

In the proposed amendment:

- Text added is shown with underline and text removed is shown with ~~strikethrough~~;
- Text moved is shown with ~~double-strikethrough~~ to denote the original location and double-underline to denote the location;
- Footnotes are explanatory only and are not part of the adopted text; and
- Where paragraphs are inserted, all subsequent paragraphs and references have been updated accordingly

* * *

Article 3. Density and Dimensional Standards

* * *

§3.1. Measurements, Computations and Exceptions

* * *

§3.1.8 Minimum Lot width

A. Defined

Minimum Lot width is the distance determined by dividing the lot area by the lot depth.

B. Minimum lot width

1. Every lot must meet the required minimum lot width for the applicable zoning district at the midpoint of the depth of the portion of the lot used for the calculation of the minimum lot width except as may be permitted by §16.5. The midpoint lot width shall be measured at right angles to the lot depth line at its midpoint.
2. Where a lot area exceeds the required minimum area for its particular zoning district, the minimum lot width may be computed within the boundary of a portion of the lot that meets the minimum lot area requirement. In that case, the front and/or rear lot line that is substituted for the original front or rear lot line must be parallel to the original front or rear lot lines, respectively. The midpoint lot width shall be measured at right angles to the lot depth line at its midpoint.

* * *

§3.2. Bulk, Coverage and Placement Requirements

* * *

§3.2.6 Placement

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval or as otherwise specifically provided in this Zoning Ordinance:

30 A. Setbacks (required yards)

31 1. ~~Front yard~~ Setbacks from any street

32 No structure shall be located closer to the centerline of any street or officially
33 designated street right-of-way (as defined in this zoning ordinance) than 50 percent of
34 the height of the building. For the purpose of determining setbacks, a limited access
35 highway shall be considered as an abutting lot and not as a street or street right-of-
36 way. Structures shall be set back from streets no less than as follows:

37 (a) For all C, M and P-S districts excepting C-1, C-1-O, C-1-R, and C-O

38 40 feet from said centerline of any street, except for properties located within
39 the “Clarendon Revitalization District” on the General Land Use Plan and zoned
40 C-3.

41 (b) For all RA4.8 and C-O districts

42 50 feet from said centerline of any street.

43 (c) For all C-3 district properties in the “Clarendon Revitalization District”
44 on the General Land Use Plan

45 50 feet from the centerline of Fairfax Drive or any street containing more than
46 five lanes, including travel lanes and on-street parking lanes, and 40 feet from
47 the centerline in all other cases.

48 (d) For all residential structures and all structures in all other districts
49 except for one- and two-family dwellings and their accessory structures
50 regulated by §3.2.5.A.1(e)

51 The larger of either 50 feet from said centerline of any street, or ~~but under no~~
52 ~~circumstances less than~~ 25 feet from any street right-of-way line.

53 (e) For all one- and two-family dwellings and their accessory structures

54 No structure shall be located less than 25 feet from any street right-of-way line,
55 except that the distance between any street or officially designated street right-
56 of-way line and the front wall of a structure, with the exception of stoops and
57 covered or uncovered but unenclosed porches, may be reduced as follows:

58 (1) The distance shall be at least the average of the distances between the
59 street right-of-way line, and the edges of the front walls of existing
60 structures located on the frontage where the structure is proposed to be
61 located, subject to approval by the Zoning Administrator, of a plat showing
62 all existing structures located on the subject frontage;

63 (2) The distance shall be at least 15 feet, provided, however, that no parking
64 garage shall be located closer than 18 feet from the street right-of-way line;
65 and

66 (3) No structure located within 25 feet of a street right-of-way line shall exceed
67 2 ½ stories.

68
69 * * *

Article 5. Residential (R) Districts

70
71
72
73
74
75

* * *

§5.1.2 Residential (R) districts principal use table

Table §5.1.2 lists the principal uses allowed within the R districts.

