

## **ARTICLE 12.1. C-1B PEDESTRIAN COMMERCIAL ZONE REGULATIONS**

### **Sec. 18-87.05. Purpose; intent.**

#### *A. Purpose.*

1. The purpose of the C-1B Pedestrian Commercial Zone is to legislatively recognize the distinctive character of the original old Vienna commercial district and to provide for the protection and preservation of the traditional image and history of that unique area as it presently exists and to encourage and enhance future development, utilizing that character and heritage as symbolized by excellence in design, architecture and that period development of the Town in early years while blending private with public development and maintenance of that valuable distinct character.
2. In furtherance of the above purposes, the Town has expended substantial sums in capital improvement programs to enhance the utilities, landscaping, streetscaping, public ways and general municipal character of the district in harmony with that character and heritage.
3. The Town acknowledges by legislative recognition that, because of the unique traditional nature of the particular district, accomplishment of the intended goals of this article may not always be achieved or be achievable within the strict requirements of this chapter.
4. Strict application of the terms of this chapter in general could effectively prohibit achievement of those goals and prevent the most practical, efficient and aesthetic development of area sites in furtherance of the purposes of this article. Therefore, certain modifications, waivers and variations are required to accomplish the intended well-planned development necessary to achieve the desired character.

#### *B. Declaration of intent.*

1. The Town Council has made the legislative determination that the preservation of the existing traditional period character of the zone and the encouragement of future development within the zone in keeping with those same high standards of that Vienna character and heritage is in the best interests of the community, will promote long-term economic growth, encourage the optimum use of the real estate within the zone, attract new business, enhance the tax base of real estate and the taxable value of businesses within the area, encourage employment and commercial growth, and in general benefit the health, safety and welfare of the community as a whole.
2. The Town Council declares further that it is in the best interests of the community and the owners of the property within the zone that the goals of this article are best achieved voluntarily through the cooperative efforts of property owners and the Town, and that the historic nature, unique character, and heritage of the area are best preserved without mandatory legislative imposition of historic preservation regulations or districting. Rather, the goals of this article will be best achieved through the prudent exercise of site plan powers enjoyed by the Town's council when the same are merged with the application of the incentive land use principles contemplated by incentive zoning as defined in Code of Virginia, § 15.2-2201, by the grant of bonuses in the form of selective site plan modifications by the Town to a developer or property owner in return for that developer or property owner providing within a development, construction or reconstruction, certain predefined design and plan features and amenities desired by the Town and legislatively adopted herein.

(Code 1969, art. 12.1(intro. ¶))

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### **Sec. 18-87.1. Permitted uses.**

The following uses are permitted in the C-1B zone:

- A. All uses permitted in the C-1A zone except:
  - 1. Drive-through operations, either as a primary or incidental operation, shall not be permitted in this zone.
  - 2. Automobile sales and service operations shall not be permitted in this zone.
- B. Bed and breakfast inns shall be a permitted use.
- C. All uses permitted in this zone shall:
  - 1. Be conducted wholly within an enclosed building except that restaurants may provide outdoor seating subject to site plan approval;
  - 2. Have no manufacturing, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold as retail on the premises;
  - 3. Not be objectionable due to odor, dust, smoke, gas, noise, vibrations, or other similar causes.
- D. Certified massage therapist shall be a permitted use.

(Code 1969, § 18-87.1; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000)

### **Sec. 18-87.2. Conditional uses.**

The following uses may be permitted in the C-1B zone subject to securing a conditional use permit as provided for in section 18-209:

- A. Amusement enterprises or video arcades as defined and limited in section 18-81.
- B. Auditoriums and halls.
- C. Farm or gardening implement sales and service.
- D. Hotels.
- E. Taxi stands (only on private property).

(Code 1969, § 18-87.2; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000)

### **Sec. 18-87.3. Area requirements.**

The following area requirements shall apply in the C-1B zone:

- A. For buildings erected and used exclusively for dwelling purposes, see section 18-149.
- B. Setbacks:
  - 1. Front yard. The front yard setback shall be no less than 15 feet. Any structure in existence at the time of adoption of the ordinance from which this article is derived may maintain its existing front yard setback, except that any addition, renovation, expansion or change to such structure that will result in an increase of 50 percent or more in usable floor area shall be required to

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- conform to all front yard requirements of this section and all other applicable provisions of this chapter.
2. Side yard. No side yard setback is required, except each commercial 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.
  3. Rear yard. Rear yard setbacks shall be no less than ten feet.
- C. Height. Three stories above ground but not to exceed 35 feet.
1. Exception for municipal parking structures: A maximum of four levels above ground but not to exceed 50 feet as measured from the primary street facing the structure, excluding any functional or decorative elements on the highest level of the structure.
    - a. Municipal parking structures shall be subject to the specific location, setback, and design requirements of the secondary regulations and bonus modification provisions in sections 18-87.4 through 18-87.6 of the Town Code.
    - b. The façades of municipal parking structures are to be in visual and spatial proportion with the design elements of the Church Street Vision.
    - c. Functional or decorative elements on the highest level of a municipal parking structure may not result in a total height, including these elements, that is more than 115 percent of the permitted building height, nor exceed ten percent of the area of the parking structure footprint.
    - d. All elements of any site plan for municipal parking structures must be approved by the Town Council, after receiving a report and recommendation from the planning commission. Prior to forwarding such recommendation to the Town Council, the planning commission shall hold a public hearing in the manner prescribed in section 18-246. Before considering any such recommendation from the planning commission, the Town Council shall hold a public hearing in the manner as prescribed in section 18-247.
- D. Landscape. A minimum of 25 percent of the front yard shall be landscaped in accordance with a plan recommended by the planning commission and Board of Architectural Review and approved by the Town Council. Revisions to an approved plan may be approved by the Board of Architectural Review.
- E. Off-street parking area. Regulations for off-street parking areas are specified in article 16 of this chapter.
- F. Accessory building and private parking area. Regulations for accessory buildings and private parking areas are specified in article 17 of this chapter.
- G. Nameplates and signs. Regulations for nameplates and signs are specified in article 19 of this chapter.
- H. Site plan approval. The site plan control provisions of article 25 of this chapter are applicable to this article except as specifically modified or otherwise provided for in this article.
- I. General regulations. General regulations are specified in article 4 of this chapter.
- J. Supplemental regulations. Supplemental regulations are specified in article 18 of this chapter.
- K. Nonconforming uses and buildings.
1. Nonconforming uses are governed by the provisions of article 20 of this chapter.

