

**ZONING ORDINANCE
OF THE
COUNTY OF FAIRFAX
VIRGINIA**

**Reprinted from
FAIRFAX COUNTY CODE**

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DIVISION OF ADMINISTRATIVE SERVICES**

ZONING

if the address of such owner is known. Should such owner fail to comply with such notice within the time specified therein, the director of public works shall proceed as provided in section 29-5. If the address of such owner is unknown, such notice shall be dispensed with and the director of public works shall proceed as provided in section 29-5. (7-2-58, § 7.)

CHAPTER 30.

ZONING.¹

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1. Editor's note. — The ordinance from which this chapter is derived was adopted May 19, 1965. Such ordinance constituted a complete revision of the zoning regulations of the county.

30-2.2.2 (Cont'd)

schools, highway and transit facilities, parks, streams, valleys, etc. The Board of Supervisors may reduce these requirements in accordance with the general standards contained in 30-15.4.

RESIDENTIAL PLANNED COMMUNITY (RPC) DISTRICT.

A. Purpose and Intent:

The primary purpose of RPC (Residential Planned Community) zoning is to permit a greater amount of flexibility to a developer of large communities by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to strive for excellence in physical, social and economic planning. To be granted this zoning the developer will demonstrate throughout the period of development in all of his planning, design and development the achievement of the following specific objectives:

- (1) the reservation of adequate permanent common open space for the use of all residents,
- (2) the location of buildings to take maximum advantage of the natural and man-made environment,
- (3) a variety of types of housing to achieve a balanced community,
- (4) the separation of pedestrian and vehicular traffic,
- (5) the provision of cultural, educational, medical, and recreational facilities for all segments of the community, and,
- (6) an orderly and creative arrangement of all land uses with respect to each other and to the entire community, including residential, commercial, industrial, and governmental, school sites, parks, playgrounds, recreational areas, parking areas and other open spaces.
- (7) the provision of dwellings within the means of families of low and moderate income.

The RPC (Residential Planned Community) District is intended to permit in accordance with an approved comprehensive plan, the development of planned satellite communities containing not less than 750 contiguous acres under one ownership or control in those areas of the County provided with sanitary sewers, sewage disposal facilities, adequate highway access and public water supply. The plans for such planned communities, when approved, shall constitute a part of the comprehensive plan of the County and shall be subject to review from time to time. As a planned community develops, the developer may submit proposed revisions to the plan, at intervals as necessary to permit consideration of proposed revisions.

30-2.2.2 (Cont'd) B. Procedure for Zoning:

1. Following approval of a planned community as part of a comprehensive plan of the County, the Board of Supervisors may create within such planned community an RPC District containing a minimum land area of not less than 750 contiguous acres under one ownership or control. Additional land may be added to an existing RPC District if it is consistent with the comprehensive plan, is under the same ownership or same control as the original RPC and is adjacent or forms a logical addition to the existing RPC District. The procedure for an addition is the same as if the original application were filed and all of the requirements of this article shall apply except the minimum requirement of 750 acres.
2. The applicant shall furnish with the application for rezoning 25 copies of a development plan prepared by a surveyor, engineer, architect or landscape architect, showing the boundary survey including metes and bounds, proposed general layout, the general location and the types of land uses, the proposed densities of population in residential areas, the general location of the village centers, planned convenience centers and town center, if any, major thoroughfares, major pedestrian ways, the major public utility system, major storm drainage system, the general location of recreation spaces, including nature of recreational facilities, parks, schools, churches and other public or community uses. The development plan need not show individual buildings. In addition to the above enumerated requirements, there shall be submitted a general schedule of the order of development for informational purposes setting forth increments of residential development and the necessary elements to serve this development over the lifetime of the project. In addition to the development plan the applicant shall furnish at least 60 days prior to the Planning Commission hearing on the application the following information, which shall be considered as part of the development plan:
 - a. the contour interval of not less than 5 feet taken from aerial photographs.
 - b. an aerial photograph.
 - c. the approximate number and type of dwelling units including range of lot size in single-family detached areas.
 - d. open areas including recreational and nature of recreational facilities.
 - e. the general location of rights of way to be dedicated to public use, access to primary highway facilities and anticipated daily traffic volume generated by the proposed uses.

