



**ARTICLE 13. - C-2 GENERAL COMMERCIAL ZONE REGULATIONS**

**Sec. 18-90. - Area requirements.**

The following area requirements apply in the C-2 zone:

- A. For buildings hereafter erected and used exclusively for dwelling purposes, see [section 18-149](#).
- B. Front yard. The front yard shall be measured from the building line to the front property line and shall be not less than 15 feet. Structures in existence at the time of the adoption of the ordinance from which this section is derived and which previously complied with then-existing front yard requirements, shall not hereafter be deemed to be nonconforming solely by virtue of their noncompliance with the front yard requirements of this section.
- C. All new structures requiring a building permit undertaken subsequent to the date of adoption of the ordinance from which this section is derived and all structural renovation, expansion, addition or change to existing structures requiring a building permit, and undertaken subsequent to the date of adoption of the ordinance from which this section is derived, whether such structure be conforming or nonconforming on the date of adoption of the ordinance from which this section is derived, where such renovation, expansion, addition or change may reasonably be expected to result in an increase of 50 percent or more in usable floor area of such structure, shall be required to conform in every way to the front yard requirements of this section as well as all other applicable provisions of this chapter.
- D. Side yard. No side yard is required except that each commercial or industrial building with any side wall containing windows or other openings which does not side on a street or alley, shall provide along such wall a side yard of not less than five feet and one foot additional for each story above the first story.
- E. Rear yard. Rear yards shall be a minimum of ten feet.
- F. At least 25 percent of the front yard shall be landscaped.
  - 1. Landscaping shall be in accordance with a plan approved by the Town Council after receiving reports and recommendations from the planning commission and the Board of Architectural Review. Landscape maintenance shall be subject to the provisions as set forth in [section 18-173.14](#).
  - 2. An approved landscape plan may be revised with the approval of the Board of Architectural Review.

(Code 1969, § 18-90; Ord. of 11-1-1982; Ord. of 1-3-1983; Ord. of 2-28-1994)

**Sec. 18-91. - Height limit.**

The maximum height of any structure erected following the adoption of the ordinance from which this section is derived shall be three stories above ground level, but shall not exceed 35 feet above ground level. Structures in existence at the time of the adoption of the ordinance from which this section is derived will not be considered nonconforming as to the height limit provision. This amendment shall not affect the rights of any persons who have filed, prior to the enactment of the ordinance from which this chapter is derived, preliminary or final site plans for the construction of structures in excess of the height limit provided by this chapter on property presently zoned C-1A or C-2.

(Code 1969, § 18-91; Ord. of 4-18-1977; Ord. of 6-6-1977)

**Sec. 18-93. - Off-street parking area.**

Regulations for off-street parking areas are specified in [article 16](#) of this chapter.

(Code 1969, § 18-93)

**Sec. 18-130. - Requirements.**

Required off-street parking space or spaces are to be made available to and provided for the use of the occupant or occupants and, if applicable, patrons or customers of such uses. At the determination of the zoning administrator, adequate parking space to park vehicles belonging to and which are a part of the business activity within a building shall be provided and such space(s) shall be in addition to space requirements required by this chapter.

Off-street parking space(s) shall be provided as follows:

Use	Minimum Required Off-street Parking Spaces	Notes/Additional Requirements
Civic and quasi-public uses	1 space per 300 square feet of gross floor area in any building used for such purpose	For civic and quasi-public uses, banks, restaurants with drive-through window, and vehicle drive-through services, no such structure in existence on the effective date of the ordinance from which the original sections were derived shall be deemed to be nonconforming due to lack of compliance herewith.

**Sec. 18-132. - Loading space.**

Every hospital, institution, commercial or industrial building hereafter erected shall provide indoor or outdoor space for the loading and unloading of goods and materials. Such space shall be at least 25 feet in depth; such space, if located within a building, shall be at least 15 feet in height; such space also shall have a width of at least 15 feet for every 50 feet or fraction thereof of building width.

( [Ord. of 5-22-2017](#) )

**Sec. 18-164. - Penthouses and other roof structures above permitted height limits; when allowed.**

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, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space. All structures and equipment here permitted (except towers, steeples and flagpoles) shall be enclosed, the facade of such enclosure to be in harmony with the facade of the principal structure.