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2. Nonconforming structures are governed by the provisions of article 20 of this chapter except that development, construction or reconstruction performed pursuant to the terms of section 18-87.4 shall be deemed conforming in the C-1B zone.
  3. Conformity of structures acquired solely by this section and compliance with section 18-87.4 shall continue in effect only so long as those design and site features proffered and accepted thereunder continue in strict conformity with the approved site plan or are otherwise amended by revised site plan in compliance with this article.

Deviation from the strict design and site features of the site plan shall constitute a surrender of the acquired status of conformity, a forfeiture of all bonuses previously granted in return for said design and site features and shall constitute a violation of this chapter. Property owners who, upon notice of violation from the zoning administrator, fail to correct deviations and restore the original, approved design and site features shall thereafter conform the property to the provisions of this section. Appeal from notice of violation of design and site feature requirements from the zoning administrator shall be in writing to the Town Council within 30 days of receipt of such notice of violation and the circuit court as provided by law. Appeals from notice of violations of this section shall be to the board of zoning appeals and the circuit court as provided by law.

(Code 1969, § 18-87.3; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000; Ord. of 10-1-2012(2))

#### **Sec. 18-87.4. Modification of general regulations.**

- A. The provisions of section 18-87.3.A, B, D, E, F, G, I, and J shall not apply to development, construction or reconstruction in the C-1B zone when, as an incident to that development, construction or reconstruction, adopted building design features and site plan features are voluntarily proffered by the owner or developer, and accepted by the Town in return for the grant of bonus incentives by the Town to and acceptance by the developer or owner through site plan modifications in lieu of the provisions of section 18-87.3. Upon acceptance by the parties, such features and bonuses shall run with the land.
- B. In addition to modifications authorized by section 18-256, the Town Council is authorized to grant as modifications to site plans in the C-1B zone incentive bonuses as adopted in section 18-87.6 in return for the voluntary proffer and acceptance by an owner or developer of building design features and site plan features provided for in section 18-87.5 when the same are desired by and acceptable to the Town in furtherance of the purposes of this article.
- C. Modifications consisting solely of those design features, site features and incentive bonuses which have been previously legislated and incorporated by the council into sections 18-87.5 and 18-87.6, respectively, shall not require recommendation of the planning commission prior to granting by the council.
- D. All modifications shall provide a landscape site plan and for the continual maintenance thereof.

(Code 1969, § 18-87.4; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000)

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## **Sec. 18-87.5. Building and plan design features.**

- (1) In furtherance of the legislative intent of the C-1B zone and to project continuity in harmony of character in the area, there are hereby adopted the following building design features and site plan features which are declared acceptable for use in development in the C-1B zone in satisfaction of the provisions of section 18-87.4.
- (2) These features were in their entirety approved by the Board of Architectural Review pursuant to the requirements of chapter 4 prior to their adoption herein and any repeal or amendment of the same in this section must undergo prior review by the board pursuant to chapter 4.
- (3) The zoning administrator shall present all proposed amendments to this section to the Board of Architectural Review for the board's recommendation to the Town Council prior to presentation of the same to the council. The Board of Architectural Review shall report its recommendations thereon to the council within 30 days of notification by the zoning administrator, and failure to report in such time shall constitute approval of the board.

A. *Conceptual architectural renderings.*

The renderings contained herein represent a conceptual illustration of the acceptable architecture design and development standards. In brief, adjoining buildings are to be constructed at staggered setbacks along the front property line, parking is to be open between the lots, accessed from a common drive and located behind the buildings, and the architecture shall be reminiscent of turn-of-the-century Vienna, emphasizing street level design and pedestrian oriented spaces.

Each development shall be proportionate to the other in terms of height, scale and massing. While each building and site is developed independently and may incorporate many eclectic styles and design elements, the overall effect shall be a cohesive and comprehensive architectural area.

These renderings are not to be interpreted as working drawings, binding illustrations or specific requirements for any building or lot. The written guideline text is the applicable medium and, in the event of conflict between elements in any rendering and the written guideline text, the written guideline text shall prevail.



