporating a mix of residential uses, including single-family detached structures as well as condominiums and infill projects. This diversity of housing options will allow for the introduction of projects that are not larger-scale townhome developments. Contrast this with the permitted uses in the RM-2 Zone which permit single-family homes.
Conditional Uses (18-41)						Consider adding some non-residential conditional uses to encourage more of a mixed-use environment with walkable nonresidential options under certain circumstances. At a minimum permit those conditional uses that are otherwise permitted in other residential districts.

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Transitional Uses (18-42)						These provisions have no impact on the Land Use Goals.
Site Plan Approval (18-43)						While the site plan requirements are appropriate for larger-scale townhome development, consider incorporating some infill development standards as well. Ensure that Traffic Impact Analysis/Studies required for new development consider multimodal travel and otherwise encourage development that furthers goals of the Plan Update.
General Specifications (18-44)						These specifications are appropriate for the Townhome style development however consider infill standards for multiple development forms as well.
Lot Width (18-45)						These provisions have a neutral impact on the Land Use Goals.
Yard Requirements (18-46)						These provisions have a neutral impact on the Land Use Goals.
Front Yard (18-47)						These provisions have a neutral impact on the Land Use Goals.
Side Yard (18-48)						These provisions have a neutral impact on the Land Use Goals.
Rear Yard (18-49)						These provisions have a neutral impact on the Land Use Goals.

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Height Limit (18-50)						These provisions have a neutral impact on the Land Use Goals.
Accessory Building and Private Parking Area Requirements (18-51)						These provisions have a neutral impact on the Land Use Goals.
Off-Street Parking Area (18-52)						These provisions have a neutral impact on the Land Use Goals.
Name Plates and Signs (18-53)						These provisions have a neutral impact on the Land Use Goals.
Public Utilities (18-54)						These provisions have a neutral impact on the Land Use Goals.

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RM-2 Multi-Family, Low Density Zone Regulations						
Permitted Uses (18-55)						The inclusion of a variety of housing types in this district is positive with respect to land use Goals #3 and #6.
Conditional Uses (18-56)						The incorporation of certain institutional uses as conditional uses allows for the creation of a more complete neighborhood.
Transitional Uses (18-57)						These provisions have a neutral impact on the Land Use Goals.
Area Requirements (18-58)						The area and lot coverage requirements for multi-family are not fully calibrated to the multi-family development form and should either be removed or increased to permit new development and bring existing development into conformity. The current lot coverage requirements make it effectively impossible to introduce multi-family development into this zone.
Height Limit (18-59)						The height maximum of 35 feet is contrary to the development form of multi-family buildings.
Accessory Building and Private Parking Area Requirements (18-60)						This provision has a neutral impact on the land use regulations, however, see notes regarding incorporating these provisions in the base zoning regulations for improved navigability.

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Off-Street Parking Area (18-61)						This provision has a neutral impact on the land use regulations, however, see notes regarding incorporating these provisions in the base zoning regulations for improved navigability.
Name Plates and Signs (18-62)						This provision has a neutral impact on the land use regulations, however, see notes regarding incorporating these provisions in the base zoning regulations for improved navigability.
T Transitional Zone Regulations						
Statement of Purpose (18-63)						The incorporation of a purpose and intent statement is a best practice.
Limitations on Location (18-64)						The limits on certain uses promotes residential development in desired areas with minimal intrusion from incompatible uses.
Limitation on Depth of Zones (18-65)						For the reasons stated above, these limits are appropriate given the desired residential development pattern.
Permitted Uses (18-66)						With respect to Land Use Goal #2, this provision is negative as the enumerated uses are not innovative and encourage assisted living, single-story, single-use development. With respect to Land Use Goal #2, these would benefit from some permitted housing types. There should also be consideration of expressly permitting mixed-use development with upper floor residential.

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Conditional Uses (18-67)						Consider introduction some residential development forms, even as conditional uses.
Area Requirements (18-68)						While these regulations are not negative with respect to any specific provision, it would be more consistent with the Plan Update to contemplate a specific development form for this zone rather than relying on existing dimensions in adjacent zones.
Off-Street Parking Area (18-69)						These provisions encourage sensible parking design and encourage the location of parking lots to the rear of buildings.
Special Regulations (18-70)						These regulations promote positive design that is approaching what is contemplated under the Plan Update. These concepts can be built upon in updated regulations.
Site Plan Approval (18-71)						Consider incorporating all site planning provisions into the base zoning regulations for ease of use and the most customizable results.
C-1 Local Commercial Zone Regulations						
Permitted Uses (18-72)						The permitted uses in this district are not innovative or modernized as contemplated in the Plan Update. These uses do not allow for a mixed-use development pattern as contemplated in the Plan Update. Moreover, as this district is considered for a mixed-use environment include incorporating assisted living as a permitted use.

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Conditional Uses (18-73)						The ability to incorporate upper-floor apartments is a positive provision and consistent with the Plan Update's vision. Consider whether drive-throughs should be removed even as permitted uses.
Use Permit Required (18-74)						Conditions pertaining to entertainment and rooftop gardens may be overly restrictive and contrary to the environment the Plan Update contemplates.
Change of Zone (18-75)						This provision can likely be deleted or incorporated into the administration and procedures chapter as its requirements should apply to all map changes requested under the Code.
Area Requirements (18-75.1)						Consider further customization of these regulations to encourage high quality development consistent with the Plan Update.
Height Limit (18-75.2)						This limit should be calibrated on the existing built environment. To the extent, the regulation reflects the built environment.
Accessory Building and Private Parking Area Requirements (18-75.3)						These provisions have a neutral impact on the Land Use Goals.