* * *

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Residential Use Categories (See §12.2.3)										
Household Living (See §12.2.3.A)	One-family detached	P	P	P	P	P	P	P	P	§12.3.8
	Duplexes								P S	
	Duplexes, abutting RA, C or M districts, <u>or located on a principal or minor arterial street as designated in the Arlington County Master Transportation Plan</u>						U S	U S		§12.3.9
	Semidetached, abutting RA, C or M districts, <u>or located on a principal or minor arterial street as designated in the Arlington County Master Transportation Plan</u>						U S	U S		§12.3.9
	Semidetached							S	P S	
	Townhouses							S	P	
	Townhouse, semidetached and existing one-family dwellings			S						
	Townhouse, semidetached, one-family and stacked units							S		§5.8.4.B

76
77

* * *

§5.6. R-6, One-Family Dwelling District

79

* * *

§5.6.5 Site development standards

The site development standards of Article 13 and Article 14 apply to all development, except as otherwise specified below.

A. Parking

Automobile parking space shall be provided as required and regulated in §14.3, except that in considering use permit applications under ~~§15.4~~ ~~§14.5~~ the required parking for medical offices may be reduced by the County Board by up to a maximum of 10 percent.

87

* * *

§5.7. R-5, One-Family and Restricted Two-Family Dwelling District

89

* * *

90 **§5.7.3 Density and dimensional standards**

91 **A. By-right**

92 All development allowed by-right in the R-5 district shall comply with the following
 93 standards, except as otherwise expressly allowed or stated.

Type of Standard	One-family Dwelling	All Other Uses
Lot, minimum (sq. ft.)		
Lot area	5,000	5,000
Lot area per dwelling unit	5,000	5,000
Lot width, minimum average (feet).	50	50
Height, maximum (feet)	35	35

94 **B. Special exception**

95 All development allowed by special exception in the R-5 district shall comply with the
 96 following standards, except as otherwise approved by the County Board.

Type of Standard	Two-family Dwellings abutting RA, C or M District <u>or located on a principal or minor arterial street</u>		All Other Uses
	Semi-detached	Duplex	
Site area, minimum (sq. ft.)	8,700	8,700	--
Lot, minimum (sq. ft.)			
Lot area	4,350	8,700	5,000
Lot area per dwelling unit	4,350	--	5,000
Lot width, minimum average (feet) by use permit	35	70	50
Lot width, minimum average (feet) by site plan	28	56	--
Height, maximum (feet)	35	35	35
Floor area per dwelling unit, minimum, exclusive of basement or attic (sq. ft.)	750	750	--

97
 98 * * *

99 **§5.7.4 District use standards**

100 Use standards applicable to specific uses in the R-5 district include:

101 * * *

102 **C. ~~Two family (duplexes and Semidetached) abutting RA, C and M districts~~**

103 ~~Two family dwellings (semidetached and duplex dwellings), on sites that share a lot line~~
 104 ~~with RA, C, or M Districts, shall be located no more than 100 feet from the shared lot line,~~
 105 ~~or on sites that are located on principal or minor arterial streets as designated in the~~
 106 ~~Arlington County Master Transportation Plan provided that the dwellings front on the~~

107 ~~principal or minor arterial street, except on corner lots where no more than one unit may~~
 108 ~~front on the local street.¹~~

109 * * *

110 **§5.8. R15-30T, Townhouse Dwelling District**

111 * * *

112 **§5.8.3 Density and dimensional standards**

113
 114 * * *

115 **B. Special exception**

116 All development allowed by special exception in the R15-30T district shall comply with the
 117 following standards, except as otherwise approved by the County Board.

Standard	Two-family Dwellings abutting RA, C or M districts <u>or located on a principal or minor arterial street</u>		Semi-detached Dwellings	Townhouse Dwellings	Townhouse, Semi-detached and Existing One-family Dwellings
	Semi-detached	Duplex			
Units, minimum					
Project (units)	--	--	2	3	--
Density, maximum (units/acre)			15	15	16-30
Site, minimum					
Area (sq. ft.)	8,700	8,700	5,808	8,712	8,712 sq. ft., or 17,424 sq. ft. in projects where density is requested above 15 units per acre As approved by Site Plan
Width (feet)	--	--	50	75	
Setbacks, minimum (feet)					
Front					25
Side	See §3.2 and §5.8.A	See §3.2 and §5.8.A	See §3.2	See §3.2	7 (Townhouse, Semidetached dwelling end units)
Side, street					15
Rear					25
Lot area, minimum (sq. ft.)					
Lot area	4,350	8,700	--	--	--
Lot area per dwelling unit	4,350	--	2,904	2,904 of which up to 1,300 sq. ft. may be in common area	As approved by site plan but under no circumstances less than 1,452 sq. ft. of site area per dwelling unit
Lot width per dwelling unit (feet)					
By use permit	35	70	--	--	--
By site plan	28	56	25	20	As approved by Site Plan, see §5.8.B
Height, maximum (feet)	35	35	45	45	45