(Code 1969, § 18-164)

**Sec. 18-173.14. - Maintenance of landscape areas.**

1. Owners of property within the Town shall maintain all landscaping, and all planting areas installed pursuant to any provision of this chapter in compliance with regulations to be published from time to time by the director of public works. Such regulations shall, among other elements, require the regular periodic mowing of grass, trimming of borders, fertilization and watering of all ground cover, shrubbery, and trees, application of insecticides to protect against infestation, removal of weeds, pruning of all plantings as necessary to maintain vigor and appearance, replacement of dead shrubs, trees, bushes and plants, and removal of trash, litter, garbage and debris.
2. Where any such landscaping or planting area is not maintained in compliance with subsection 1 of this section, the director of public works shall immediately notify the owner of the property on which such landscaping or planting area is located of such deficient maintenance and request that the necessary maintenance work be performed. Such notice and request shall be by certified mail sent to the owner, postage prepaid. Where no address can be found, the letter herein referred to shall be posted in a conspicuous place on the property.
3. If the deficiencies in landscaping or planting area maintenance referred to in subsection 2 of this section have not been corrected by the property owner within ten days from the

## RELEVANT CODE SECTIONS

101 Maple Avenue E – Patrick Henry Library  
PF-947761

date the letter referred to in this section has been mailed, or the notice posted, the director of public works shall cause the deficiencies to be corrected by Town forces or by a contractor of the Town.

4. Where deficiencies in the maintenance of landscaping or planting areas are corrected at Town expense by the director of public works pursuant to subsection 3 of this section, the cost of same shall be billed to the owner of the property; and if such bill is not paid, it shall be added to the real estate bill on such property, and shall be a lien on such property to the same extent and effect as the real estate tax.

(Code 1969, § 18-173.14; Ord. of 11-1986)

### **Sec. 18-252. - Site plan specifications.**

Any person, corporation, firm or other organization or association, shall, prior to or at the time of filing application for a building permit to erect or alter any structure in a C-1, C-1A, C-1B, C-2, CM, T, RTH, RM-2, or PR zone, submit to the director of public works a site plan prepared by a registered architect, registered engineer or certified land surveyor authorized by the commonwealth to practice as such. Additionally, the provisions for replacement of trees as set forth in [section 18-252](#) E shall apply to any of the following located in the RS-16, RS-12.5, and RS-10 zones: the development of an undeveloped tract; the redevelopment of any existing tract by removal of a dwelling and replacement with a new dwelling; or the addition to an existing dwelling that results in an area of disturbed soil exceeding 2,500 square feet.

Such plan shall include the following data:

- A.
  1. Location of all existing and proposed buildings and structures.
  2. Boundary of the entire tract by courses and distances.
  3. Area of the tract.
  4. Zone of the tract.
  5. Present record owner of the tract.
  6. Owner, zone and present use of all contiguous property.
  7. Width of all streets adjoining the tract (both right-of-way and pavement widths).
  8. Location of existing edge of pavement or curbs.
  9. Location of existing easements and underground facilities, proposed easements and buildings and their dimensions.
  10. Number of floors, floor area and use of each building and height of each building.
  11. A schedule showing compliance with the parking requirements of this chapter.
  12. All off-street automobile parking space and type of surfacing (indicating size of stalls and width of aisles).
  13. All off-street loading and pickup spaces.

