

Sec. 18-212. Structure dimensions.

1. Building height.

- A. For principal structures, building height is the maximum vertical dimension measured from the average finished lot grade at the front of the principal building to the highest point of the roof.
- B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, water tanks, silos, or similar structures which are part of the principal building may be erected above the height limits herein described to a maximum of nine (9) feet above the roof level, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

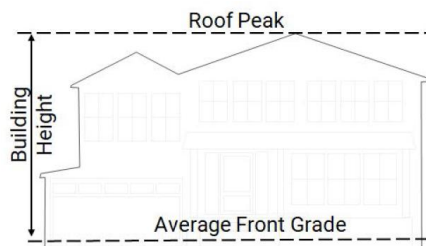


Figure 2.11. Illustration of building height.

- C. Architectural features such as steeples, cupolas, elevator housing, and decorative parapet walls may be erected beyond the nine (9) foot maximum addition above the roof level, with recommendation by the Board of Architectural Review and approval by Town Council.
 - D. For accessory structures, building height is the maximum vertical dimension measured from the lowest point of grade elevation adjacent to any exterior wall of the structure to the highest point of the roof.
2. **Story.** A story is a portion of a building included between the surface of any floor and the surface of the next floor directly above it, or if there is no floor above it, then the space between such floor and ceiling next above it.
 3. **Basement.** A basement is partially or wholly underground and not considered a story. The space shall be considered a story and not a basement if the space is exposed more than an average of seven (7) feet from proposed grade points around the footprint of the building to the next floor elevation.
 4. **Half-story.** A half-story is fifty percent (50%) or less floor area than the floor below.

Sec. 18-830. Modification of Requirements.

1. **Purpose.** Applications for modifications of requirements, in which the proposed development cannot be achieved within the requirements of the Zoning Code, must submit a narrative and Major Site Plan demonstrating the requested modifications to any of the following standards:
 - A. Setbacks per Article 2.
 - B. Lot Area per Article 2.
 - C. Lot Coverage per Article 2.

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- D. Number of units per Article 2.
 - E. Height of an architectural feature per Article 2.
 - F. Open space standards per Article 2.
 - G. Screening or landscaping standards per Articles 4B, 5A and 5B.
 - H. Parking standards per Articles 4B, 5A and 5B.

2. **Application and Review Process.**

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