¹ Moved to §12.3.9

118

119

* * *

120 **§5.8.4 District use standards**

121

Use standards applicable to specific uses in the R15-30T district include:

122

A. ~~Two family (duplexes and Semidetached) abutting RA, C or M districts~~

123

~~Two family dwellings (semidetached and duplex dwellings), on sites that share a lot line with RA, C, or M Districts, shall be located no more than 100 feet from the shared lot line, or on sites that are located on principal or minor arterial streets as designated in the Arlington County Master Transportation Plan provided that the dwellings front on the principal or minor arterial street, except on corner lots where no more than one unit may front on the local street.¹~~

124

125

126

127

128

129

B. Townhouse and semidetached dwellings requiring site plan approval by the County Board

130

131

1. Site plans may include a variety of dwelling styles including townhouse, semidetached, one-family and stacked units. Existing one-family units may be retained. The provisions of this subsection shall be in accordance with [Section 36 §15](#) and consistent with the general land use plan. The County Board, at its discretion, may approve any of the following special exceptions subject to the approval of a site plan as specified in §15.5: variations in setback, yard, lot size, coverage and parking requirements to achieve a design appropriate for the site and project.

132

133

134

135

136

137

138

2. To maintain neighborhood scale by matching new and existing setbacks, the front yard setback for one-family and two-family dwellings may be reduced to that of the average setback of the existing buildings on the same side of the subject block.

139

140

141

142

* * *

Article 6. Multiple-Family (RA) Districts

143

144

145

* * *

§6.2. RA14-26, Multiple-family Dwelling District

146

147

* * *

§6.2.6 Density and dimensional standards

148

149

150

* * *

D. Exceptions

151

¹ Moved to §12.3.9

152 * * *

153 **2. Nonconforming lots**

154 ~~(a) Where a lot has less width and less area than required in this subsection and was~~
 155 ~~recorded under one ownership at the time of the adoption of this ordinance, such~~
 156 ~~lot may be occupied by any use permitted in this section.~~

157 (b) Where a lot has less width and less area than required in this subsection and was
 158 recorded under one ownership at the time of the adoption of this zoning
 159 ordinance, such lot, if it has an area of 7,000 sq. ft. or more, may be occupied by a
 160 two-family dwelling (duplexes and semidetached dwellings) with a minimum
 161 average width of 70/35 ft. and minimum site area of 7000/3500 sq. ft. by-right for
 162 duplex/semidetached, respectively; and 56/28 feet and 7000/3500 sq. ft. by site
 163 plan for duplex/semidetached, respectively; and minimum GFA per dwelling unit of
 164 750 sq. ft. If such lot has an area of less than 7,000 sq. ft., it may be occupied by a
 165 one-family dwelling.

166 * * *

167 **Article 7. Commercial/ Mixed Use (C) Districts**

168 **§7.1. Commercial/Mixed Use (C) Districts Use Tables**

169 * * *

170 **§7.1.2 Commercial/mixed use (C) districts principal use table**

171 Table §7.1.2 lists the principal uses allowed within the C districts.

172 * * *

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																				
Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards

KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted

Retail, Service and Commercial Use Categories (See §12.2.5)

Retail, Personal Service (See §12.2.5.G.2(b))	Animal care facilities, veterinary clinics, animal hospitals	S	S		S			P		S	S	S	S	P	S	S	P	P	P	U	§12.5.2
	Athletic or health clubs	S	S		S		U	U		S	S	S	S	P	S	S	P	U	P	U	§12.5.20
	Barbershop or beauty parlor	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	
	Branch banks	S	S		S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Dance studio	S	S		S			U	U		S	S	S	S	P	S	S	P	U	P	U

173 * * *

174 * * *

175
176
177
178
179
180

§7.4. RA-H, Hotel District

* * *

B. Special exception

Development allowed by special exception in the RA-H district shall comply with the following standards, except as otherwise approved by the County Board.

