

**REVISED REPORT**

February 25, 2003

- TO: The County Board of Arlington, Virginia
- FROM: Ron Carlee, County Manager
- SUBJECTS: Adoption of Proposed Zoning Ordinance Amendments to:
- A. Amend Section 20 of the Zoning Ordinance to:
    - 1. Change the title from "C-S-C" Convenience Service Commercial Districts to "CP-FBC" Columbia Pike Form Based Code Districts; and
    - 2. Codify Permitted Uses, Use Limitations, Special Exceptions, and other regulations governing land use within the "CP-FBC" District; and
    - 3. Adopt the Columbia Pike Form Based Code, including Definitions, the Regulating Plan, the Building Envelope Standards and Architectural Standards and Streetscape Standards as a by-right option (Option 1) or by use permit approval (Option 2) within the "Columbia Pike Special Revitalization District"; and
  - B. Amend Sections 3, 12, 13, 14, 15, 19, 23, 25, 26, and 27 of the Zoning Ordinance to reference development using the Form Based Code as a by-right option (Option 1) or by use permit (Option 2) in these districts under the provisions of Section 20 for properties located within the Columbia Pike Special Revitalization District.

**RECOMMENDATION:** **Adopt the Zoning Ordinance Amendments to Sections 3, 12, 13, 14, 15, 19, 20, 23, 25, 26, and 27 to allow include optional by-right and use permit development regulations for properties located within the Columbia Pike Special Revitalization District, and adopt the Form Based Code, incorporating changes from the attached Errata sheet and Amendments.**

**DISCUSSION**

On March 12, 2002, the *Columbia Pike Initiative, A Revitalization Plan* (CPI Plan) was adopted by the County Board after a 2 ½ year community process. A major

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Reviewed by the County Attorney's Office: \_\_\_\_\_

recommendation of the CPI Plan is to adopt a new administrative review process to evaluate redevelopment proposals on Columbia Pike that would provide an incentive to developers in terms of added density and a streamlined review process. In September 2002, the County initiated an intensive week-long urban design charrette to get input from area residents, developers, and property and business owners. During the charrette week, consultants hired by the County developed Illustrative Plans for the four (4) development nodes identified in the CPI Plan, and from these a draft Form Based Code (FBC) was developed. It is anticipated that redevelopment, which has been slow to occur, will benefit from more certain approval criteria, a shorter review period (which may translate into a cost savings), and anticipated economic incentives that will be tied to the FBC. The proposed Zoning Ordinance amendments in this report would provide a new framework for by-right development for properties within the Columbia Pike Special Revitalization District.

A new zoning district (utilizing the vacant Section 20, C-S-C Service Commercial, which was repealed by ordinance on June 25, 1977) is proposed to regulate development within the Columbia Pike Special Revitalization District. The FBC is intended as a set of alternate development regulations that emphasize proper building form, enhancement of the pedestrian experience, and compatibility with traditional Main Street principles. Through the adoption of the FBC, development proposals will be evaluated based on the conformance with traditional building principles expressed in the FBC, such as building envelope and architectural standards. The FBC does not rely on some of the traditional types of zoning regulations, ~~like setbacks and~~ specific density limitations and use regulations.

If the proposed amendments are adopted, All properties that are zoned "S-3A", "RA14-26", "RA8-18", "RA7-16", "RA6-15", "C-1", "C-2", "C-3", "C-O", and "C-O-1.0" and are located within the Columbia Pike Special Revitalization District will be eligible to utilize this tool without rezoning. In addition, all properties in zoning districts not listed above that are within the Columbia Pike Special Revitalization District can be rezoned to the proposed "CP-FBC," Columbia Pike Form Based Code Districts, in order to be able to use the FBC.

The consultants developed the original draft of the FBC in October 2002, and it has since been revised based on community review and commentary. Under the auspices of the Columbia Pike Revitalization Organization (CPRO), a series of informational meetings were held in December at various affected civic associations and additional community forums were held in January at the CPRO office. The Planning Commission held work sessions to review the FBC on December 9, 2002 and January 29, 2003. Staff has worked over the past several months to incorporate the comments that have been received from both the community and the Planning Commission. This draft (Staff Draft #4) incorporates many of the comments received to date. All of the changes from Staff Draft #3 have been tracked to assist with review of the document. Several

large issues that were not fully addressed previously or were raised by the Planning Commission on February 10, 2003 are discussed below:

### **Development Review Process**

Throughout the Columbia Pike Initiative process and the development of the Revitalization Plan, there has been strong support for administrative review of FBC proposals. The streamlined review process that is proposed is intended to provide an incentive to property owners and developers who are evaluating development options and risks. However, as staff and the community have worked through the draft FBC, a number of questions have arisen about how it will be administered. There is consensus that administrative review for all projects is not appropriate, particularly for large sites. Similarly, there is a desire for a process to consider minor variations from the FBC requirements, regardless of site size. ~~This would also serve to limit requests to the BZA for variances from these requirements.~~ Allowing a use permit option for such variances will provide an alternative to variance requests to the Board Of Zoning Appeals.

A draft Administration Regulation 4.1.2 (attached) has been developed to outline the provisions for submitting applications, and the review and approval process for redevelopment projects within the Columbia Pike Special Revitalization District. The intent is to ensure that all development that occurs under the FBC is consistent with the provisions of the FBC as they pertain to height, siting, architectural standards, and building form. All four elements of the FBC (Definitions, the Regulating Plan, Building Envelope Standards, and the Architectural and Streetscape Standards) will be applied during review.

The ~~Columbia Pike~~ Columbia Pike Initiative Administrative Review Team, comprised of staff from CPHD (Planning and Zoning), Public Works (Planning) and Economic Development, as well as other appropriate staff, as needed, will be charged with assisting the Zoning Administrator in the review of all FBC proposals. The affected civic association and CPRO will be involved in both options, although the extent of change that can be required will be limited as it is for any administrative process.

#### **A. By-Right Option**

Staff propose that smaller projects (less than 40,000 square feet) be able to build as a matter of right when they meet all of the standards of the FBC. The Columbia Pike Initiative Administrative Review Team will be responsible for completing reviews of development proposals and making a recommendation to the Zoning Administrator within 30 days of submission of completed applications. Permits could not be obtained until review is completed and a determination made that the proposal is consistent with the FBC. Staff concluded that for these smaller sites, the issues will be less complicated and the application of the FBC more straightforward so that an administrative process is appropriate.

Applicants will also be required to provide copies of their proposal to the Columbia Pike Revitalization Organization (CPRO) and affected civic associations at the time of submission to the County. As part of the implementation of the FBC, staff will work with each of the affected civic associations to identify up to 2 representatives that would be available to review applications that occur within or near their neighborhoods with the Columbia Pike Initiative Administrative Review Team prior to approval. This is seen as a critical element to ensure that the community vision, as codified in the FBC, is consistently applied to each development proposal. Affected civic associations will be notified in writing by the Columbia Pike Initiative Coordinator when a final decision has been rendered by the Zoning Administrator after recommendation from the Columbia Pike Initiative Administrative Review Team. In response to Planning Commission comments, the Columbia Pike Initiative Coordinator will develop a quarterly report to track all administrative reviews.

## **B. Use Permit Option**

The Special Exception Use Permit process is proposed to be required for sites over a certain area in size (presently proposed for 40,000 square feet). Such sites would be required to meet the intent of the FBC and will be evaluated in terms of how well they conform to the FBC and meet other objectives of the Columbia Pike Initiative Revitalization Plan. The Use Permit process also provides the opportunity for community input as well as fine tuning of a development proposal to address issues that may not have been contemplated by the FBC.

It is likely that there will be an occasional need for minor variations to the FBC that have to do with details of design or difficulties or hardships in implementing the literal aspects of the FBC. Examples of these difficulties may include problems related to:

- Topography or street grade,
- The location of alleys and streets (adjusting RBLs),
- Breaks and passages between buildings,
- Streetscape details,
- Design issues related to the inclusion of existing and/or historic buildings, or mature trees

The Use Permit process will give the opportunity for appropriate deviations from the FBC that are consistent with the County's goals and plans to revitalize Columbia Pike as detailed in the Columbia Pike Initiative Plan adopted by the County Board in March, 2002. Where properties of less than 40,000 square feet have such difficulties, they, too, could seek a use permit to gain approval if their development needed variations. Development proposals incorporating historic structures or

facades, as identified in the FBC, are required to seek a Special Exception Use Permit.

For sites larger than 40,000 square feet, the issues associated with the development will be more complicated. The FBC sets forth requirements for breaks in the block, civic squares, and other required public improvements on these larger properties that will necessitate a more careful review and approval of the County Board.