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20-2.2.2 (Cont'd)

- f. the proposal for providing the required low and moderate income dwelling units, including the estimated timing of the construction of such dwelling units.

Approval of the development plan shall be by the Board of Supervisors with the recommendation of the Planning Commission after a duly advertised public hearing as provided for by such Section 15.1-431 of the 1950 Code of Virginia as amended. Thereafter no significant modification shall be made in any development plan unless such revisions in the plan shall be submitted for approval to the Board of Supervisors with recommendation by the Planning Commission in the same manner as the original application insofar as public hearings are concerned.

3. Following the establishment of an RPC District and the approval by the Board of Supervisors of the development plan, the applicant shall submit to the Director of County Development fifteen copies of a preliminary plat of any portion of the property zoned RPC to be developed. The preliminary plat shall conform to the requirements of Chapter 23 of the Code of Fairfax County and to the development plan previously approved by the Planning Commission and the Board of Supervisors and shall show the land use and the number of dwelling units for each parcel shown on the plat and in addition the developer shall conform to the notice requirements of Section 30-11.5.4 Except in abnormal conditions, the Director shall act upon any such plat within forty-five days after submission. Following approval by the Director of County Development of the preliminary plat, the applicant shall submit sixteen copies of a final plat plus the original tracing, in accordance with Section 23-11 and 23-12 of the Code of Fairfax, Virginia. The Director of County Development shall approve or disapprove such final plat within thirty days after submission. The applicant shall also furnish a plan of covenants or restrictions running with the land permanently, safeguarding the use of open space and preventing encroachment upon open land. The applicant shall furnish a deed or deeds to land determined by the County to be needed for public elementary and intermediate school purposes. When the final plat and deed have been reviewed by the Director of County Development and found to be in accordance with this section, with Chapter 23 of the Code of Fairfax County, and with the development plan, they shall be approved and recorded.
4. No building permit shall be issued for any construction except for detached single-family dwellings unless a site plan has been approved for same in accordance with the procedure established in Sections 30-11.1 through 30-11.18 of the County Code.
5. In devising the RPC development plan, the applicant shall make an effort to avoid concentration of low and/or moderate income dwelling units in one part of the development plan. The

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30-2.2.2 (Cont'd) applicant shall also make an effort to avoid such concentration in the planned community as a whole. As one factor in deciding whether to approve a proposed development plan (or amendment thereof) the County Board shall take into consideration whether the plan effectively avoids such concentration.

- C. Section 30-9.5 shall not apply, provided the information required by 30-9.5 is shown on the site plan or subdivision plat submitted pursuant to item B-3 and B-4 above.
- D. The limitations on signs in R Districts contained in Sections 30-3.13.1 through 30-3.13.11 shall not be construed to prohibit in an RPC District commercial signs in connection with commercial uses conducted in the same building as multi-family dwellings, except that commercial signs on buildings in which multi-family dwellings are also located, shall not be lighted between the hours of 11 p.m. and 9 a.m.

Signs in Planned Convenience Centers and Town and Village Centers not exceeding five acres in size shall conform to the requirements for signs in the C-N District, provided that each such center shall be limited to one freestanding sign.

Signs in Town and Village Centers exceeding five acres in size shall conform to the requirements of the C-D District, provided that each such center shall be limited to one freestanding sign.

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- E. Amendment of the zoning map or of the text of the sections of this chapter concerning RPC Districts may be initiated as provided in Article XIII, provided that where Article XIII is inconsistent with Item B-8 above, the latter shall govern.

Column 1 Permitted Uses:

1. All uses permitted by right or by special permit in any residential district except RM-3 only in locations as shown on the approved development plan subject to the limitations as noted.
2. The following uses shall be permitted in locations as shown on the approved development plan for a Planned Convenience Center.