Type of Standard	Low or Moderate Income Housing	Multiple-family and Hotels
Site area, minimum (sq. ft.)		100,000
Lot, minimum (sq. ft.)	See §12.3.7 §3.2	100,000
Lot area		600
Lot area per dwelling unit		600
Lot area per guest room		
Lot width, minimum average (feet)		200
Lot width		--
Lot width per dwelling unit		
Height		125
Maximum (feet)		12
Maximum (stories)		
Floor area, minimum (sq. ft.)		--
Floor area per dwelling unit or sleeping room		
Lot coverage, maximum (percent)		50

181
182
183

* * *

§7.9. C-1-O, Limited Commercial Office Building District

184
185
186
187
188
189

* * *

§7.9.3. Density and dimensional standards

A. By-right

Development allowed by-right in the C-1-O district shall comply with the following standards, except as otherwise expressly allowed or stated.

Type of Standard	One-family Dwellings	All Other Uses
Lot area, minimum (sq. ft.)	6,000	20,000
Lot width, average (feet)	60	100
Height, maximum (feet)	35	35
Floor area ratio, maximum		
Site area up to 9,999	--	0.40
Site area 10,000 to 19,999	--	0.50
Site area 20,000 and above	--	0.60

190
191

B. Bulk, coverage and placement

For bulk, coverage and placement requirements not listed in this section see §3.2.

192 C. Exceptions

193 1. The County Board may rezone a ~~transitional~~ ~~traditional~~ lot(s) to the C-1-O district that
 194 does not meet minimum width and area requirements.

195
 196 * * *

197 **§7.12. C-O-2.5, Mixed Use District**

198 * * *

199 **§7.12.3 Density and dimensional standards**

200
 201 * * *

202 B. Special exception

203 Development allowed by special exception in the ~~C-O-2.5~~ ~~C-O-1.0~~ district shall comply
 204 with the following standards, except as otherwise approved by the County Board.

Type of Standard	Institutional uses including hospitals, nursing homes, and group care facilities	Office, Commercial	Multiple-family	Hotel	All other uses
Density, maximum (units/acre)	--	--	115	180	
Lot area, minimum (sq. ft.)	20,000	20,000	20,000	20,000	20,000
Lot width, average (feet)	100	100	100	100	100
Height, maximum (stories), excluding mechanical penthouse	--	12	16	16	35
Floor area ratio, maximum	2.5	2.5	--	--	
Site area up to 9,999, sq. ft.					0.4
Site area 10,000 to 19,999 sq. ft.					0.5
Site area 20,000 and above sq. ft.					0.6

205
 206 * * *

207 **Article 10. Unified Developments**

208 **§10.1. Unified Residential Developments**

209 * * *

210 **§10.1.4. Pipe-stem lots**

211 A. Pipe-stem lots may only be created as part of a unified residential development
 212 pursuant to §10.1. Development on pipe-stem lots shall satisfy all applicable zoning
 213 and subdivision requirements, including those for minimum lot area, setback and
 214 yards, coverage, parking and building height, and all the following requirements, unless
 215 otherwise modified by the County Board, subject to approval of a use permit as
 216 provided in §15.4:

- 217 1. In a “stem” portion of any pipe-stem lot: any side yard shall satisfy the
218 requirements in §3.2.6.A.2.
- 219 2. In the “pipe” section of any pipe-stem lot: any side yard shall be a minimum of 25
220 feet in depth.
- 221 B. Where no dwelling unit has been constructed on a pipe-stem lot that was recorded
222 before March 18, 2003, a one-family dwelling unit may be constructed by-right in
223 accordance with all applicable zoning requirement. Modification of these
224 requirements may only be made by the County Board, subject to use permit approval
225 as provided in pursuant to §15.4.
226 * * *

227 **§10.1.6 Procedure for unified residential development**

- 228 C. Unified residential developments shall be permitted subject to approval of a by use permit
229 by the County Board, as specified in §15.4.
- 230 D. An approved use permit for a unified residential development plan shall be modified or
231 amended by the County Board as specified in §15.4.
- 232 E. A preliminary plat shall be submitted at the time of application showing lot areas, lot
233 dimensions, and buildable areas, consistent with all zoning and subdivision requirements.
234
235 * * *