	Goal #1: Vienna as a Complete Community	Goal #2: Encourage housing for residents of all age groups	Goal #3: Maintain and Strengthen the Central Business District within existing boundaries	Goal #4 Create a more walkable Vienna	Goal #5: Ensure that Vienna retains its unique-single-family residential character and quality of life	Comments
Off-Street Parking Area (18-76)						The design requirements for off-street parking are positive provisions that promote sensible development consistent with the Plan Update.
Name Plates and Signs (18-77)						These provisions have a neutral impact on the Land Use Goals.
Site Plat Approval (18-78)						These provisions have a neutral impact on the Land Use Goals. Structurally consider incorporating all site plan requirements into the base zoning district regulations.
C-1A Special Commercial Zone Regulations						
Permitted Uses (18-80)						See comments with respect to modern and innovative uses in the C-1 Zone.
Conditional Uses (18-81)						The inclusion of auto-oriented uses such as car dealerships, drive-throughs and taxi-stands is contrary to the goals of promoting walkability and improved design.
Area Requirements (18-82)						The building placement and yard requirements are a starting point for encouraging pedestrian-oriented design; however, these standards should be closely assessed in light of the Plan Update's goals.

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Height Limit (18-83)						The 35-foot height limitation may serve as a barrier to commercial development. This limitation should be closely assessed to determine whether excessive variances have been required for new commercial development and the standard should be recalibrated to strike a balance.
Accessory Building and Private Parking Area Requirements (18-84)						Consider incorporating all site planning provisions into the base zoning regulations for ease of use and the most customizable results.
Off Street Parking Area (18-85)						Consider incorporating all site planning provisions into the base zoning regulations for ease of use and the most customizable results.
Name Plates and Signs (18-86)						Consider incorporating all site planning provisions into the base zoning regulations for ease of use and the most customizable results.
Site Plan Approval (18-87)						Consider incorporating all site planning provisions into the base zoning regulations for ease of use and the most customizable results.
C-1B Pedestrian Commercial Zone Regulations						
Purpose and Intent						This purpose and intent statement incorporates a best practice and clearly articulates the vision of the district and the justification for the regulations.

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Permitted Uses (18-87.1)						The permitted uses should be carefully assessed to make sure that they are modernized.
Conditional Uses (18-87.2)						The inclusion of tax stands is contrary to the pedestrian-oriented vision of the district and this use should be located to a more auto-oriented location.
Area Requirements (18-87.3)						The front setbacks of 15 feet appears to be contrary to the historic development pattern in the district which forms a street wall throughout the district. The maximum height of 35 feet also appears to be contrary to the historic development pattern and the exception for municipal parking structures is contrary to the pedestrian-oriented vision for the district.
Modification of General Regulations (18-87.4)						While this provision allows for the modification of the building standards, it is unclear why these modifications need to occur through the design review process as opposed to making design review a baseline requirement for all new construction and redevelopment.
Building and Plan Design Features (18-87.5)						The design guidelines are a positive starting point however they should be carefully assessed to determine enforceability and eliminate ambiguity in the text. For example, the guidelines read as “advisory” rather than legally binding.

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Bonus Modification (18-87.5)						These bonus provisions should be carefully assessed to more directly advance goals related to pedestrian-oriented development.
C-2 General Commercial Zone Regulations						
Permitted Uses (18-88)						See notes above related to the modernization of the permitted uses in the commercial district.
Conditional Uses (18-89)						Even as conditional uses, many of the uses listed are auto-oriented and contrary to the Plan Update's vision for this commercial corridor. Consider reevaluating these uses and eliminating.
Area Requirements (18-90)						It appears that these lot requirements are contrary to the historic development pattern along this corridor and that new buildings can be placed closer to the right-of-way.
Height Limit (18-91)						The height regulations should be carefully calibrated to allow for increased height within acceptable parameters determined by the Town.
Accessory Building and Private Parking Area Requirements (18-92)						These provisions have a neutral impact on the Land Use Goals.

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Off-Street Parking Area (18-93)						These provisions have a neutral impact on the Land Use Goals.
Name Plates and Signs (18-94)						These provisions have a neutral impact on the Land Use Goals.
Site Plan Approval (18-95)						These provisions have a neutral impact on the Land Use Goals.
MAC Maple Avenue Commercial Zone Regulations (MAC) [REPEALED]						
Statement of Purpose and Intent (18-95.1)						This purpose and intent statement is consistent with best practices and should be refined as these regulations are revisited.
Applicability (18-95.2)						This provision has a neutral impact on the land use goals.
Procedure for MAC Zone designation (18-95.3)						While these provisions have a neutral impact on the land use goals, the piecemeal rezoning of individual lots to the MAC classification may produce inconsistent development results over time as compared to identifying a desired development pattern and mapping it accordingly.
Permitted Uses (18-95.4)						Examine permitted uses closely to identify innovative and modern uses that might not currently be accounted for.
Conditional Uses (18-95.5)						Auto-oriented uses such as drive-throughs and automobile sales are contrary to the goals of the Plan Update and in particular goals #2 and #5.

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Accessory Uses (18-95.6)						The enumerated accessory uses promote development that is consistent with the Plan Update. Consider additional accessory uses such as bike lockers that promote multi-modal transportation.
Area Requirements (18-95.7)						The lot requirements for the MAC are generally consistent with the Plan Update and promote a sense of enclosure and pedestrian-oriented design.
Encroachments into required Yards (18-95.8)						The encroachments for the MAC are generally consistent with the Plan Update and promote a sense of enclosure and pedestrian-oriented design.
Height Limit (18-95.9)						The height regulations are generally consistent with the Plan Update and should be calibrated to confirm desirability.
Off-Street Parking (18-95.10)						The off-street parking regulations generally reflect best practices for off-street parking, including provisions for the reduction of minimum parking requirements. These regulations should be carefully calibrated to include the most appropriate best practices for the Town. Where parking requirement calculations result in a fractional space, round down.
Mobility and Circulation (18-95.11)						These provisions encourage positive design principles that reinforce and advance land use goals #1 and #4.