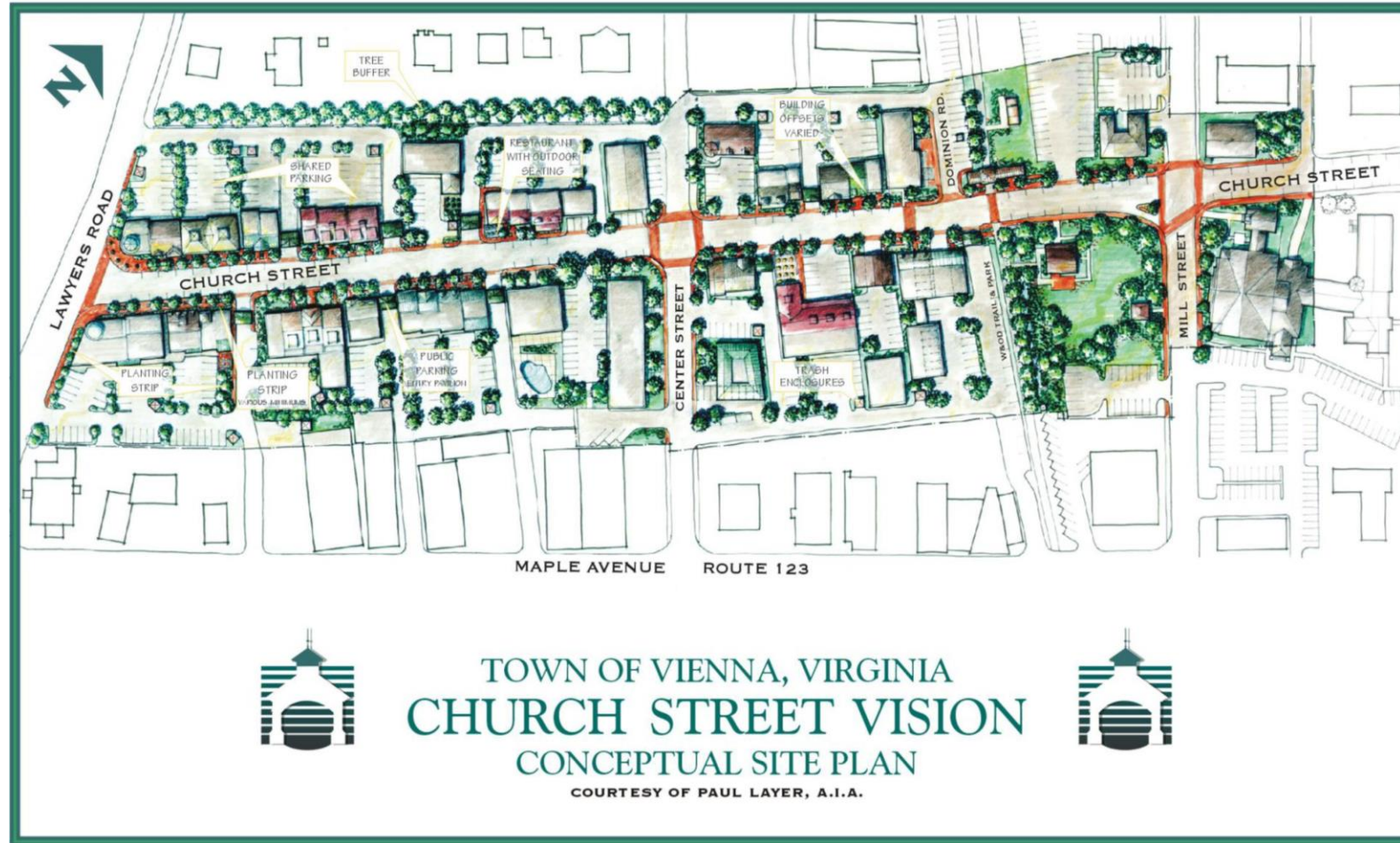
TOWN OF VIENNA, VIRGINIA  
**CHURCH STREET VISION**  
CONCEPTUAL ELEVATION



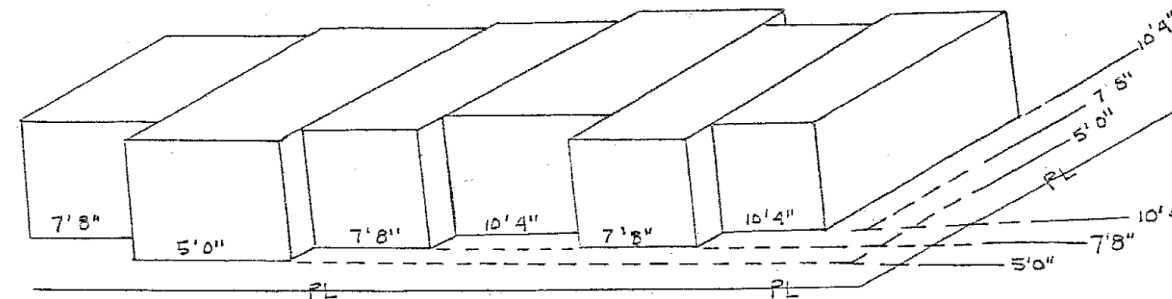
COURTESY OF PAUL LAYER, A.I.A.

B. *Building design features.* These design guidelines illustrate ways construction may occur which will complement and enhance the Town's character. They are not intended to dictate a particular style but rather offer guidance to the development theme desired in the C-1B Zone. Buildings and developments within the C-1B zone shall incorporate Virginia vernacular and enhance architectural styles that are reminiscent of the Town's history between 1890 and 1930.

C. *Conceptual plan.* The following rendering is a conceptual site plan with identified design elements satisfying section 18-87.5 B. It should not be interpreted as a working drawing, binding illustration or specific requirement for any building or lot. The written guideline text is the applicable medium and in the event of any conflict between elements in the conceptual site plan and the written guideline text, the written guideline text shall prevail.

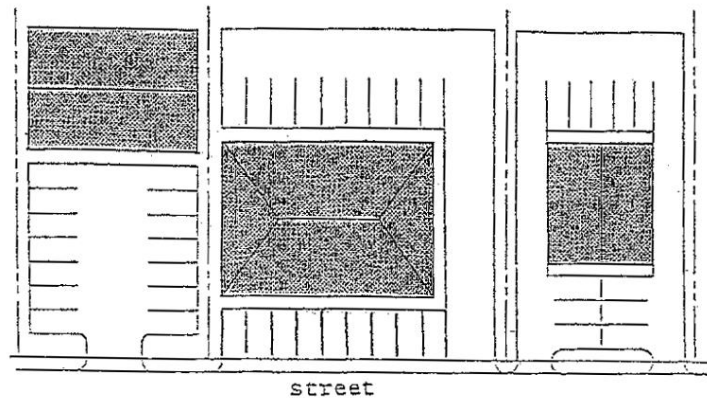


D. *Building setbacks and siting.* Buildings shall be constructed to meet the following setbacks and siting criteria:

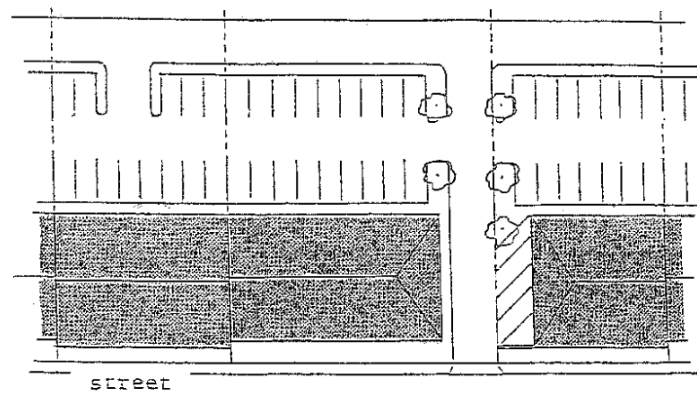


3. Front setback and landscape area requirement:

Siting:



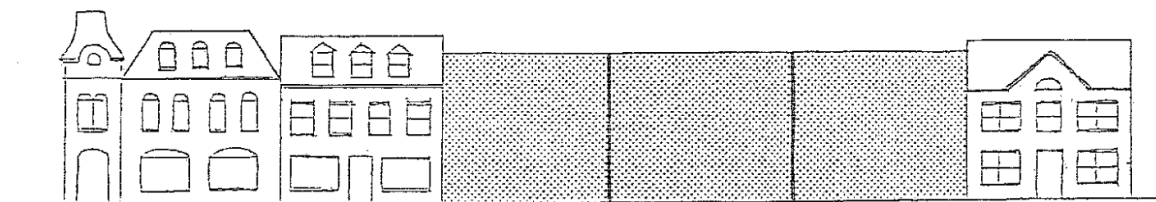
NOT RECOMMENDED,  
Parking is located in front of the buildings



RECOMMENDED

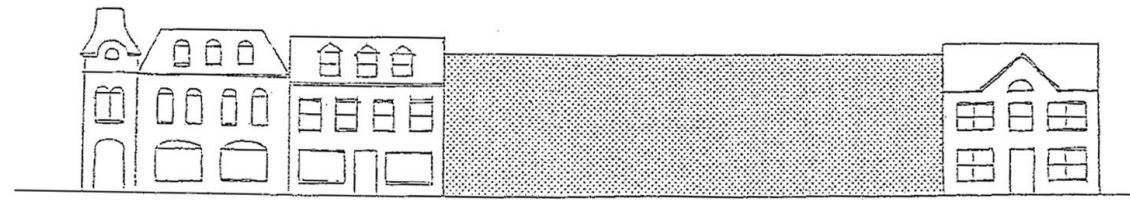
Parking is located behind the buildings which are pushed forward on the lot; Parking along the side of the building is screened by a wall; Parking is shared between properties and parking lots cross property lines.

- E. *Facade proportion and street level continuity.* The width and proportion of building facades (the relationship of a building's width to its height) shall be consistent with adjacent buildings. Buildings with a street front longer than 40 feet shall be architecturally designed and situated on the site to create the impression of multiple facades with staggered setbacks as set out in section 18-87.5 D. Buildings should not be set back beyond the front building setbacks established in section 18-87.5 D nor be situated to create a street front setback longer than 40 feet.



RECOMMENDED,  
Compatible facade proportion





NOT RECOMMENDED,  
Facade too long

F. *Street level vitality.* The street level of new and in-fill buildings, plazas, courtyards or other space and structures that face the street shall provide a primary pedestrian access and orient their design toward the street.

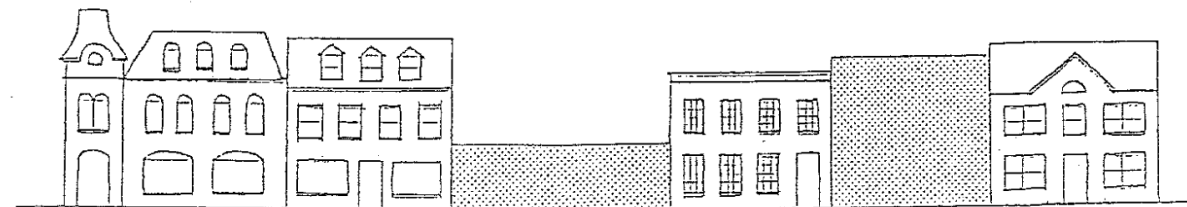


NOT  
RECOMMENDED,  
Lack of street level  
design

RECOMMENDED,  
Design oriented  
to street level

Height

Maximum height is 35 feet measured from the average grade of the lot. In-fill buildings shall be of a compatible height with adjacent buildings whenever possible.



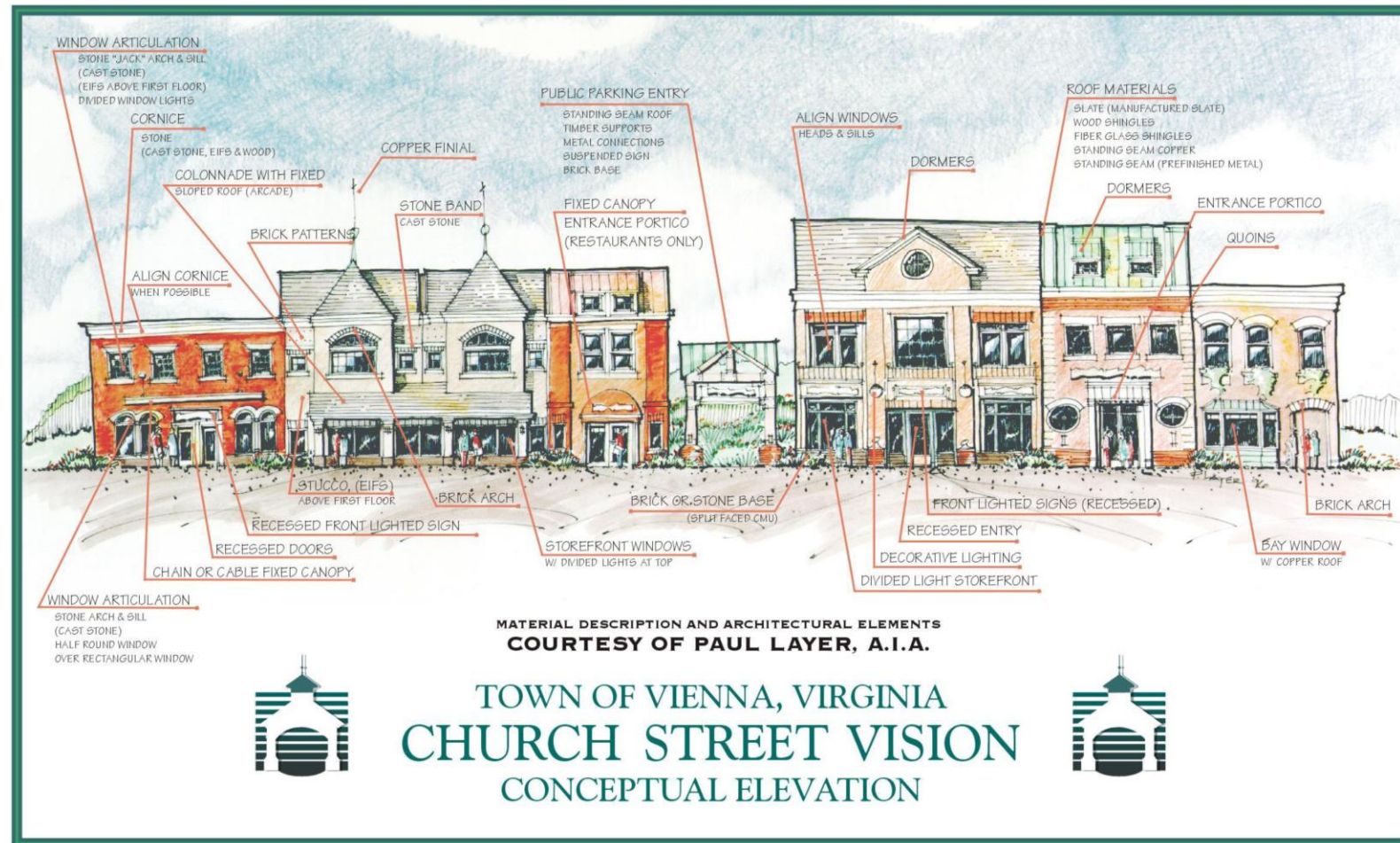
NOT  
RECOMMENDED,  
Height change  
too dramatic