236 **Article 12. Use Standards**

237 * * *

238

239 **§12.3. Residential Use Standards**

240 * * *

241

242 **§12.3.7 Low and moderate income housing¹**

243 **A. Site plan options**

244 When a site with an area of more than 20,000 square feet, or with 10 or more existing
245 dwelling units, is sought to be used in a manner inconsistent with existing regulations for
246 height, setback, yard, coverage, or parking, or is sought to be developed using additional
247 residential density, the County Board may allow exceptions, after application for a site
248 plan approval consistent with §15.5, in order to achieve a design appropriate for the site,
249 project, and the surrounding area. The County Board may approve additional height and
250 density based on the provision of low or moderate income housing as provided in §15.5.8.
251 The County Board, in its discretion, may modify regulations on height, setback, yard,
252 coverage, or parking requirements and may approve up to a 25 percent increase in

¹ 12.3.7 is shown here for reference only – no changes to this paragraph are proposed.

253 residential density above the density shown in §12.3.A.1 below, for a project that provides
 254 low or moderate-income housing as regulated in §15.5.9, provided that:

- 255 1. Under no circumstances shall the County Board approve a building with a height
 256 greater than that shown in the table below unless approved as specifically provided in
 257 §15.5.9.

General District	Height, Maximum (feet)	Density (units per acre) Up to 25 percent above may be approved
RA14-26 RA7-16 RA4.8 R-C RA-H RA-H-3.2	60	24
RA8-18	60	36
RA6-15	70	48

- 258 2. Parking for new dwelling units shall be provided as required in §14.3. However, the
 259 number of parking spaces per existing dwelling unit preserved shall be no less than
 260 the number of parking spaces per dwelling unit on the site at the time of application.

261 **B. Use permit options**

- 262 1. When a building is proposed to be used for the purpose of providing low or moderate
 263 income housing, and the land, buildings or structures on the site do not conform to
 264 the regulations of this Zoning Ordinance, the County Board may, by use permit
 265 approval pursuant to §15.4, approve additions to or enlargement of building(s) on the
 266 property, and modification of regulations on setback, yard, coverage, parking, and/or
 267 density. Provided, however, that no use permit shall be approved unless the proposal
 268 includes a low or moderate income housing plan that furthers the County Board
 269 adopted Goals and Targets for Affordable Housing and a request for designation as a
 270 Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by
 271 the County Board. Provided further that, under no circumstances shall the County
 272 Board approve a use permit to allow:

- 273 (a) The greater of either 1) the height permitted in the table below; or 2) the height
 274 already legally existing on the site at the time of application; or

Eligible District(s)	Height, Maximum (feet)
RA14-26 RA4.8 R-C RA-H-3.2	35 feet or 3½ stories, or height already legally existing on the site at the time of application, whichever is greater
RA8-18	40 feet or 4 stories or height already legally existing on the site at the time of application, whichever is greater
RA7-16 RA-H	95 feet or 10 stories, or height already legally existing on the site at time of application, whichever is greater
RA6-15	60 feet or 6 stories, or height already legally existing on the site at the time of application, whichever is greater

- 275 (b) Additional density beyond the number of units already legally existing on the site at
 276 the time of application.

277 2. When a site with an area of 20,000 square feet or less is sought to be used in a
 278 manner inconsistent with existing regulations for height, setback, yard, coverage, or
 279 parking, the County Board may allow exceptions, after application for a use permit as
 280 provided for in §15.4, in order to achieve a design which is appropriate for the site,
 281 project, and the surrounding area, provided the site has been designated a Voluntary
 282 Coordinated Housing Preservation and Development District (VCHPDD) by the County
 283 Board. Existing multiple-family dwellings may be permitted to increase density up to
 284 the maximum density shown in the table below where provision is made for low or
 285 moderate income housing, and where a low or moderate income housing plan has
 286 been submitted as part of a use permit application. The County Board, in its
 287 discretion, may, in approving the use permit, modify regulations on height, setback,
 288 yard, coverage, or parking, provided that:

289 (a) Under no circumstances shall the County Board approve a building with a height
 290 greater than that shown in the table below;

Eligible District(s)	Height, Maximum (ft.)	Density, Maximum (units per acre)
RA14-26 RA4.8 R-C RA-H-3.2	45	24
RA8-18 RA7-16 RA-H	50	36
RA6-15	70	36

291 (b) Parking for new dwelling units shall be provided as required §14.3. However, the
 292 number of parking spaces per dwelling units preserved shall be no less than the
 293 number of parking spaces per dwelling unit on the site at the time of application.