As currently proposed, the Special Exception Use Permit process would take approximately 55 days from acceptance of a completed application to public hearing by the Planning Commission and County Board. This is consistent with the streamlined Special Exception Use Permit process for Unified Residential Development Applications. Applicants will be required to provide copies of their application to the CPRO and all affected civic associations at the time of submission to the County. Applicants also will be required to perform property owner notification (affected, abutting and owners across the street) as required by the Code of Virginia. Within the 55 day process, the Columbia Pike Initiative Administrative Review Team will schedule at least one (1) community meeting through CPRO in conjunction with the affected civic association(s) and a Planning Commission representative.

### **Community Involvement in Review Process**

As stated above, staff will work with all of the civic associations adjacent to Columbia Pike to identify up to two representatives to participate in the application review process. Under Administrative (By-Right) Review, after staff has verified that the application is complete and accurate, a meeting will be scheduled to discuss whether the project, as described in the application materials, complies with the FBC. At that meeting, the Columbia Pike Initiative Administrative Review Team along with the civic association representative(s), will evaluate the proposal, using a checklist that will be developed as part of Administrative Regulation 4.1.2.

As part of the Special Exception Use Permit process, the Planning Commission will appoint a representative for each development proposal who will be responsible to act as a liaison between the Planning Commission, CPRO and the civic associations reviewing proposals subject to Special Exception Use Permit approval. The Planning Commission representative will assist in providing information to the Planning Commission regarding the plan's compliance with the Code. At least one (1) community meeting will be scheduled through CPRO in conjunction with the affected civic association(s) and a Planning Commission designee to review the application and its compliance with the FBC. Where specific elements of the FBC are not complied with, the Columbia Pike Initiative Administrative Review Team will formulate a recommendation for Planning Commission review and County Board approval based on community input.

### **Affordable Housing**

There is concern within the Columbia Pike community that implementation of the Columbia Pike Initiative – A Revitalization Plan through the FBC could impact the amount of existing affordable housing units. Currently, the FBC has no provision to encourage replacing, providing, or contributing toward any affordable housing. However, it is important to note that if a developer chooses not to follow the FBC, there are site plan opportunities, consistent with the residential designations, through which affordable housing could be achieved. The developer may also choose to develop by-right. The by-right option contains no provisions for affordable housing.

Development under the FBC would only be available to sites located in areas designated as “Columbia Pike Special Revitalization District,” on the General Land Use Plan. The originally proposed “Columbia Pike Special Revitalization Districts” contained several residential developments with affordable housing units. In an effort to minimize potential unintended impact on affordable housing, staff recommended and the County Board adopted (at the December 17, 2002 County Board meeting) an amended Columbia Pike Special Revitalization District that did not include some areas containing affordable housing that are not critical to the redevelopment of Columbia Pike. The adopted Columbia Pike Special Revitalization District excludes, among other sites; a portion of the western end of Barcroft Apartments at George Mason Drive and Columbia Pike, Arlington Village Condominiums, Quebec Apartments, Oakland Apartments, and several smaller buildings.

By leaving a portion of Fillmore Gardens in the Special Revitalization District, there is a possibility that 114 units out of the total of 500 units in that complex might be redeveloped. ~~since only a portion of the entire development is located within the “Columbia Pike Special Revitalization District” boundaries.~~ However, this is a critical site to be redeveloped and the FBC does not necessarily preclude development of new affordable housing or preservation of existing housing. Similarly, the western portion of Barcroft Apartments, containing 51 units, is also considered as a critical redevelopment site. The 166-unit Frederick Court Condominiums is included in the Columbia Pike Special Revitalization District, but is not seen by staff as a prime redevelopment site.

Staff does not believe that the FBC should be amended to require affordable housing, which is beyond the scope and intent of the zoning district. The County will, however, continue to use its other affordable housing tools in the Columbia Pike Corridor. Examples of two recent and significant projects are Columbia Heights and Columbia Grove.

## **Parking**

In response to community concerns about the parking requirements that were proposed in earlier versions of the FBC, staff has developed a Parking Strategy to outline specific short- and long-term measures that the County can undertake to promote a pedestrian environment with convenient shared parking. Originally, no parking minimum was proposed as a measure to encourage appropriate small site infill development along Columbia Pike. The lack of on-site parking for those small sites would not have a great impact on the surrounding community, given the County's general commitment to provide public parking, as necessary, in conjunction with larger development projects on a case-by-case basis.