RECOMMENDED,  
Compatible  
height

G. *Specific design requirements.*

H. *Floor to area ratio.*

I. *Building materials.* The following rendering identifies construction materials and architectural elements included in the C-1-B zone. It shall not be interpreted as a working drawing, binding illustration or specific requirement for any building or lot. The written guideline text is the applicable medium and in the event of any conflict between elements in any rendering and the written guideline text by the written guideline text shall prevail.

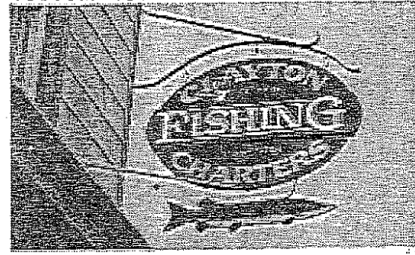


J. *Parking and circulation requirements.*

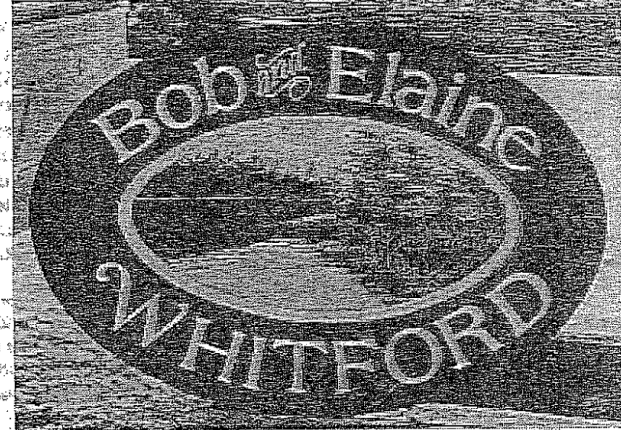


K. *Design guidelines for signs.* Signs shall provide a coordinated image between signs and buildings and provide adequate exposure for the businesses.

PLYWOOD PANEL  
RAISED PINE PANEL  
W/ CARVED GOLD LEAF  
CARVED FISH  
CUSTOM BRACKET



RAISED EDGE (TRIPLE THICK)  
INCISED LETTER - GOLD LEAFED  
HAND PAINTED GRAPHIC



CUSTOM SHAPE  
RAISED PANEL  
CARVED DETAIL  
LETTERING - GOLD  
LEAF - HAND PAINTED  
GRAPHICS



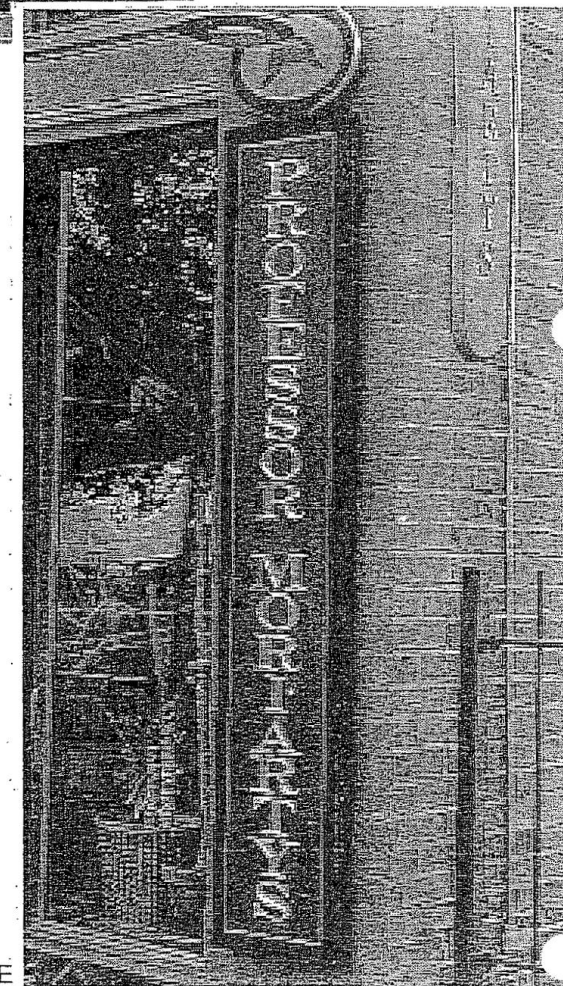
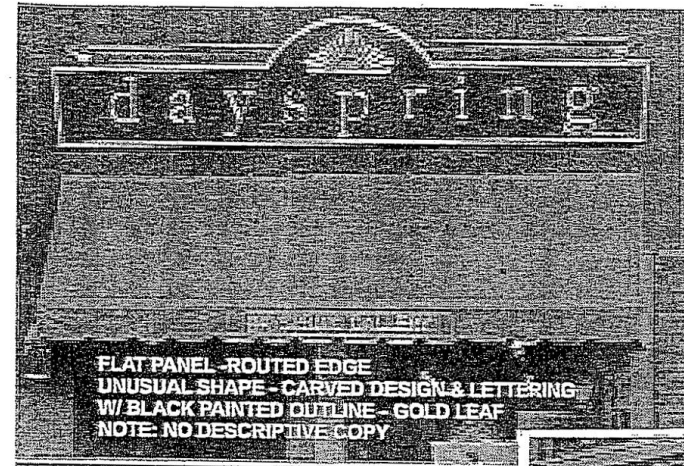
INCISED PIN STRIP  
INCISED LETTER - GOLD LEAFED  
HAND PAINTED GRAPHIC