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Landscaping Standards (18-95.12)						These provisions encourage positive design principles that reinforce and advance land use goals #1 and #4.
Open Space Set-asides (18-95.13)						These provisions encourage positive design principles that reinforce and advance land use goals #1 and #4.
Site development standards (18-95.14)						These standards have a neutral impact on the Land Use Goals and should be recalibrated to ensure consistency with the Town's development vision.
Multiple Building Development Configuration (18-95.14.1)						While these standards have a neutral impact on the Land Use Goals, the prescriptive arrangement of multiple buildings could create difficulties with respect to administration and development. Consider promoting greater flexibility with respect to this provision.
Front Architectural Features (18-95.14.6)						These provisions have a positive impact on Land Use Goal #1 and the goal of promoting high quality development.
Exterior Lighting (18-95.15)						These provisions reflect best practices with respect to lighting.

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Neighborhood Compatibility (18-95.16)						This is a positive provision that preserves the Town's residential character while permitting new development. These standards should be recalibrated in conjunction with the code rewrite.
Nameplates and Signs (18-95.17)						These provisions have a neutral impact on the land use goals.
Fences (18-95.18)						These provisions have a neutral impact on the land use goals.
Incentives (18-95.19)						The existing zoning incentivizes reconstruction within the C-1B Pedestrian Commercial zoning district to be more walkable and reflect the historic architectural style and pattern of development.
Nonconforming Site features (18-95-20)						These provisions have a neutral impact on the land use goals.
CMP Industrial Park Zone Regulations						
Applicability and Purpose (18-95.25)						These provisions have a neutral impact on the Land Use Goals.
Permitted Uses (18-96)						These provisions have a neutral impact on the Land Use Goals, however, they should be revisited to ensure that the most innovative and modern industrial and light-industrial uses are incorporated.
Conditional Uses (18-97)						These provisions have a neutral impact on the Land Use Goals.

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Area Requirements (18-98)						The Town should revisit all area requirements to ensure that they are calibrated to the updated development forms contemplated in the Plan Update.
Height Limit (18-99)						These provisions have a neutral impact on the Land Use Goals.
Outside Storage (18-100)						These provisions have a neutral impact on the Land Use Goals, however, they appropriately address potential harms that might otherwise impact the general welfare of the Town.
Off-Street Parking Requirements (18-101)						These provisions have a neutral impact on the Land Use Goals. As noted in the Priority Chart, in the event the Town elects to move forward with parking minimums, review the use chart to ensure that all use-types are clearly addressed under these minimum requirements.
Loading Berth Requirements (18-102)						These provisions advance the goal of preserving the Town's residential areas.
Access Roads to Loading Berth (18-103)						These provisions have a neutral impact on the Land Use Goals.
Hours Prohibited for Loading (18-105)						These provisions advance the goal of preserving the Town's residential areas.

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Signs (18-106)						These provisions have a neutral impact on the Land Use Goals.
Lighting of Free-Standing Signs (18-107)						These provisions have a neutral impact on the Land Use goals.
Screening (18-108)						The screening requirements for these areas can be more robust to better address high-quality design and preservation of residential character.
Evergreen Screening (18-109)						The screening requirements for these areas can be more robust to better address high-quality design and preservation of residential character.
Inadequately Maintained Screening (18-110)						These provisions have a neutral impact on the Land Use Goals.
Street Rights-of Way (18-111)						These provisions have a neutral impact on the Land Use Goals.
General Intent (18-112)						These provisions have a neutral impact on the Land Use Goals.
Limitations upon External Effects (18-113)						These provisions have a neutral impact on the Land Use Goals.

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Plans for Abatement to be Presented (18-114)						These provisions have a neutral impact on the Land Use Goals.
Tests for Non-adherence to Standards (18-115)						These provisions have a neutral impact on the Land Use Goals.
Application and Site Plan Approval (18-116)						These provisions have a neutral impact on the Land Use Goals.
Performance Standards (18-117)						These provisions have a neutral impact on the Land Use Goals.
CM Limited Industrial Zone Regulations						
Permitted Uses (18-118)						While these uses have a neutral impact on the Land Use goals, they should be updated to reflect modern uses incorporated in light industrial districts.
Conditional Uses (18-119)						While these uses have a neutral impact on the Land Use goals, they should be updated to reflect modern uses incorporated in light industrial districts
Area Requirements (18-120)						The Town should revisit all area requirements to ensure that they are calibrated to the updated development forms contemplated in the Plan Update.
Yard Requirements (18-121)						These provisions have a neutral impact on the Land Use Goals.

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Height Limit (18-122)						These provisions have a neutral impact on the Land Use Goals.
Accessory Building and Private Parking Area Requirements (18-123)						These provisions have a neutral impact on the Land Use Goals.
Off-Street Parking Area (18-124)						These provisions have a neutral impact on the Land Use Goals.
Nameplates and Signs (18-125)						These provisions have a neutral impact on the Land Use Goals.
Site Plan Approval (18-126)						These provisions have a neutral impact on the Land Use Goals.
PR Park and Recreational Zone Regulations						
Permitted Uses (18-126.1)						These provisions have a neutral impact on the Land Use Goals. Consider incorporating "Pocket Park" as a permitted use.
Conditional Uses (18-126.2)						These provisions have a neutral impact on the Land Use Goals.

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Transitional Uses (18-126.3)						These provisions have a neutral impact on the Land Use Goals.
Area Requirements (18-126.4)						These provisions have a neutral impact on the Land Use Goals. Consider updating area requirements to allow for lower intensity uses such as “pocket parks.”
Height Limit (18-126.5)						These provisions have a neutral impact on the Land Use Goals.
Fences (18-126.6)						These provisions have a neutral impact on the Land Use Goals.
Accessory Building Requirements (18-126.7)						These provisions have a neutral impact on the Land Use Goals.
Off-Street Parking Area (18-126.8)						These provisions have a neutral impact on the Land Use Goals.
Nameplates and Signs (18-126.9)						These provisions have a neutral impact on the Land Use Goals.
Site Plan Approval (18-126.10)						These provisions have a neutral impact on the Land Use Goals.