294 **§12.3.8 One-family detached dwellings**

295 In all R districts, except in townhouse dwelling developments, there shall be no more than one
 296 main residential building and its accessory buildings on one lot.

297 **§12.3.9 Two-family (duplexes and Semidetached) abutting RA, C or M districts**
 298 **or located on a principal or minor arterial street¹**

299 Two-family dwellings (semidetached and duplex dwellings), on sites that share a lot line
 300 with RA, C, or M Districts, shall be located no more than 100 feet from the shared lot line,
 301 or on sites that are located on principal or minor arterial streets as designated in the
 302 Arlington County Master Transportation Plan provided that the dwellings front on the
 303 principal or minor arterial street, except on corner lots where no more than one unit may
 304 front on the local street.

305 * * *
 306

¹ Moved from 5.7.4.A and 5.8.4.A and edited as shown.

307 **§12.5. Commercial/Mixed Use Standards**

308
309 * * *

310 **§12.5.20 Retail, personal service uses**

311 For any use that provides classes or instruction to children and, either 20 percent or more of
312 the total number of students enrolled in classes and/or instruction are children under 18 years
313 of age or the total number of children under 18 years of age enrolled in classes scheduled to be
314 held at any one time is 10 or more, the use may only be established subject to obtaining a use
315 permit from the County Board as provided in §15.4 §14.5, for each such use.

316 * * *

317 **Article 15. Administration and Procedures**

318 **§15.1. Common Procedures**

319 * * *

320 **§15.1.5 Fees**

321
322 * * *

323 **B. Refunds**

324 1. Refunds of Filing fees to applicants who have paid fees shall be provided upon written
325 request to the zoning administrator, only under the following circumstances and in
326 the amounts stated for the types of permits referenced below:

327 * * *

328 (d) Seventy-five percent of the amount of the filing fees paid shall be refunded to the
329 applicant or reduced for the following applications if the subject application is
330 withdrawn prior to commencement of review by any County staff person:

- 331 (1) Applications for administrative change;
- 332 (2) All other permit applications not otherwise specifically referenced in this
333 §15.1.4 §15.1.5.

334 * * *

335 **Article 16. Nonconformities**

336 **§16.1. Nonconforming Lots**

337 **§16.1.1. Lots in R districts**

338 In the R-20, R-10, R-8, R-6, and R-5 districts, where a lot has less width and less area than
339 required in the subject district and was recorded under one ownership at the time of the
340 adoption of this ordinance on or before (July 15, 1950), such lot may be occupied by any use
341 permitted in the respective districts.

342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368

* * *

§16.2. Nonconforming Buildings and Structures

* * *

§16.2.6 Restoration of damaged building

A nonconforming residential or commercial building or structure which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or force majeure or the public enemy may be repaired, rebuilt, or replaced to eliminate the nonconforming features or reduce the nonconformity to the extent possible, without the need to obtain a variance from the Board of Zoning Appeals as provided in §15.6.4 or use permit from the County Board as provided in §15.4 §15.5, and the occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction, may be continued or resumed. If such building is damaged or destroyed to the extent of more than fifty (50) percent of the building's value and cannot be repaired, rebuilt or replaced except to restore it to the original nonconforming condition, the owner may restore it to the original nonconforming condition. Unless such building or structure is repaired rebuilt or replaced within two years of the date of the natural disaster or other force majeure, such building shall only be repaired rebuilt or replaced in accordance with the provisions of this ordinance. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years within which to complete the repairs, rebuilding, or replacement. As used herein, "force majeure" shall mean any natural disaster or phenomena, including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire or other accidental fire (accidental fire shall not include arson committed under Va. Code Ann. §§18.2-77 or 18.2-80).

* * *