For larger sites with more development potential, the entities that finance the projects, and the tenants, will require parking and thus there was no need to set an artificial minimum parking requirement. In addition, staff conclude that the smaller sites are more likely to attract tenants and financing based on generally available public parking. ~~Staff also established a maximum parking requirement (1 parking space per 500 square feet of new development). The purpose of this requirement was to limit the impact of parking on the overall form of development and to discourage abundant private parking; to which convenient access and availability may be limited, which is the prevalent pattern along Columbia Pike presently. Staff also recommended a provision that would allow a developer to exceed the maximum only if the additional parking is made available to the general public or if the developer makes a contribution to the County toward funding of a parking facility that would support sites that do not provide parking.~~

After reviewing the previous parking approach with the community, a new parking strategy was drafted and discussed with the Planning Commission and the Transportation Commission at a work session held on January 29, 2003. The revised parking requirements are as follows: These were subsequently modified based on community review and can be found in the Staff Draft #4 Errata Sheet and Amendments document which is attached to the Supplemental Report.

### Residential Uses

- ~~• Minimum 1 space/1,000 sq. ft. of Gross Floor Area (GFA) (or 1 per unit, whichever is less) and a maximum of 2 spaces/1,000 sq. ft. of GFA (or 3 per unit, whichever is less).~~

### Other Uses

- ~~• For sites under 20,000 sq. ft. no on-site minimum parking requirement and a maximum of 1 space/500 sq. ft. of development.~~
- ~~• For sites over 20,000 sq. ft. a minimum parking requirement of 1 space/1,000 sq. ft. of GFA, and a maximum parking requirement of 1 space/500 sq. ft. of GFA.
  - ~~○ Allow developers to pay an in lieu parking fee for each parking space that is not constructed onsite, towards a public parking fund that will assume~~~~

~~responsibility for supplying and the spaces. The in lieu fee will be set at a level sufficient to cover the average cost of new County provided spaces within its Parking Zone, such average cost to be determined on a bi-annual basis, and initially set at \$15,000 per space.~~

- ~~○ Developers may be eligible for County Tax Increment Public Infrastructure Fund assistance to defray parking and other "public" infrastructure costs.~~
- ~~Require developers to dedicate each parking space that is privately constructed above the maximum ratio for public parking use, with appropriate signage and markings.~~
- ~~Minimum parking requirement may be offset by available public parking or by participating in car sharing programs.~~

~~The County is looking into expanding the residential parking permit program and other methods to reduce parking congestion in neighborhoods bordering commercial thoroughfares. As part of the overall parking strategy, it is also anticipated that the County will engage a consultant to help gauge and track parking demand as redevelopment occurs. One of the proposed FY2004 strategic initiatives is to hire a Parking Coordinator to address the many complex issues related to parking countywide, and Columbia Pike in particular. The Parking Coordinator will plan public parking facilities, where or when necessary, in concert with private developers or on publicly owned sites to be determined.~~

~~Preliminarily, staff has identified three (3) sites where excess (public) parking could be accommodated on underutilized parking lots/structures, and three (3) general locations where redevelopment is likely and additional public parking could be incorporated into larger projects (see attached map). As indicated above, private parking requirements could be offset by available nearby public parking. Parking zones with radii of 600 feet are shown to illustrate what adjacent sites, potentially would be within easy walking distance. Only redevelopment sites within these zones would be eligible to utilize the public parking (to the extent that it is available) to offset the private parking requirement.~~

### **Historic Preservation**

The Columbia Pike Initiative: A Revitalization Plan identifies properties along Columbia Pike that are listed on the Countywide Historic Resource Survey as historic properties, some of which are determined to be of Nation Register quality. Several of the identified properties are located within the Columbia Pike Special Revitalization District, and are therefore eligible ~~subject to development~~ under the FBC. Staff has worked with community representatives to identify historic properties that are critical to the identity of Columbia Pike. For those properties that were identified through this collaborative process, the FBC gives specific guidance for preservation. Prior to acceptance of any redevelopment application proposal under the FBC that involves an identified historic property, issuance of a Certificate of Appropriateness by the HALRB is required.