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PC Park and Conservation Zone Regulations						
Intent (18-126.11)						The statement of intent is a best practice. Consider whether this district can be consolidated with the PR district to eliminate duplicity.
Permitted Uses (18-126.12)						These provisions have a neutral impact on the Land Use Goals.
Rezoning of Parcels (18-126.13)						These provisions have a neutral impact on the Land Use Goals.
Minimum Lot Size and Open Space Requirements (18-126.14)						These provisions have a neutral impact on the Land Use Goals. Consider updating area requirements to allow for lower intensity uses such as “pocket parks.”
Conditional Uses (18-126.15)						These provisions have a neutral impact on the Land Use Goals.
Structural Improvements in PC Zone (18-126.16)						These provisions have a neutral impact on the Land Use Goals.
Transitional Uses (18-126.17)						These provisions have a neutral impact on the Land Use Goals.
Off-Street Parking Area (18-16.18)						These provisions have a neutral impact on the Land Use Goals.

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Nameplates and Signs (18-126.19)						These provisions have a neutral impact on the Land Use Goals.
Site Plan Approval (18-126.20)						These provisions have a neutral impact on the Land Use Goals.
Plot Plan for Parking Area Required (18-127)						While these provisions are administrative in nature and have a neutral impact on the Land Use Goals, they are a best practice.
Dimensions of Off-Street Parking Spaces and Aisles (18-128)						Parallel parking spaces are required to 22 feet long, which may limit the availability of on-street parking, as many drivers can successfully maneuver into shorter spaces. For example, compact parking spaces in the code, are allowed to be 16 feet long.
Space Allocation for Parking (18-129)						These provisions have a neutral impact on the Land Use Goals.
Requirements (18-130)						Minimum parking standards for land uses are high and require more spaces than many similar municipalities, serving as a hindrance to meeting comprehensive plan goals. Adopt language in Section 18-130 about the Purpose or Intent of off-street parking and loading requirements to reinforce the goals of the Comprehensive Plan—including efficient and reliable movement for all transportation modes and minimizing congestion for environmental benefits—and go beyond ensuring adequate provision of parking.

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Location of Parking Facilities (18-131)						Section 18-131 notes that no new parking should be constructed between the street and the building setback line in commercial districts, but does not go so far as to prevent parking in front of buildings, which can reduce the comfort and appeal of pedestrian travel. Require off-street parking to be located behind or along the side of a building.
Loading Space in Rear Yard (18-133)						These provisions have a neutral impact on the Land Use Goals.
Improvements Applicable to parking Areas and Loading Spaces (18-134)						These provisions have a neutral impact on the Land Use Goals.
Additional Improvements Required (18-135)						These provisions have a neutral impact on the Land Use Goals.
Additional Protective Conditions (18-136)						These provisions have a neutral impact on the Land Use Goals.
Non-Availability of Parking Area (18-137)						These provisions have a neutral impact on the Land Use Goals.
Transitional Parking (18-137.1)						These provisions have a neutral impact on the Land Use Goals.

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One-Story Accessory Building, Where to be located (18-138)						This provision does not differentiate between the locating of buildings in different districts. Consider how accessory buildings in different contexts should be located.
Swimming Pool, Where to be located (18-138.1)						This provision has a neutral impact on the Land Use Goals.
Outdoor Hot Tubs, Area and Location Requirements (18-138.2)						This provision has a neutral impact on the Land Use Goals.
Two-Story Accessory Building, Where to be Located (18-139)						This provision and others pertaining to accessory buildings should be consolidate in a more comprehensive section addressing all aspects of accessory structures.
Accessory Building, Area and Location (18-140)						These provisions should be examined to ensure that they are calibrated to the character of the residential districts that the Town desires. Include requirement that accessory structures are located in rear yard.
Swimming Pool, Area and Location (18-140.1)						Consolidate this swimming pool provision with the other swimming pool provisions for ease of navigation.

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Accessory Building on Corner Lot (18-141)						Recalibrate this provision to clarify the setback requirements and ensure that the desired outcome is encouraged.
Swimming Pool on Corner Lot (18-141.1)						This provision has a neutral impact on the Land Use Goals.
Accessory Building Not to be used for Dwelling Purposes (18-142)						This provision should be revisited to determine whether there should be a prohibition on using accessory structures as dwelling units. Background information suggests this may be the Town's desire.
Trailer and Manufactured Home Not An Accessory Building (18-143)						This provision has a positive impact on the Land Use Goal #4 as it preserves the single-family residential character of the residential districts.
Private Parking Area; Where to Be Located (18-144)						This provision lacks any screening requirements for private parking areas installed in accordance with this section, which should be required in residential areas.
Private Parking Area on Corner Lot (18-145)						This provision has a neutral impact on the Land Use Goals.

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Accessory Building or Private Parking Areas for Dwellings in Commercial or Industrial Zones (18-146)						This provision should be revisited and recalibrated for the specific districts and desired building forms.
Private Garage, When Not Considered an Accessory Building (18-147)						While this provision provides a standard for determining what is considered part of the principal structure, to enhance the design of single-family structures, consider incorporating additional design standards for attached garages in terms of degree of setback from front façade, etc...
Satellite Antenna (18-147.1)						This provision has a neutral impact on the Land Use Goals but should be revisited to determine whether it is necessary or needs to be recalibrated to modern standards.
Applicability (18-148)						This provision has a neutral impact on the Land Use Goals.
Single-Family Dwelling in a Less Restricted Zone (18-149)						While the introduction of single-family dwellings will create additional housing opportunities in the Town, this blank provision lacks design standards for infill in various contexts. This provision should be revisited to address those concerns.