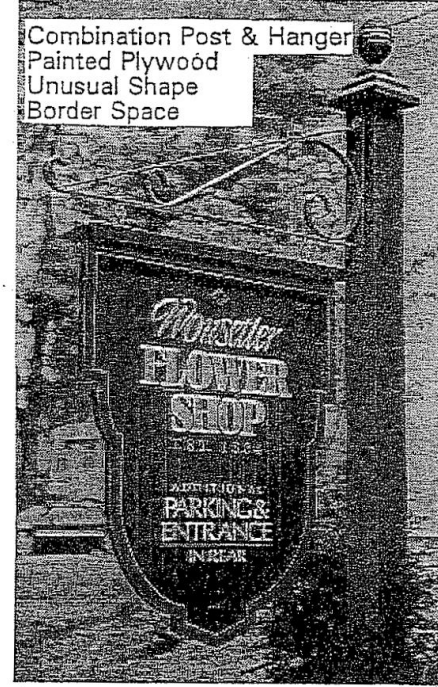
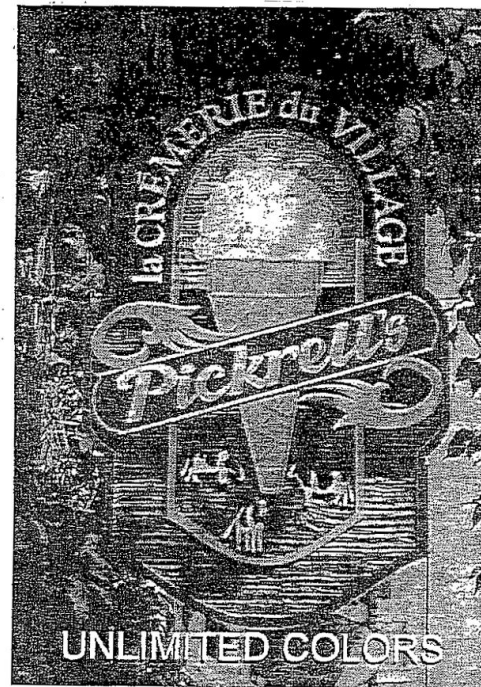
2" THICK - FLAT PANEL  
INCISED LETTER - GOLD LEAFED  
HAND PAINTED GRAPHIC