Residential uses; public and community uses; establishments for the filling of prescriptions and the sale of pharmaceuticals and similar supplies; any of the following uses when conducted entirely within an enclosed building with no outside display of goods or any other merchandise (except plants or flowers

20-2.2.2 (Cont'd)

including seasonal sales of Christmas trees); food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; banks and other financial institutions; barber shops, beauty parlors, valet shops, florist shops, gift shops, and similar establishments; shoe repair shops, tailor shops; hand laundries; laundromats; establishments for receiving and distributing articles for laundering or cleaning; restaurants; not offering any entertainment other than by phonograph, radio or television; newsstands; automatic vending machines; signs as specified in Article VI of this Chapter. The development plan need not show individual uses except that the following uses shall be permitted in Planned Convenience Centers if the individual uses are specifically approved by the Board of Supervisors as a part of the development plan:

Professional offices
Gasoline service stations

3. The following uses shall be permitted in locations as shown on the approved development plan for a Village Center.

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Uses enumerated in the Planned Convenience Center; offices for business or professional use; clinics without facilities for the overnight care of patients; schools of special instruction; telephone exchanges and dial centers; any of the following uses when conducted entirely within an enclosed building with no outside display of goods or any other merchandise (except plants and flowers, including seasonal sales of Christmas trees); stores for the retail sale of automobile supplies; art works and supplies; clothing and apparel of any kind; dry goods; garden supplies; electrical goods and supplies; furniture, household furnishings and decorator supplies; hardware, luggage and leather goods; optical goods; pets and pet supplies including small animal hospitals, photographic equipment and supplies; variety goods; book, cigar, confectionery, drug, jewelry, liquor, music, stationery and toy stores; newsstands; shoe shining stands; stores for the retail sale or repair or both, of household appliances; musical instruments; sports goods; enclosed theatres.

Blueprint, photostat, and similar reproduction establishments, and printing establishments not exceeding 3,000 sq. ft. in gross area.

Pressing and cleaning shops having not more than four pressing machines and one dry cleaning unit

30-2.2.2 (Cont'd) not exceeding fifty pound capacity, using non-flammable synthetic cleaning fluid, and one shirt pressing unit.

Studios, but not public dance halls.

Commercial nurseries and greenhouses.

Gasoline service stations.

Those uses listed in Column 2 if specifically shown on an approved development plan.

4. The following uses shall be permitted in locations as shown on the approved development plan for a Town Center:

Those uses as enumerated in Village Center

Stores for the retail sale of goods and personal service establishments other than listed in Planned Convenience Center

Restaurants without limitation as to entertainment

Bowling alleys and skating rinks

Enclosed commercial

Recreation Centers

Signs as regulated in Section 30-3.13.1 through 30-3.13.11

Those uses listed in Column 2 if specifically shown on an approved development plan.

- #324 5. The following uses shall be permitted in locations as shown on the approved development plan for a convention center/conference center:

hotels/motels, including necessary facilities to accommodate conventions; or large meetings; retail establishments necessary to serve the people using the above facilities; exhibition halls, travel bureaus, banks or financial institutions; educational facilities; offices; and cultural and civic centers.

6. Supplemental Regulations:

Apartments shall not be permitted in low density residential areas.

Uses in an RPC District shall be permissible only in those areas as designated on the development plan.

Where commercial and residential exist in the same building, there shall be separate residential and commercial entrances.

7. a. Required Use: Low and Moderate Income Dwelling Units. Except as otherwise provided herein, every planned development of an RPC district shall provide dwelling units for families of low and moderate income. An applicant for RPC zoning or for an amended development plan

30-2.2.2 (Cont'd)