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Multi-Family Dwelling in Commercial or Industrial Zone (18-150)						This provision encourages the introduction of different housing types throughout the Town, however, the blanket requirements of the RM-2 zone do not translate to all zoning districts and should be custom-tailored on a district by district basis.
Row Dwelling (18-151)						With respect to Land Use Goal #2, the prohibition on row dwellings eliminates one housing option in the portfolio of housing options for various residents. Consider whether any context might be appropriate for this use.
Drive-In Restaurants (18-151.1)						This is a positive provision with respect to the pedestrian-oriented goals stated in the Plan Update. Consider extending this prohibition to Drive-Through restaurants as well.
Trailers (18-152)						This prohibition ensures high-quality design throughout the Town. However, this should be considered in the context of food-trucks and mobile vendors that might be prohibited under these regulations. Consider standalone provisions for these modern uses that affirmatively permits them.
Sales Trailers for Residential Developments (18-152.1)						This provision has a neutral impact on the Land Use Goals.

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Public Use Trailers and Manufactured Homes (18-152.2)						This provision has a neutral impact on the Land Use Goals.
Portable Storage Containers (18-152.3)						This provision is a positive provision with respect to placing limits on what should be a temporary use.
Overnight Parking of Commercial Vehicle in Residential Zone (18-153)						This provision is a positive provision and ensures that the character of the single-family residential districts are maintained.
Authority to Restrict Keeping of Inoperative Motor Vehicles, Etc. on Residential or Commercial Property; Removal of Such Vehicles (18-153.1)						This provision is a positive provision and ensures that the character of the single-family residential districts are maintained. These provisions can be challenging to administer.
Automobile Graveyards (18-153.2)						This is a positive provision that does not directly correlate to any specific Land Use Goal but is generally desirable.

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Parking of Motor Buses on Town Streets (18-153.3)						This is a positive provision that does not directly correlate to any specific Land Use Goal but is generally desirable.
Parking Commercial Vehicles in Residential Zones Prohibited (18-153.4)						This is a positive provision to protect the character of the residential zones within the Town.
Display of Merchandise (18-154)						These restrictions may be overly restrictive and should be examined to determine whether outdoor display as of right is desirable in some locations within commercial districts.
When Basement Living Quarters May be Maintained (18-155)						This provision appears to be a mechanism to prohibit basement living quarters in single-family residential zones. Consider whether it can be modified to allow this form of housing in nonresidential districts.
Public Buildings; Height (18-156)						While this provision has a neutral impact on the Land Use Goals, consider a catch-all provision for all public buildings that states which regulations are applicable.
Obstruction to Vision at Corner, Residential Zone Prohibited (18-159)						This is a positive provision that has a neutral impact on the Land Use Goals.

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Obstruction at Corner, Commercial Zone Prohibited (18-160)						This is a positive provision that has a neutral impact on the Land Use Goals.
Gasoline Stations; Location of Pumps and Driveways (18-161)						Consider incorporating more robust regulations governing the design of new gas stations or consider a prohibition on new gas stations.
Annexed Areas, How Classified (18-162)						This provision has a neutral impact on the Land Use Goals.
When Additional Story is Permitted (18-163)						While this provision has a neutral impact on the Land Use Goals, it is very specific and difficult to administer. Consider what the goal of this provision is and then redraft to more clearly regulate.
Penthouses and Other Roof Structures Above Permitted Height (18-164)						This provision has a neutral impact on the land use goals.

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Font Yard Requirements, Residential Zones, for Lot Lying Between Two (2) Lots with Dwellings Thereon (18-165)						This is a positive provision that carries for the rhythm of the exiting development in residential zones. Consider incorporating this provision into the underlying regulations for the residential zones rather than through this cross-reference.
Font and Side Yard Requirements (18-166)						This provision has a neutral impact on the Land Use Goals.
How Far Carport May Project into Side Yard (18-167)						Consider incorporating standards specific to residential zones as well as screening requirements for unenclosed carports.
Porches, Projection into Required Yard Area Prohibited (18-168)						This provision is contrary to best practices for cultivating residential character in single-family residential zones. Permit encroachment into front yard area. Also regulate the setback of attached garages. These provisions can be incorporated into the base zone regulations for the applicable residential districts.

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Bay Windows, Eaves, Deck and Other Architectural Features (18-169)						These provisions should be revamped to address varying contexts more expressly. Include updated regulations in the regulations for the applicable base zoning districts.
Fire Escapes (18-170)						These provisions have a neutral impact on the Land Use Goals.
Walls, When Setback and Yard Requirements Do Not Apply (18-171)						These provisions have a neutral impact on the Land Use Goals.
Wall Required Between Certain Zones (18-172)						These screening requirements have a positive impact on maintaining the residential character of the Town's single-family neighborhoods while allowing nonresidential development.
Underground Utility Services (18-172.1)						This provision has a positive impact on the overall aesthetics of the Town.
Home Occupation (18-173)						Review basic standards for conducting a home occupation to ensure administrability after a home occupation is approved.

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Commercial Group Building Development (18-173.1)						While this provision has a neutral impact on the Land Use Goals, this provision should be incorporated in the base zoning regulations for the applicable districts and calibrated accordingly.
Intent and Purpose (18-173.2)						This provision clearly states the intent of a regulation that is designed to prevent a harm that impacts the Town's residential districts.
Definitions (18-173.3)						These provisions have a neutral impact on the Land Use Goals.
Number of Sales Limited (18-173.4)						This provision promotes the residential character of the Town's residential districts.
Hours of Operation (18-173.5)						These provisions have a neutral impact on the Land Use Goals.
Advertising; Signs (18-173.6)						These provisions have a neutral impact on the Land Use Goals.
Public Nuisance (18-173.7)						These provisions have a neutral impact on the Land Use Goals.
Parking (8-173.8)						These provisions have a neutral impact on the Land Use Goals.

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Persons Exempted from Ordinance (18-173.9)						This provision craves out sensible exemptions from the general rule set forth under these regulations.
Separate Violations (18-173-10)						This provision has a neutral impact on the Land Use Goals but sets forth sensible enforcement mechanisms.
Penalty (18-173.11)						This provision has a neutral impact on the Land Use Goals.
Separability (18-173.12)						This provision has a neutral impact on the Land Use Goals.
Condominium Conversions (18-173.13)						This provision encourages the creation of housing for elderly populations in accordance with state law and the Plan Update's vision.
Maintenance of Landscaped areas (18-173.14)						This provision encourages maintenance and upkeep of all properties located in the Town. Cross-check with current state law to confirm ability to obtain an abatement lien.
Blighted property a nuisance (18-173.15)						This is an important tool for the Town to manage blight. Cross-check with updated state law and opinions.
Security Fences (18-173.16)						This provision has a neutral impact on the land use goals.