The FBC also contains certain incentives and guidelines to promote the reuse of historic structures. These guidelines include, for example:

- Permitting additional height on the remainder of the site (up to 2 additional stories, with no increase in allowable height in feet).
- Within the same development, new buildings should complement historic structures.
- Siting and Elements requirements of the Building Envelope Standards can be modified for that portion of any redevelopment project that includes a historic structure that is preserved.
- Properties with historic structures are exempt from the redevelopment threshold (minimum 50% increase in floor area) requirement of the FBC where historic structures are preserved.

### **Development Requirements on the Adams Square and Fillmore Gardens Block**

Issues have been raised about the size of the Civic Square, the requirement for Barton Street and the location of alleys in this block. Staff has worked with community representatives and the consulting team to address these issues. The Civic Square has been modified to include more space and the proposed streets (Cleveland and Barton Streets) framing this space have been aligned with existing streets across Columbia Pike. In Staff Draft #4, Barton Street is shown on the Regulating Plan with the alignment agreed to in community forums held in January, with a note to indicate that Barton Street will transition to a pedestrian access only facility between 9<sup>th</sup> Road and 9<sup>th</sup> Street.

### **Required Building Lines (RBLs) / Street Cross Sections**

Throughout the Regulating Plan, a Required Building Line (RBL) (or Build-to line) is shown for each property, and it is mandatory that new buildings built under the FBC are sited on the RBL. The RBLs are impacted by the width of the roadway (including travel lanes, transit lanes, and bike lanes) and sidewalks. In consideration of the potential for a transitway along Columbia Pike, and options relating to pedestrian and bike facilities, staff has developed proposed typical street cross sections to illustrate where the RBL lies for properties along Columbia Pike. The typical street cross sections demonstrate that transportation options (including transit, auto, bicycle, and pedestrian) can be addressed within the proposed RBLs; however they are not subject to approval at this time. It is anticipated that the typical street cross sections will receive additional review by the Transportation Commission, the County Board, and citizens in a process that is yet to be determined. The RBLs, however, being a part of the FBC, would be adopted by the County Board, at such time as the FBC is adopted and could be adjusted at a later date based on the final cross sections decisions, if necessary.

### **Public Improvements**

The FBC states that the developer is responsible to build “public” improvements including sidewalks and streetscape elements, undergrounding of utilities, and civic squares and greens as indicated on the Regulating Plan or other sections of the FBC. The County’s TIPIF policy, discussed in an accompanying report, may be used to provide funding for public infrastructure that support revitalization efforts within the Columbia Pike Special Revitalization District.

### **Other Issues / Changes Made to the FBC Regulating Plan**

Boundary Changes - In Staff Draft #4, the Town Center Regulating Plan (p. 20) shows a proposed change to Columbia Pike Special Revitalization District Boundary along 9<sup>th</sup> Street between Glebe Road and Oakland Street. The Alcova Heights Civic Association requested that the boundary in this area be moved south, generally to the common lot line between the commercial properties located on Columbia Pike and the residential properties on 9<sup>th</sup> Street. A second proposed boundary change, similar to the 9<sup>th</sup> Street change, along 12<sup>th</sup> Street between Glebe Road and Highland Street was not included in Staff Draft #4, but is included in a revised map, which is enclosed. These two areas are addressed separately in a Request to Advertise – General Land Use Plan Amendment report for County Board consideration at the February 25, 2003 meeting.

Allowable Building Heights - Western Gateway heights were adjusted, based on community comments, to reflect general agreement that heights will generally be up to 6 stories, except for what is known as the “Petros” site; which will have a height limitation of up to 10 stories or the equivalent of the adjacent Carlyle House’s height. In the Village Center, height limitations have been modified for the commercial site located in the northwest quadrant of the Columbia Pike / George Mason intersection to address the concerns of nearby residents. A note has been added to the Regulating Plan to allow full height (6 stories) toward Columbia Pike, while imposing a height limit of ~~66~~ 54 feet within 200 feet of the adjacent residential property. Additionally, the FBC already requires that the building height be no more than 32 feet within 40 feet of the adjacent property. Given the change in topography at this location (approximately 45 feet), this transitional height limitation would seem to address the concerns that have been expressed.

Some comments and questions have been received regarding the treatment of sites adjacent to Columbus Street as well. On the Regulating Plan, properties west of Columbus Street have been included in the Columbia Pike Special Revitalization District, while properties located east, generally, have not. The properties west of Columbus Street have frontage along Columbia Pike, and although redevelopment of these sites is a remote possibility, it is important that that the property owner have the opportunity to utilize the FBC for any potential new development along Columbia Pike. The properties located east of Columbus Street that are not within the Special Revitalization District

have a similar limited redevelopment potential, and more importantly, do not front on Columbia Pike.