thereunder (hereafter the "applicant") shall provide or cause others to provide, under the development plan, low income dwelling units which shall be not less (and may be more) than six percent (6%) of the total number of dwelling units (other than detached single-family dwelling units) specified in the development plan. The applicant shall also provide, or cause others to provide, the number of moderate income dwelling units which, when added to the number of low income dwelling units, shall be not less (and may be more) than fifteen percent (15%) of the total number of dwelling units (other than detached single-family dwelling units) specified in the development plan. Provided, however, that (1) the number of low income dwelling units under any proposed development plan (or amendment thereof) may (but need not) be reduced to the extent (but only to the extent) that preceding development plans of the same applicant, approved for the same residential planned community, have provided, and the applicant (or purchaser or lessee from the applicant) has actually received a tentative commitment of funds for, low income dwelling units (other than detached single-family dwelling units) which, when added to such units under the proposed development plan (or amendment thereof), would exceed 6% of the total number of dwelling units (other than detached single-family dwelling units) under all such development plans combined, and that (2) the number of moderate income dwelling units under any proposed development plan (or amendment thereof) may (but need not) be reduced to the extent (but only to the extent) that preceding development plans of the same applicant, approved for the same residential planned community, have provided, and the applicant (or purchaser or lessee from the applicant) has actually received a tentative commitment for, low and moderate income dwelling units (other than detached single-family dwelling units) which, when added to such units under the proposed development plan (or amendment thereof), would exceed 15% of the total number of dwelling units (other than detached single-family dwelling units) under all such development plans combined. As used in the foregoing sentence, the term "tentative commitment," with respect to low income dwelling units, shall mean (a) for a Turnkey project, that the United States Department of Housing and Urban Development (or other source of subsidy funds) holds a feasibility conference and does not reject the project, and (b) for a public housing leasing or acquisition program, that the Authority commits itself to a specified number of dwelling units, subject to a stated condition subsequent; and, with respect to moder-

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30-2.2.2 (Cont'd)

ate income dwelling units, shall mean that the FHA (or other source of subsidy funds) has reviewed the applicant's proposal to provide moderate income dwelling units and has not rejected the proposal for reasons other than cost or has issued a feasibility letter or conditional commitment of insurance or funds. It is provided, further, (for the sole purpose of computing the credit in the preceding proviso of this paragraph) that to the extent tentative commitments for said low and/or moderate income dwelling units do not become firm commitments, the applicant shall amend one or more existing development plans for which site plans have not been approved, or if none, the next succeeding development plan, to reinstate that number of low and/or moderate income dwelling units (in addition to the number of such units otherwise required for such development plans).

The average number of bedrooms proposed for the low and moderate income dwelling units shall generally reflect the average number of bedrooms per dwelling unit for the planned community as a whole.

b. Procedure for Meeting the Requirement. The low and moderate income dwelling unit requirement shall be met in the following manner:

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- (1) In order to provide low income dwelling units, the applicant shall propose (a) to sell land and sell and/or lease dwelling units to the Fairfax County Redevelopment and Housing Authority (hereafter the "Authority"); and/or (b) a rent supplement or other plan to provide low income dwelling units which can be arranged directly with the United States Department of Housing and Urban Development (or other source of subsidy funds) without entering into an agreement with the Authority. The proposal shall conform to the guidelines established by the Authority and by the United States Department of Housing and Urban Development with respect to cost limitations, construction, rentals, selling prices, and other standards for public housing development or other relevant low income dwelling unit development. All applicants are hereby deemed to have local official approval to participate in the Federal rent supplement program.
 - (2) In order to provide moderate income dwelling units, the applicant shall propose application(s) to the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development (or other source of subsidy funds) under programs for homeownership (including condominiums),

30-8.2.2 (Cont'd)

rental, or cooperative housing. The proposal shall conform to the guidelines established by the United States Department of Housing and Urban Development with respect to cost limitations, construction, and other standards for development of moderate income dwelling units under the applicable subsidy program(s).

- (3) Before the applicant's development plan and application for rezoning are submitted to the Planning Commission for review in accordance with Item B.2 (Procedure for Zoning) above, the applicant shall furnish to the Director of County Development (hereafter the "Director") or his agent the following document, which shall be forwarded to the Planning Commission as part of the development plan required under Item B.2.

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The applicant shall furnish a proposal for meeting the low and moderate income dwelling unit requirement. This proposal may specify alternative approaches in order of priority, but in any event shall provide that to the extent the applicant is unable to work out an agreement with the Authority for the minimum required low income dwelling units after making a bona fide offer, he shall attempt to fulfill the low income dwelling unit requirement through a rent supplement or other program not involving the Authority. The proposal shall also designate the type(s) and general location(s) of the low and moderate income dwelling units for each specified alternative.