## RELEVANT CODE SECTIONS

101 Maple Avenue E – Patrick Henry Library

PF-947761

14. Location of any poles, fire hydrants, retaining walls, pump islands, signs, doorways, window wells, guy wires, or other structures which might interfere with automobile parking or maneuvering.
  15. The location and type of entrances and driveways which shall conform to the state department of highways and Town standards and specifications.
  16. Location of all curbs to be constructed and specify type.
  17. Location and width of all sidewalks.
  18. Fencing and walls to be erected; type, height and location.
  19. The location, type and size of all existing trees as defined in this Code. If the property is densely wooded in whole or in part, the limits of such densely wooded areas may be shown on the plan in lieu of locating individual trees within these areas.
  20. Topography, existing and proposed (indicating areas of major grading and slopes to be maintained).
  21. Disposition of storm water drainage (indicating all pipe sizes, types and grade elevations).
  22. All sanitary sewerage facilities, indicating pipe size, type and grades and where connection is to be made to the Town system.
  23. Name of architect, engineer or surveyor preparing site plan.
  24. Specifications for the removal of trees and protection of trees during clearing and grading to include tree species, size and condition per the Town of Vienna Tree Preservation and Planting Specifications Manual.
  25. Grade changes or other work adjacent to a tree that is to be preserved which might affect it adversely, with specifications on how the ground drainage and aeration will be maintained around said tree per the Town of Vienna Tree Preservation and Planting Specifications Manual.
  26. Landscape planting, clearly identified by appropriate symbols, showing the location, type and size of trees, shrubbery and screening to be planted.
- B. All information required by sections [17-14](#) and [17-15\(a\)](#) through (o) where applicable.
- C. A tabulation listing the site plan specifications as they compare to minimum zoning requirements shall be furnished with each copy of the site plan.
- D. All information required by [chapter 18.1](#), where applicable.
- E. Provisions for replacement of trees during development as follows:
1. A plan for the planting and replacement of trees on site during development to the extent that, at maturity of 20 years, minimum tree canopies or covers will be provided in the respective zoning districts of the Town as follows:
    - a. Twenty percent tree canopy in the RS-16, RS-12.5, and RS-10.
    - b. Fifteen percent in the RM-2 and RTH zones.
    - c. Ten percent tree canopy in the T, C-1, C-1A, C-2, CMP, and CM zones.

## RELEVANT CODE SECTIONS

101 Maple Avenue E – Patrick Henry Library  
PF-947761

- d. Replacement trees shall be in-kind in accordance with the Tree Preservation and Planting Specifications Manual.
2. All trees planted shall meet the specifications of the Town of Vienna Tree Preservation and Planting Specifications Manual. The Manual will be available in hardcopy at the Department of Public Works and online available for download at [www.viennava.gov](http://www.viennava.gov).
3. Existing trees which are to be preserved, and with no citations having been issued by the Town of Vienna throughout the duration of the project, may be included in the plan to meet all or part of the canopy requirements if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town. Town of Vienna staff will perform a minimum of two unannounced site inspections to determine compliance with tree protection and preservation regulations during construction.
4. The Town Council may grant reasonable exceptions or deviations from the requirements of this section when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:
  - a. Areas devoid of woody materials.
  - b. Dedicated school sites.
  - c. Playing fields and other non-wooded areas and uses of a similar nature.
5. Violation of this section shall constitute a Class 3 misdemeanor punishable by fine of not more than \$250.00, and each day after the first during which such violation shall continue shall constitute a separate violation.

(Code 1969, § 18-252; Ord. of 4-1968; Ord. of 4-19-1971; Ord. of 2-25-1974; Ord. of 7-6-1981; Ord. of 1-4-1982; Ord. of 9-1989; Ord. of 7-1991; Ord. of 3-7-1994; Ord. of 9-9-2003; Ord. of 2-23-2004; Ord. No. 14-002, § 1, 5-12-2014)

### **Sec. 18-256. - Modification of requirements.**

Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, screening, frontage, and similar requirements, but this section shall not be construed to permit any modifications of the uses permitted in any zone or of the maximum building height permitted for any building.

(Code 1969, § 18-256; Ord. of 3-20-1972; Ord. of 9-9-2003; Ord. of 2-23-2004)

RELEVANT CODE SECTIONS

101 Maple Avenue E – Patrick Henry Library  
PF-947761

**Sec. 18-257. - Procedure for requesting modification.**

- A. Requests for modifications authorized under [section 18-256](#) shall be submitted to the director of public works in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a site plan, including thereon all of the information required by this article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the council and this article shall not be deemed to create any right to any such modification.
- B. 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.
- C. Approval by the Town Council of any such modified site plan, shall constitute authority for the director of public works to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.

(Code 1969, § 18-257; Ord. of 9-9-2003; Ord. of 2-23-2004)