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Intent (18-174)						This purpose statement is generally adequate to establish the goals of the Chapter with respect to signage. Update to add any additional goals or aims through the sign code, including to encourage development of the business district.
Definitions (18—175)						All signage definitions are outdated and need to be updated to address modern conventions and best practices.
Permits required (18-176)						This provision has a neutral impact on the Land Use Goals.
Exempt Signs (18-177)						These provisions have a neutral impact on the Land Use Goals but should be carefully assessed to determine consistency with best practices.
Prohibited Signs and Sign Structure (18-178)						These provisions have a neutral impact on the Land Use Goals but should be carefully assessed to determine consistency with best practices
Structural Requirements; Maintenance and Illumination (18-179)						These provisions have a neutral impact on the Land Use Goals but should be carefully assessed to determine consistency with best practices

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Revocation of permits and removal of Signs (18-180)						This provision has a neutral impact on the Land Use Goals.
Signs erected prior to this article (18-181)						These provisions have a neutral impact on the Land Use Goals but should be carefully assessed to determine consistency with best practices
Permitted signs in transitional zones (18-182)						These provisions have a negative impact on the Land Use Goals and the vision of the Plan Update. The permitted signs should be expanded and modernized.
Permitted signs in RTH Zones (18-182.1)						While these provisions generally have a neutral impact on the Land Use Goals, as individual districts are revisited, corresponding changes will be necessary to the sign code.
Permitted Signs in RM-2 Multi-Family Zones (18-183)						While these provisions generally have a neutral impact on the Land Use Goals, as individual districts are revisited, corresponding changes will be necessary to the sign code.
Permitted Signs in Commercial and Industrial Zones (18-184)						These signs need to be updated to address modern sign conventions and design features.
Permitted Signs in PR Zones (18-184-1)						These provisions have a neutral impact on the Land Use Goals.

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Special Regulations for certain uses and signs (18-185)						While these provisions have a neutral impact on the Land Use Goals, an updated supplemental sign regulation.
Scoreboards and functional athletic devices (18-185.1)						These provisions have a neutral impact on the Land Use Goals.
Sign Permit Procedures (18-186)						This provision has a neutral impact on the Land Use Goals.
Continuance of Nonconforming Buildings (18-197)						Consider further limiting the continuation of nonconforming buildings to certain circumstances as opposed to a blanked right.
Enlargements, etc... of nonconforming buildings (18-198)						This provision has a neutral impact on the Land Use Goals.
Repairs to nonconforming buildings (18-199)						This provision has a neutral impact on the Land Use Goals.

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Restoration of nonconforming buildings damaged or partially destroyed (18-200)						While this provision has a neutral impact on the Land Use Goals, it can be difficult to administer and should be examined to more streamlined updates.
Restoration when damage exceeds 50 percent of value (18-201)						While this provision has a neutral impact on the Land Use Goals, it can be difficult to administer and should be examined to more streamlined updates.
Moving of nonconforming buildings (18-202)						This provision has a neutral impact on the Land Use Goals.
Nonconformance caused by government action or dedication (18-203)						This provision is generally a best practice for similar provisions in other codes.
Continuance of nonconforming use of buildings (18-204)						This provision reflects the statutory requirements for nonconforming uses under Code of Virginia Section 15.2-2307.
Change of Use (18-205)						This provision generally reflects a best practice in these areas and should be maintained.

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Termination of nonconforming uses. (18-206)						This provision has a neutral impact on the Land Use Goals but generally reflects a best practice.
Extension of use—General prohibition (18-207)						This provision effectively dissuades the use of buildings for nonconforming uses and encourages uses that are consistent with the Plan Update, particular in commercial districts.
Same—Exception (18-207.1)						Consider whether this relief mechanism is desirable or whether it only enables the continuation of undesirable uses that are contrary to the Plan Update.
Continuance of nonconforming use of land (18-208)						This provision has a neutral impact on the Land Use Goals.
Conversion of nonconforming land or structures to condominium uses (18-208.1)						This is a positive provision with respect to promoting a diversity of housing options in the Town. This could be a template for similar provision related to other housing forms.
Use Permit Subject to Certain Conditions (18-209)						While this provision has a neutral impact on the Land Use Goals, it should be carefully examined to ensure that it's updated with respect to current law and procedures.

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Use Permits Required (18-210)						All conditional uses should be carefully analyzed to ensure consistency with the Plan Update and in particular the vision for commercial districts.
Application of use permit (18-211)						This provision has a neutral impact on the Land Use Goals.
Fee (18-212)						This provision has a neutral impact on the Land Use Goals, but could generally be improved through the incorporation of a universal fee and application section that is applicable to all procedures.
Notice and Public Hearing (18-213)						This provision has a neutral impact on the Land Use Goals.
Decision of Board (18-215)						This provision has a neutral impact on the Land Use Goals.
Permit void after six months if operation not commenced (18-216)						This provision has a neutral impact on the Land Use Goals and is generally a best practice for similar provisions in other codes.
Purpose and Authority (18-216.1.1)						This provision is a best practice with respect to establishing the purpose, intent and defensibility of a regulatory scheme.