The Planning Commission shall not make its recommendation to the County Board of Supervisors (hereafter the "County Board") until the applicant has furnished the foregoing proposal to the Planning Commission, and the applicant's proposal appears to conform to the low and moderate income dwelling unit requirement. A recommendation by the Planning Commission approving the development plan and application for rezoning shall be deemed to constitute approval by the Planning Commission under Section 15.1-456 of the Code of Virginia, Annotated, as amended, of the general location, character, and extent of the proposed low and moderate income dwelling units, to the extent that such approval is or may be required by said Section.

- (4) The County Board shall not approve a proposed development plan or application for rezoning until the County Board has received the Planning Commission's recommendation, has held the public hearing required by Item B.2

1.2.2 (Cont'd)

(Procedure for Zoning) above, and has received the proposal specified in paragraph (3) above.

In evaluating the applicant's development plan and application for rezoning, the Planning Commission and County Board shall evaluate, on the basis of all the available information, whether the applicant's proposal will comply with the low and moderate income dwelling unit requirement. If the County Board approves the applicant's development plan and application for rezoning, such approval shall be deemed to constitute approval by the County Board under Title 36 of the Code of Virginia, Annotated, as amended, of such additional housing.

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- (5) Before the applicant (or purchaser or lessee from the applicant, hereafter called the "builder") submits a site plan containing any of the requisite low and moderate income dwelling units to the Department of County Development for review, the builder shall furnish to the Director or his agent the following documents:
 - (a) Unless the builder proposes a rent supplement or other plan to provide low income dwelling units not involving the Authority, he shall furnish a written agreement with the Authority containing the specific plan under which the builder and the Authority propose to provide low income dwelling units if funds are made available to the Authority and such units are approved by the United States Department of Housing and Urban Development (or other source of subsidy funds). The builder shall also furnish a letter from the Authority stating the reasons why the particular approach was selected, its evaluation of the proposed site, the availability of the requisite subsidies, and its estimate of the timetable for any further processing of the proposed project required by the Authority or by the United States Department of Housing and Urban Development (or other source of subsidy funds);
 - (b) He shall furnish any proposal to provide low income dwelling units through rent supplements or other arrangements not involving the Authority but requiring approval by the FHA (or other source of subsidy funds);
 - (c) He shall furnish any proposal to provide moderate income dwelling

3-2.2.2 (Cont'd)

units requiring approval by the FHA (or other source of mortgage insurance and subsidy funds);

- (d) He shall furnish supporting documents in the form of exchanges of correspondence with responsible officials of the FHA (or other source of subsidy funds), together with affidavits by the builder reporting its discussions with such officials, (i) indicating to the extent then possible, whether there are uncommitted funds available for projects to develop low and moderate income dwelling units in Fairfax County of the type proposed by the builder, as well as for other types of low and moderate income dwelling units, and (ii) disclosing all comments by such officials that have been made at conferences or in writing about the proposed site or sites.

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The Director shall not finally approve the site plan until the builder has furnished the foregoing documents.

- (6) In evaluating the builder's site plan, the Director shall evaluate, on the basis of all the available information, whether the builder's proposal will comply with the low and moderate income dwelling unit requirement. If the Director approves the builder's site plan, such approval shall mean that the Director has deemed the builder's plan for provision of low and moderate income dwelling units to be an appropriate one for the particular district and accordingly to be in compliance with this Section.

If government subsidies do not become available for development of the low and/or moderate income dwelling unit under the proposed site plan, as approved by the Director, then the applicant and builder shall be excused from developing such units on that site to the extent (and only to the extent) such subsidies are unavailable, in accordance with the procedure set forth in paragraph (7) below.

- (7) Once a site plan has been approved by the Director, the builder shall make arrangements for the proposed low and moderate income dwelling unit subsidies as quickly as possible.

The obligation to provide the proposed moderate income dwelling units (and low income dwelling units not to be developed in conjunction with the Authority) shall be deemed terminated with respect to some or all of the units on the said site, as specified, as of

30-2.2.2 (Cont'd)

the date (1) a responsible official from the FHA (or other source of subsidy funds) confirms in writing either that the application does not propose a feasible project for reasons other than costs, or that irrespective of feasibility the project cannot receive a firm commitment of insurance or funds for at least one year from the date of application, or (2) a period of 180 days has expired from the date on which the site plan has been approved, or the date on which the builder made application for the proposed insurance and subsidy funds, whichever is later, and the FHA (or other source) has not made a firm commitment of insurance or funds; provided, however, that if during the said 180-day period the builder receives a feasibility letter or conditional commitment of insurance or funds from the FHA (or other source), the said period for obtaining a firm commitment shall not expire until the 180th day after the last day of the first said 180-day period.