### **PLANNING COMMISSION**

The Planning Commission held a public hearing on the Form Based Code on February 10, 2003. In recommending the Form Based Code for adoption by the County Board, the Planning Commission stipulated the following major points:

1. A Planning Commission representative should be designated for each Special Exception Use Permit application to assist with coordinating information between the affected civic associations, CPRO, staff, and the Planning Commission.
2. A quarterly report, tracking all administratively reviewed projects, should be forwarded to the Planning Commission.
3. The County Board should appoint a task force, led by the Transportation Commission, to develop a future transportation vision for Columbia Pike and address issues relating to its width and functional components, including transit, auto, bicycle, and pedestrian uses. This task force should report its findings back to the County Board within six (6) months.
4. Signage regulations should be modified to allow for more variety.

Staff supports the Planning Commission's recommendations and Administrative Regulation 4.1.2., which is attached to this report, reflects recommendation (1.) above. Staff will work with the County Board and/or the Transportation Commission to establish a task force or working group to further develop a transportation vision for Columbia Pike. Staff Draft #4 reflects some modifications to the signage regulations within the FBC. Additional refinements can be made, with input from the Planning Commission in the near future, as it is anticipated that other changes to the FBC will eventually be necessary. Other minor editorial changes to the FBC and Regulating Plan are included in Staff Draft #4, as specified in Planning Commission comments and recommendations.

### **TRANSPORTATION COMMISSION**

The Transportation Commission with the Planning Commission considered the Form Based Code, ~~with the Planning Commission,~~ at a joint work session on January 29, 2003. A follow-up work session was held on February 5, 2003. At these meetings, it was established that the Form Based Code is primarily a land use planning document and decisions regarding the width and uses within the roadway are not being determined at this time. ~~The Transportation Commission will begin a discussion of how to develop a transportation vision for Columbia Pike (including all modes of transportation) at its next regular meeting, which is scheduled for February 20, 2003.~~

**CONCLUSION**

The Zoning Ordinance amendments in this report are proposed to amend, reenact and recodify Section 20. of the Arlington County Zoning Ordinance to change the title from "C-S-C" Convenience Service Commercial Districts to "CP-FBC" Columbia Pike Form Based Code Districts; codify Permitted Uses, Use Limitations, and other regulations governing land use within the "CP-FBC" District, which shall be an optional zoning classification for all land within the "Columbia Pike Special Revitalization District"; adopt the Columbia Pike Form Based Code, including the Regulating Plan, Building Envelope Standards and Architectural Standards and Streetscape Standards; and reference development using the FBC as a by-right option in the following districts that are located within the Columbia Pike Special Revitalization District:

<b>Ordinance Section</b>	<b>Zoning District</b>	<b>District Title</b>
Section 3.	S-3A	Special Districts
Section 12	RA14-26	Apartment Dwelling Districts
Section 13	RA8-18	Apartment Dwelling Districts
Section 14	RA7-16	Apartment Dwelling Districts
Section 15	RA6-15	Apartment Dwelling Districts
Section 19	C-1	Local Commercial Districts
Section 23	C-0-1.0	Commercial Office Building, Hotel and Apartment Districts
Section 25	C-0	Commercial Office Building, Hotel and Multifamily Dwelling Districts
Section 26	C-2	Service Commercial Districts
Section 27	C-3	General Commercial Districts

Staff has worked to incorporate changes based on the direction of the County Board at the December 17, 2002 meeting, as well as comments received during a public review period in January 2003. A comment/response summary table (attached) has been developed to track changes that were suggested.

It is, therefore, recommended that the County Board approve the resolution to adopt the Zoning Ordinance Amendments, including the Form Based Code (Staff Draft #4).