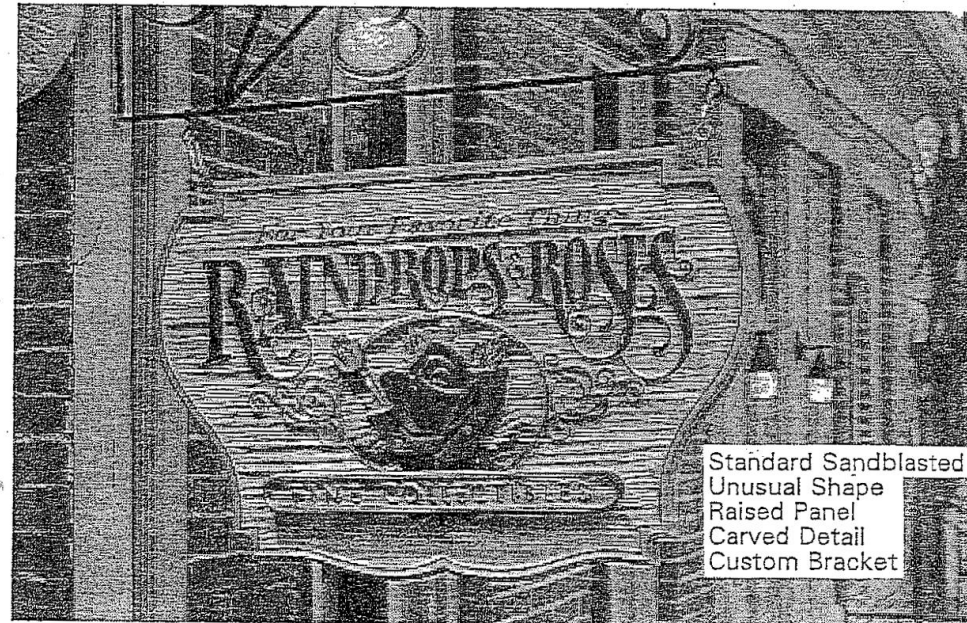
## SIGN SAMPLES



RECTANGULAR SHAPE  
CONTRASTING MOLDING  
INCISED GOLD LEAF LETTERING

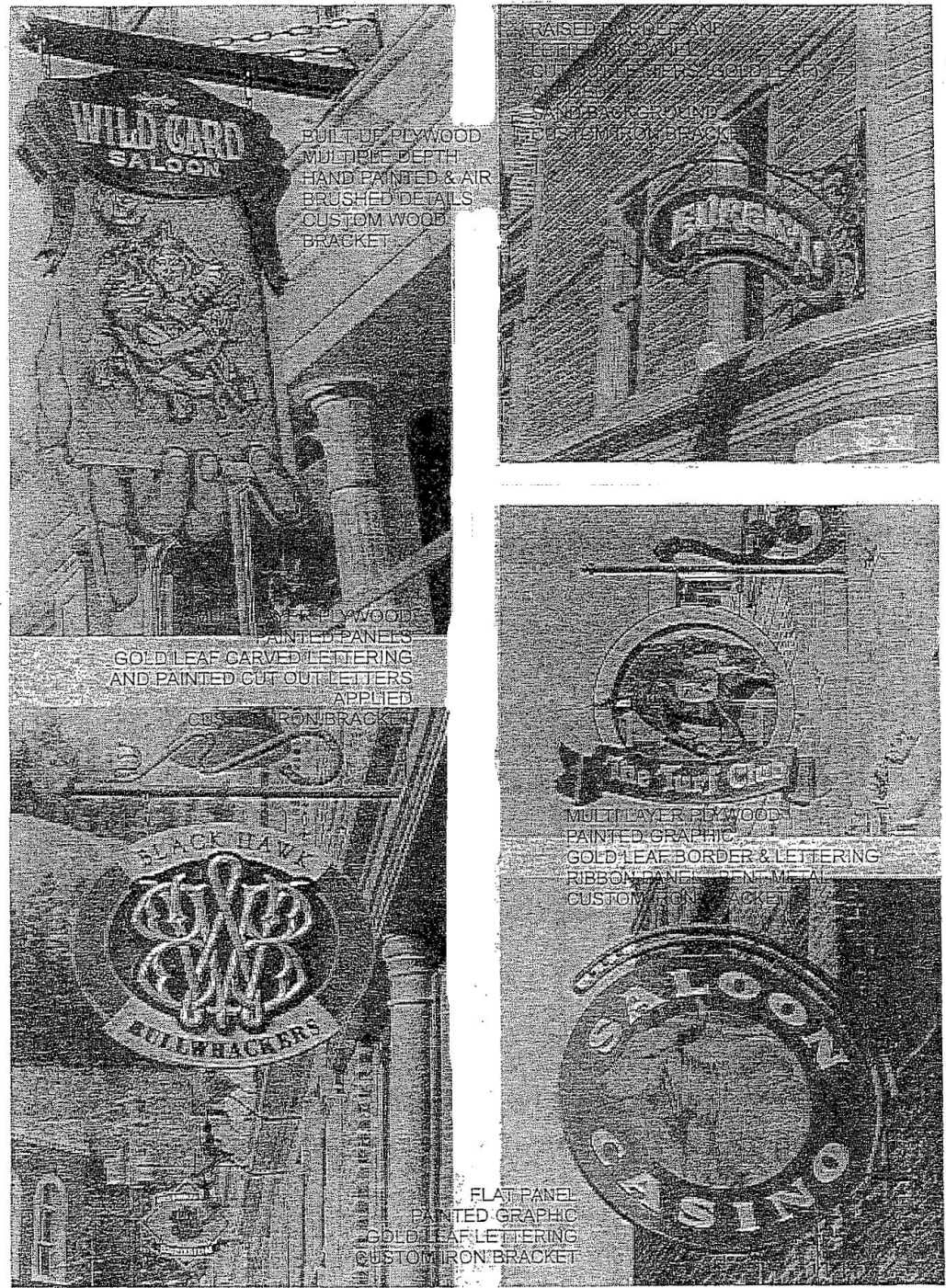


Combination Post & Hanger  
Painted Plywood  
Unusual Shape  
Border Space



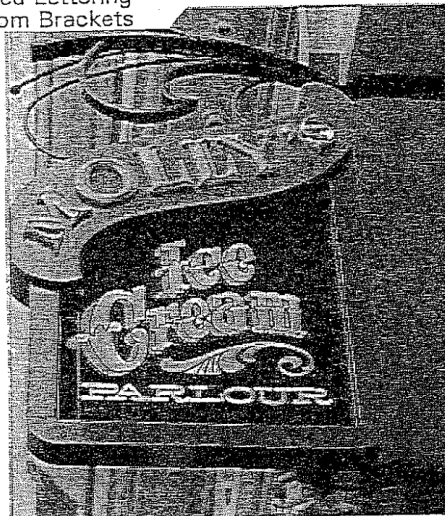
Standard Sandblasted Sign  
Unusual Shape  
Raised Panel  
Carved Detail  
Custom Bracket

### HANGING SIGN SAMPLES



PROJECTING SIGN SAMPLES

Triple thick Raised Panel  
 Cut-out, Carved & Applied  
 Gold Leaf Letters  
 Black Sand Background  
 Painted Lettering  
 Custom Brackets



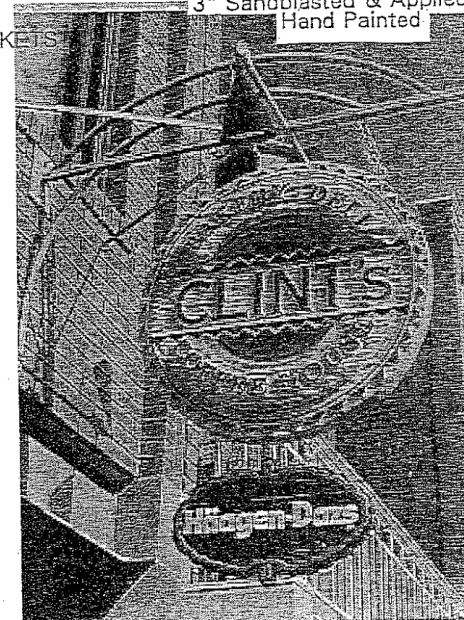
Combination Sandblasted,  
 Carved & Applied Elements  
 Face painted & Gold Leafed  
 Custom Brackets



2" thick Redwood Panel  
 Routed Edge w/Gold Leaf  
 Carved Letters w/Gold Leaf  
 Hand Painted Graphic