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The obligation to provide the proposed low income dwelling units in conjunction with the Authority shall be deemed terminated with respect to some or all of the units on the said site, as specified, as of the date (1) a responsible official from the Authority confirms in writing either that the project is no longer feasible for reasons other than costs, or that the United States Department of Housing and Urban Development (or other source of subsidy funds) has specifically denied approval of the proposed units, or that the Authority will not have funds to acquire or lease the units by the time construction of the proposed units is completed, or (2) a period of 180 days has expired from the date on which the site plan has been approved, and the United States Department of Housing and Urban Development (or other source) has neither approved nor rejected the project at a feasibility conference (for a Turnkey project), or has not made an allocation of sufficient funds for the Authority to acquire or lease the units by the time construction of the proposed units is completed (under public housing, leasing or acquisition programs); provided, however, that if during the said 180-day period the said Department (or other source) holds a feasibility conference for a Turnkey project and does not reject the project, the obligation to provide the proposed low income dwelling units under a Turnkey project shall continue through the 180th day after the day of the feasibility conference, but shall expire at that time if the Authority and the said Department have not issued a Letter of Intent to finance development of the project.

30-2.2.2 (Cont'd)

- c. Satisfaction of Requirement Without a Subsidy. An applicant may propose to satisfy all or part of the low and moderate income dwelling unit requirement without utilizing a government subsidy program; provided, however, that prior to rezoning the applicant clearly demonstrates and warrants in writing that the proposal will benefit the same number of families at the same income levels, and for the same rentals or prices, which the low and moderate income dwelling unit requirements are intended to assure.
- d. Land to Which the Requirement Applies; Effective Date. All requirements of this Section with respect to low and moderate income dwelling units shall become effective August 5, 1971.

Column 2 Special Permit Uses:

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A special permit will be required from the Board of Zoning Appeals unless the below uses are specifically designated on an approved development plan or unless a use by right:

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~~Gasoline service stations - Convenience centers~~
Hotels - Village and town centers
Open refreshment stands - all shopping centers
Commercial recreational centers - Town and village centers
Automobile laundries - Town center
Home occupations - Residential

Veterinarian hospitals and small animal hospitals when adjacent to stables, kennels or other uses involving the keeping of animals; provided, the board of animals out-of-doors is not allowed; and provided, such veterinarian hospital and/or small animal hospital has no access to a public street other than access which is shared with an adjacent facility - residential.

All uses permitted by right of special permit in any residential district, except RM-3.

30-2.2.2 (Cont'd) Column 3 Minimum Lot Size:

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The overall population density for an RPC District shall not exceed a density of thirteen persons per acre of gross residential and associated commercial areas. In computing population density, a factor of 3.8 persons shall be used per one family dwelling, 3.0 persons per garden-type apartment unit or town house and 1.5 persons per high-rise apartment unit.

Three residential density areas shall be permitted in an RPC zone in the locations shown on the development plan. Such density areas shall be designated low, medium and high.

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- a. The population density within the entire area planned for low density shall not exceed 3.8 persons per acre of gross residential area.
- b. The population density within the entire area planned for medium density shall not exceed 14 persons per acre of gross residential area.
- c. The population density within the entire area planned for high density shall not exceed 60 persons per acre of gross residential area.

In computing average density on any development plan and subsequent final plat of a part of an RPC district which district at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of thirteen persons per acre in any final plat previously recorded may be included. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the RPC District shall be recomputed so that the average population density within the recorded plats of sections of the RPC zone shall never at any time in the history of the development exceed a density of 13 persons per acre.