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Definitions (18-216.1.2)						These definitions have a neutral impact on the Land Use Goals but should be carefully analyzed for opportunities to be updated.
General Provisions (18-216.1.3)						These provisions have a neutral impact on the Land Use Goals.
Allowed uses and developments (18.216.1.4)						These provisions have a neutral impact on the Land Use Goals.
Performance Criteria (18.216.5)						These provisions have a neutral impact on the Land Use Goals.
Administrative Official (18-217)						This provision has a neutral impact on the Land Use Goals.
Building Permit Required (18-218)						This provision has a neutral impact on the Land Use Goals.
Land Subject to Flooding or Erosion (18-219)						While this provision has a neutral impact on the Land Use Goals, it incorporates a best practice with respect to new development.
Application of building permit (18-220)						This provision has a neutral impact on the Land Use Goals.
Certificate of occupancy; when required (18-221)						This provision has a neutral impact on the Land Use Goals.

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Occupancy, use, and change of use prohibited until certificate of occupancy obtained (18-221.1)						This provision has a neutral impact on the Land Use Goals.
Temporary occupancy permits (18-222.1)						This is a positive provision with respect to commercial development as it allows for flexibility with respect to commercial development.
Required approval for erection and occupancy of new buildings (18-223)						While this provision has a neutral impact on the Land Use Goals, it appears to add an unnecessary of regulation to the permitting process.
Certificate of occupancy; when change of use involved. (18-224)						This provision has a neutral impact on the Land Use Goals.
Certificate of occupancy; statements required (18-225)						This provision has a neutral impact on the Land Use Goals.
Fees (18-226)						This provision has a neutral impact on the Land Use Goals.

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Application for building permit and certificate of occupancy unacceptable unless all required information furnished (18-227)						This provision has a neutral impact on the Land Use Goals.
Building Permit and Certificate of Occupancy void after six months of date of issuance of said building permit or certificate of occupancy becomes void (18-228)						This provision is a best practice for similar provisions in other codes.
Violation to act without permit or certificate of occupancy when one required (18-229)						This provision has a neutral impact on the Land Use Goals.

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Continuation of Existing Board (18-230)						This provision has a neutral impact on the Land Use Goals.
Membership (18-231)						This provision has a neutral impact on the Land Use Goals.
Appeals (18-232)						This provision has a neutral impact on the Land Use Goals.
Variances (18-233)						This provision should be carefully analyzed to ensure that all factors reflect the most current state law updates and best practices.
Variances; notice and hearing (18-234)						This provision has a neutral impact on the Land Use Goals.
Variance valid for six months (18-235)						This provision is a best practice for similar provisions in other codes.
Applications for conditional use permits (18-236)						This provision has a neutral impact on the Land Use Goals.
Interpretation of zoning map (18-237)						This provision has a neutral impact on the Land Use Goals.

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Interpretation of zoning map; notice and hearing (18-238)						This provision has a neutral impact on the Land Use Goals.
Procedure (18-239)						This provision has a neutral impact on the Land Use Goals.
Notice and hearing (18-240)						This provision has a neutral impact on the Land Use Goals.
Decisions of Board (18-241)						This provision has a neutral impact on the Land Use Goals.
Fee required (18-242)						This provision has a neutral impact on the Land Use Goals.
Amendments (18-243)						This provision has a neutral impact on the Land Use Goals.
Rezoning (18-244)						This provision has a neutral impact on the Land Use Goals.
Reapplication for rezoning (18-245)						This provision incorporates a best practice for similar provisions in other codes.
Planning Commission Notice and Hearing (18-246)						This provision has a neutral impact on the Land Use Goals.

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Town Council to Give Notice and Hold Hearing (18-247)						This provision has a neutral impact on the Land Use Goals.
Protest Against Proposed Change (18-248)						This provision has a neutral impact on the Land Use Goals.
Conditional Zoning and Proffers (18-249)						This provision has a neutral impact on the Land Use Goals.
Statement of Purpose (18-250)						This provision has a neutral impact on the Land Use Goals.
Where Applicable (18-251)						While this provision has a neutral impact on the Land Use Goals, consider whether these provisions can be incorporated in the base zoning districts for the applicable zones.
Application Fee (18-251.1)						While this provision has a neutral impact on the Land Use Goals, a universal fee section is a best practice.
Site Plan Specifications (18-252)						While this provision has a neutral impact on the Land Use Goals, consider whether these provisions can be incorporated in the base zoning districts for the applicable zones.

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Site Plan to conform with Code (18-253)						This provision has a neutral impact on the Land Use Goals.
Building permit and occupancy permit; issuance requirements (18-254)						This provision has a neutral impact on the Land Use Goals.
Site location on corner lots (18-254.1)						This provision has a neutral impact on the Land Use Goals.
Approval; factors to be considered by director of public works (18-255)						This provision has a neutral impact on the Land Use Goals.
Modification of requirements (18-256)						This provision has a positive impact on the Land Use Goals related to commercial development by allowing flexibility of design.
Procedure for requesting modification (18-257)						This provision has a neutral impact on the Land Use Goals.
Intent (18-258)						This provision has a neutral impact on the Land Use Goals.

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Definitions (18-259)						All definitions should be carefully examined to ensure the most state-of-the-art practices and maximum defensibility.
Historic district boundaries generally (18-260)						This provision has a neutral impact on the Land Use Goals.
Establishment of an amendments to historic district boundaries (18-261)						This provision has a neutral impact on the Land Use Goals.
Action by the Town Council (18-262)						This provision has a neutral impact on the Land Use Goals.
Use Regulations (18-263)						This provision preventing some uses could be arbitrarily applied and therefore should be carefully examined to either be deleted, or modified to list specific uses.
Lot Regulations (18-264)						This provision has a neutral impact on the Land Use Goals.
Height Regulations (18-265)						This provision has a negative impact on all Land Use Goals. Heights should be tailored in the applicable zoning districts.

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Off-Street Parking (18-266)						This provision should be revisited better align with the regulations in the base zoning districts, or to waive off-street parking requirements for historic properties.
Signs; exterior illumination (18-267)						This provision has a neutral impact on the Land Use Goals.
New construction; reconstruction and exterior alterations (18-268)						This provision has a neutral impact on the Land Use Goals.
Razing or demolition (18-269)						This provision has a neutral impact on the Land Use Goals.
Moving or relocation (18-270)						This provision has a neutral impact on the Land Use Goals.
Administration (18-271)						This provision has a neutral impact on the Land Use Goals.
Role of zoning administrator (18-272)						This provision has a neutral impact on the Land Use Goals.
Material to be submitted for review (18-273)						This provision has a neutral impact on the Land Use Goals.