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~~RESOLUTION TO ADOPT ZONING ORDINANCE AMENDMENTS~~ ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE TO  
SECTION 20. "C-S-C" CONVENIENCE SERVICE COMMERCIAL DISTRICTS, TO CHANGE THE TITLE OF THE SECTION TO "CP-FBC" COLUMBIA PIKE FORM BASED CODE DISTRICTS, AND TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO DEFINE NEW DEVELOPMENT OPTIONS, INCLUDING ADOPTION OF THE FORM BASED CODE WITHIN "CP-FBC" DISTRICTS, AND TO AMEND SECTION 3. "S-3A" SPECIAL DISTRICTS, SECTION 12. "RA14-26" APARTMENT DWELLING DISTRICTS, SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS, SECTION 14. "RA7-16" APARTMENT DWELLING DISTRICTS, SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS, SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS, SECTION 23. "C-O-1.0" COMMERCIAL OFFICE BUILDING, HOTEL AND APARTMENT DISTRICTS; SECTION 25. "C-O" COMMERCIAL OFFICE BUILDING, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS; SECTION 26. "C-2" SERVICE COMMERCIAL-COMMUNITY BUSINESS DISTRICTS; AND SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO PERMIT DEVELOPMENT LOCATED WITHIN THOSE ZONING DISTRICTS AND THE COLUMBIA PIKE SPECIAL REVITALIZATION DISTRICT, TO APPLY TO USE THE FORM BASED CODE PROVISIONS, THAT ARE PROPOSED TO BE ADOPTED AS PART OF SECTION 20. "CP-FBC"-COLUMBIA PIKE FORM BASED CODE DISTRICTS.

The County Board of Arlington hereby ~~resolves to adopt the following amendments to~~ ordains that Section 20. "C-S-C" Convenience Service Commercial Districts, of the Zoning Ordinance ~~to~~ is amended, reenact, and recodified Zoning Ordinance provisions to define permitted use in "CP-FBC" Districts; and Amendments to Sections 3, 12, 13, 14, 15, 19, 23, 25, 26, and 27 the Arlington County Zoning Ordinance as contained in the County Code to preserve and promote mixed-use retail and other commercial activity within commercial districts; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice-, as follows:

\* \* \*

SECTION 20. ~~"C-S-C"~~ "CP-FBC" SERVICE COMMERCIAL – COLUMBIA PIKE FORM BASED CODE DISTRICTS

\* \* \*

The purpose of the "CP-FBC" District classification is to provide an alternate means of by-right development that promotes mixed-use development where the variety in retail, service, residential and office uses is intended to serve a broad-based community. Properties zoned "S-3A", "RA8-18", "RA14-26", "RA7-16", "RA6-15", "C-1", "C-2", "C-3",

"C-O", and "C-O-1.0" and that are located in the Columbia Pike Special Revitalization District, as set forth approved designated on the General Land Use Plan, shall be eligible to develop in accordance with the "CP-FBC" District requirements. The "CP-FBC" District provides for an expanded range of uses, greater density and more flexibility than the other service commercial and apartment zoning districts while promoting mixed-use development which conforms to principles of good urban form. Specific requirements have been adopted to encourage and regulate by right mixed-use development in accord with the Form Based Code, including height, and building and site design elements which help ensure the provision of the desirable components of good public spaces.

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#### **A. Uses Permitted.**

The following uses are permitted within the "CP-FBC" District, provided that: redevelopment of the subject property or properties involves an increase in total developed space of at least 50%; and the proposed redevelopment conforms to the Form Based Code as adopted by the County Board of Arlington County (See Subsection 20.D.). Properties within the Columbia Pike Special Revitalization District, which have not been redeveloped using the Form Based Code, shall be governed by all use limitations in the underlying zoning classification.

1. All uses as permitted in "RA8-18", "RA14-26", "RA7-16" and or "RA6-15" Districts.
2. Animal hospital or veterinary clinic within a fully enclosed structure.
3. Antique shop.
4. Art store, including art work, art supplies and framing materials.
5. Automobile accessories and supplies, excluding installation.
6. Bank or other financial institution.
7. Blueprinting or photostatting.
8. Book, stationery or card store.
9. Business college operated as a commercial enterprise.
10. Catering establishment.
11. Cleaning or laundry establishment.