6" thick Redwood Panel  
 3" Sandblasted & Applied Graphic  
 Hand Painted

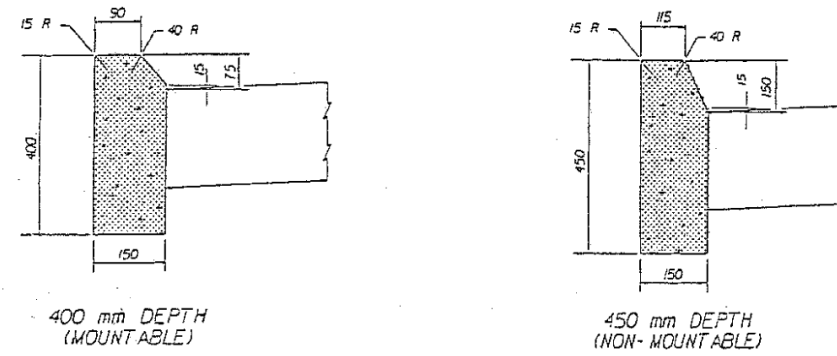


## PROJECTING SIGN SAMPLES

L. *Design guidelines for open space.*



Curb Detail, Mountable and Non-mountable:

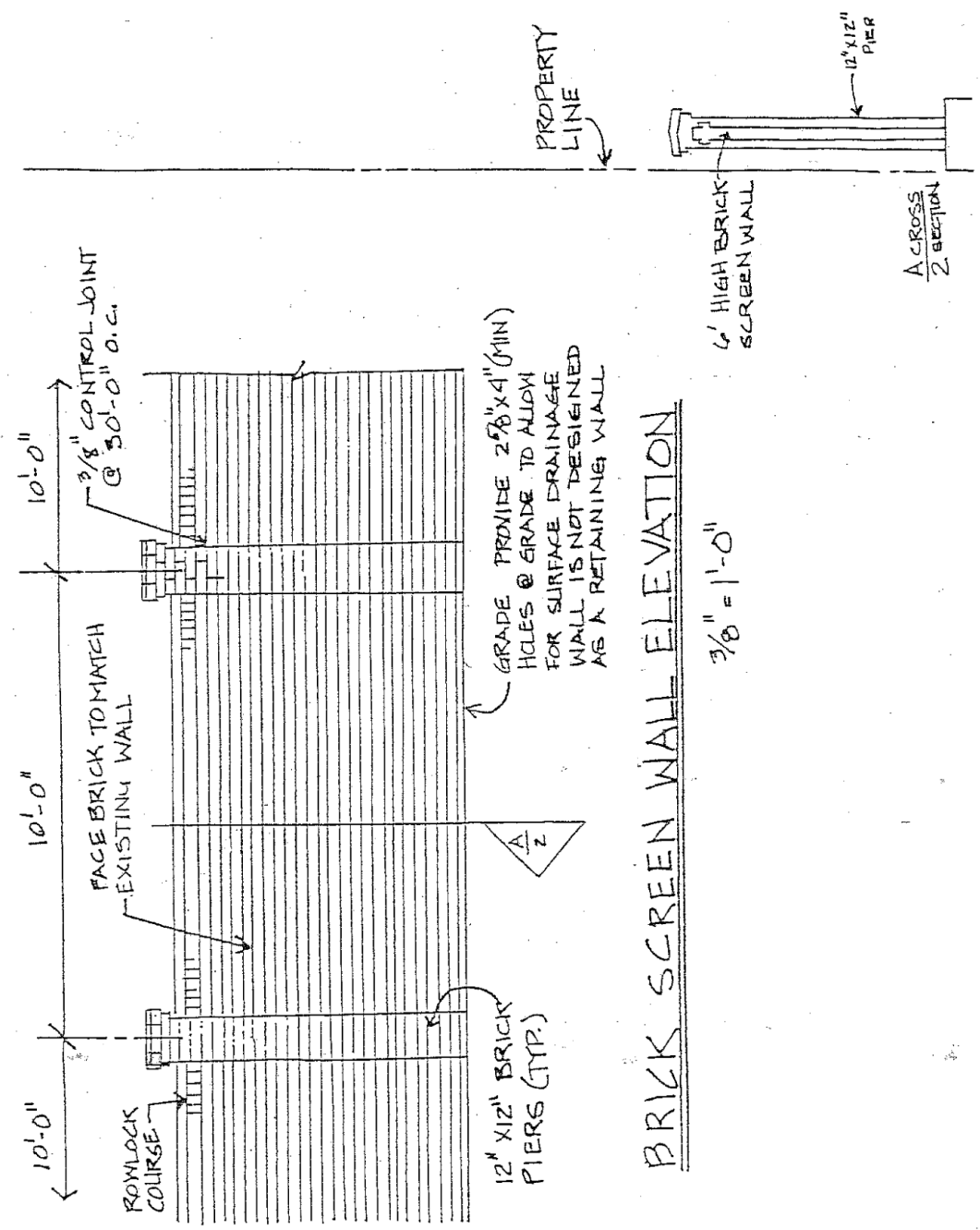


PORTLAND CEMENT CONCRETE CURB

4. *Lighting.* Lighting standards shall be no more than ten feet in height above grade and shall be so arranged and hooded as to confine all direct light rays entirely within the boundaries of the property. Indirect and low ground-oriented lighting should be used whenever possible. Lighting fixture designs shall be harmonious with the general architectural nature of the building or site.

5. *Retaining walls and fences.*

NOTE: The following drawing represents the required design style for a masonry wall. The drawing should not be interpreted to be structurally detailed. Any masonry screen or retaining wall should reflect the same exterior design detail but will require additional structural engineering by an appropriately licensed professional.



(Code 1969, § 18-87.5; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000)

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**Sec. 18-87.6. Bonus modification.**

The following are acceptable bonus incentives which may be granted as site plan modifications by the Town Council in return for an owner or developer providing building design and site plan features desired by and acceptable to the Town and as adopted by section 18-87.5.

- A. Bonus incentives.
  - 1. Increase building footage and lot coverage.
  - 2. Modification of lot coverages in general.
  - 3. Reduce front, rear, and side building setbacks.
  - 4. Modification to required number, size and location of parking spaces.

No modification, variance, or waiver to use or maximum height restriction requirements may be permitted.

(Code 1969, § 18-87.6; Ord. of 4-1996; Ord. of 7-12-1999; Ord. of 2-28-2000)