Column 4 Maximum Percentage of Lot Coverage:

NR

Column 5 Heights of Buildings:

NR

Column 6 Minimum Yard Dimensions and Building Location Requirements:

1. Building location requirements: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

30-2.2.2 (Cont'd)

2. No single-family detached dwelling except patio house, or garden court dwelling and no addition to any single-family dwelling shall be erected within a distance of less than 24 feet from any other single-family dwelling.

Column 7 Floor Area:

NR

Column 8 Minimum Off-Street Parking Space:

Section 30-3.10.1 shall not apply.

The off-street parking requirements for an RFC District shall be equal in every respect to the parking requirements for similar uses as noted in Section 30-2.2.2, Schedule of Regulations, for the respective conventional zoning classifications. Parking requirements for single-family uses shall conform to the conventional single-family category. Parking requirements for multi-family uses shall conform to the applicable multi-family category. Parking requirements for commercial uses shall conform to the requirements of the commercial categories.

The Board of Supervisors may modify the above parking requirements by demonstrating reasons at the time of approval of the development plan.

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Column 9 Other Open Space and Common Open Space:

1. Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications.

The developer shall provide for and establish an organization for the ownership and maintenance of any common open space designated on the development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of final development plans and subject to approval by the County Attorney and Board of Supervisors. Such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space), without first offering to dedicate the same to the County.

The covenants creating such organization shall provide that in the event the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the County may serve notice in writing upon such organization or upon the residents of the development setting

30-2.2.2 (Cont'd)

forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a public hearing thereon which shall be held within 20 days of the notice. At such hearing the County may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the County, in order to preserve the taxable value of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said one year period, the County shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice in writing to such organization or to the residents of such development, to be held by the Board of Supervisors, at which hearing the organization shall show cause why such maintenance by the County shall not, at the election of the Board, continue for a succeeding one year period. If the Board shall determine that such organization is ready and able to maintain the common open space in reasonable condition, the County shall cease to maintain the common open space at the end of said one year period. If the Board shall determine that such organization is not ready and able to maintain the common open space in a reasonable condition, the County may, in its discretion, continue to maintain the common open space during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

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The covenants creating such organization shall further provide that the cost of such maintenance by the County shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space, and shall become a charge on said properties, and such charge shall be paid by the owners of said properties within 30 days after receipt of a statement therefor.

2. Every single-family dwelling shall have access to a public street or court, which access may be over land owned by an association of homeowners.

30-2.2.2 (Cont'd)

MULTI-FAMILY HIGH RISE WITH LIMITED COMMERCIAL
(C-RMH) DISTRICT.

Column 1 Uses Permitted By Right:

1. All uses permitted by right in R-17 districts shall be permitted in C-RMH districts.
2. Multi-family dwellings not less than six stories in height shall be permitted in C-RMH districts.
3. Limited commercial facilities within a multi-family dwelling such as a drug, perfumery, florist, barber or valet shop, a beauty parlor, newsstand, coffee shop, delicatessen, stenographic service or a use similar to the above; provided such facilities are designed primarily for the use of residents of the multi-family dwelling, and further that there shall be no entrances direct from the street to such business and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.
4. Churches, chapels, temples, synagogues, convents, monasteries, seminaries, nunneries and similar places of worship.

Column 2 Special Permit Uses:

1. All uses allowed under special permit in the RM-2 district shall be allowed under special permit in the C-RMH District.
2. ~~Group 7 uses~~ ^{Group III uses} limited to golf or baseball driving range; provided, however, that no such permit shall be issued for a period of more than two (2) years, and that such a permit may not be extended more than once for a like period.
3. ~~uses for purposes of professional use~~

Column 3 Minimum Lot Size:

The same regulations specified for multi-family dwellings in RM-2H districts shall apply in C-RMH districts except that the minimum lot area in relation to number of dwelling units shall be computed on the following basis:

No. of rooms per dwelling unit	Sq. ft. of lot area per dwelling unit
1	600
2	1000
3	1400
4	1600

Column 4 Maximum Percentage of Lot Coverage:

Lot coverage shall not exceed 25%.

Column 5 Maximum Height of Building:

1. Height restrictions for uses permitted in R-17 districts shall be the same as those for R-17 districts.
2. Multi-family dwellings shall not exceed 15 stories or 150 feet in height.