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Matters to be considered in determining appropriateness of erection of building (18-274)						These factors should be revisited and updated to reflect the Town's updated priorities and be more location specific.
Matters to be considered in determining whether to grant permit to raze building (18-275)						These factors should be revisited and updated to reflect the Town's updated priorities and be more location specific.
Matters to be considered in appropriateness of moving building (18-276)						These factors should be revisited and updated to reflect the Town's updated priorities and be more location specific.
Reports of Planning Commission concerning applications for permits for historic buildings (18-277)						This provision creates an extensive administrative review process that slows down development that may be otherwise desirable. Consider how fast-track approvals could be implemented for certain development forms.

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Action of Town Council concerning application for permits (18-278)						See notes above with respect to process.
Duties of Zoning Administrator Concerning application for permits (18-279)						These provisions have a neutral impact on the Land Use Goals.
Appeal to Circuit Court (18-280)						These provisions have a neutral impact on the Land Use Goals.
Windover Heights Historic District Purpose (18-280.1)						This provision has a neutral impact on the Land Use Goals, however, the Priority Review recommends revisiting all regulations with Windover Heights Board of Review to ensure consistency.
Same—Boundaries (18-280.2)						This provision has a neutral impact on the Land Use Goals.
Same—Public Improvements (18-280.3)						This provision has a neutral impact on the Land Use Goals

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Same— Certification of Appropriateness required (18-280.4)						Calibrate these regulations with the most up-to-date expectations for this district. Consider adding graphics to this section to depict desirable development forms.
Same—Creation of Windover Heights Board of Review (280.5)						This provision has a neutral impact on the Land Use Goals.
Same—Rules of the board (18-290.6)						This provision has a neutral impact on the Land Use Goals.
Same— Procedures for applications and review (18-280.7)						This provision has a neutral impact on the Land Use Goals.
Same—Matters to be considered by the Board (18-280.8)						This provision has a neutral impact on the Land Use Goals.
Same— Exceptions (18-280.9)						This provision has a neutral impact on the Land Use Goals.
Same—Appeal to Town Council (18-280.10)						This provision has a neutral impact on the Land Use Goals.

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Same—Appeals to circuit court (18-280.11)						This provision has a neutral impact on the Land Use Goals.
Same—Penalty for violation (18-280.12)						This provision has a neutral impact on the Land Use Goals.
Same—Validity (18-280.13)						This provision has a neutral impact on the Land Use Goals.
Violation; punishable offense (18-281)						As noted in the Priority Review, these penalties should be updated to more closely track neighboring jurisdictions.
Civil Penalties (18-281.1)						As noted in the Priority Review, these penalties should be updated to more closely track neighboring jurisdictions.
Provisions of chapter control when more restrictive than existing laws. (18-282)						These provisions have a neutral impact on the Land Use Goals.
Deed Restrictions greater than required by this chapter not superseded by this chapter (18-283)						These provisions have a neutral impact on the Land Use Goals.

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Permits approved prior to adoption of this chapter (18-284)						These provisions have a neutral impact on the Land Use Goals.
Severability (18-285)						This provision has a neutral impact on the Land Use Goals.
Repealer (18-286)						This provision has a neutral impact on the Land Use Goals.
Total Barrier Provisions	39	25	41	35	34	
Total Neutral Provisions	396	427	408	420	395	
Total Advancing Provisions	26	9	12	6	32	

Appendix
Off-Street Parking Comparison Chart

Off-Street Parking Requirement Comparison

Jurisdiction	Commercial Parking Space per Square Feet	Restaurant Parking Space per Square Feet	Office Parking Space per Square Feet
Town of Herndon, VA	200	1 space per 4 seats, plus 1 per each 2 employees on duty during peak shift.	300
Town of Warrenton, VA	200 for first 10,000 sq ft, then 4 spaces for each additional 1,000 sf**	150	300
Town of Culpeper, VA	250	100	300 (200 for medical)
Town of Leesburg, VA	200 for first 10,000 sq ft, then 4 spaces for each additional 1,000 sf**	150 plus 1 for every four outside seats	300
City of Falls Church, VA	250*	1 per 100 sf of space used by customers	450
City of Fairfax, VA	200**	200	300 (200 for medical)
City of Fredericksburg, VA	300	180	300
City of Manassas Park, VA	250	1 per 100 sf of seating area plus 1 per 400 sf of non-seating area	300 (250 for medical)
City of Manassas, VA	250**	150 to 250 (based on zoning district)	250 (200 for medical)
City of Charlottesville, VA	3.5 spaces per 1,000 sf**	250 sf of eating area	500 (200 for medical)
City of Winchester, VA	300**	100 sf of public floor area	300 (200 for medical)
Fairfax County, VA	200 for first 1,000 sq ft, then 6 spaces for each additional 1,000 sf**	10 spaces per 1000 square feet of gross floor area for restaurants with a gross floor area of less than 5000 sf, 11 spaces per 1000 sf of gross floor area for restaurants with a gross floor area of 5000 sf or more	3 to 3.6 per 1,000 sq ft
Arlington County, VA	250 for first floor of building and 1 per 300 sf for each additional floor**	1 space per 6 seats	250 (150-250 for medical)

Jurisdiction	Commercial Parking Space per Square Feet	Restaurant Parking Space per Square Feet	Office Parking Space per Square Feet
Prince William County, VA	200	100	250
Montgomery County, MD	3.5-5 spaces per 1,000 sf**	4-12 spaces per 1,000 sf	2-2.25 per 1,000 sq ft (2-4 per 1,000 sf)
Vienna Existing	200	1 space per 4 seats	200

*Differs for different types of commercial but mostly 250 for traditional retail

**For general retail sales, differs for other types of commercial uses