12. Clothing or wearing apparel shop.
13. Dance studio.
14. Department store.
15. Dry goods or notion store.
16. Film processing kiosk (photo service).
17. Florist or gift shop. Delivery of flowers to off-site locations is permitted when it involves less than thirty (30) percent of the amount of the sales from these stores.
18. Grocery, fruit or vegetable store without restriction or maximum gross floor area. Delivery of groceries to off-site locations is permitted when it involves less than thirty (30) percent of the amount of the sales from these stores.
19. Hardware, paint or appliance store.
20. Health club.
21. Hobby or handcraft store.
22. Home furnishings store.
23. Hotel or tourist court.
24. Indoor swimming pool.
25. Indoor theater or auditorium.
26. Indoor and outdoor skating rink.
27. Jewelry store.
28. Locksmith.
29. Mailing service, including bulk mailing.
30. Medical or dental office, clinic, or laboratory.
31. Motor vehicle dealership, sales or rental lot, provided that the use complies with the standards identified in subsection C.4, and provided that indoor and/or outdoor display area(s) do not exceed 300 linear feet along Main Street or Avenue

frontage. Motor vehicle dealerships are specifically prohibited on Neighborhood and Avenue Sites.

32. Music conservatory or music instruction.
33. Nursery, flower or plant store, provided that all incidental equipment and supplies, including fertilizer, empty cans and garden tools are kept within a building or in designated areas outside as approved by the zoning administrator, provided that the location does not impede pedestrian or vehicular movement on the property.
34. Office, without restriction on location within structures along Main Street and/or Avenue frontage.
35. Optical store.
36. Palmistry.
37. Pawnshop.
38. Pet shop.
39. Photography studio.
40. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed building.
41. Printing, lithographing or publishing.
42. Private postal service limited to a gross floor area of twelve hundred (1,200) square feet.
43. Public parking area or public parking garage when located and developed as required in the Form Based Code.
44. Public service, including electric distributing substation, fire or police station, telephone exchange, and the like.
45. Repair shop (small appliance, television, radio).
46. Restaurant, including outdoor cafes associated with such uses (excluding restaurants with drive-through windows and dancing or entertainment, except as provided for in subsection B.8 and B.12). Delivery of food and beverages to off-site locations is permitted when it involves less than thirty (30) percent of the amount of the sales from these restaurants.

47. Retail stores or business in addition to those permitted in ``C-1-R" and ``C-1" Districts.
48. Secondhand or consignment shop.
49. Shoe store.
50. Sign painting shop, if conducted wholly within a completely enclosed building.
51. Sporting goods store.
52. Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar causes.
53. Upholstery shop, if conducted wholly within a completely enclosed building.
54. Variety store.
55. Video tape, DVD or record store.
56. Uses and buildings customarily accessory to the above uses. Other uses which, in the judgment of the zoning administrator, are of the same general character as those listed in this subsection and will not be detrimental to the district in which located.
57. On sites of greater than 40,000 square feet in area, the above uses are not permitted unless a Special Exception Use Permit has been approved as set forth in Subsection E. Administration below.

### **B. Special Exceptions.**

Any of the following uses may be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use, and provided that the property has been redeveloped pursuant to the Form Based Code.

1. Amusement enterprises, including a billiard or pool hall, boxing arena, games of skill, penny arcade, shooting gallery and the like, if conducted wholly within a completely enclosed building on the second level (above grade) or below.
2. Audio-visual production studio.
3. Automobile service station, provided that any incidental vehicle repairs such as tube and tire repairing, battery charging and storage or merchandise and supplies

shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven (7) feet in height, is erected and maintained between such uses and any adjoining "R" District.

4. Automotive painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like, so long as such activities are conducted entirely within an enclosed structure.
5. Bowling alley.
6. Carpet and rug cleaning establishments, excluding dyeing.
7. Food delivery service
8. Restaurant with drive-through window.
9. Massage parlor and the like.
10. Miniature golf course.
11. Mortuary or funeral home, including a cremation unit within a mortuary or funeral home.
12. Nightclubs and restaurants providing live entertainment, including dance halls.
13. Outdoor swimming pool.
14. Public storage facilities.
15. Tire shop.
16. Any other use otherwise permitted in this district with a drive-through window, provided that the drive-through operation has no more than two lanes. Drive-through access may not be from Main Street frontage.

### **C. Use Limitations.**

1. There shall be 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 at retail at these establishments, except as set forth in subsection B.7.

2. Such uses, operations or products shall not adversely affect any contiguous district through the dissemination of odor, dust, smoke, fumes, noise, vibrations, creation of trash, garbage or litter, or other similar causes.
3. Steam exhausts for cleaning and laundering establishments shall be fully contained within the said building that contains the cleaning and laundering establishment.
4. ~~Motor vehicle dealership, sales and rental lots shall comply with the following standards:~~
  - ~~a. Delivery of automobiles shall be limited to the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday only. A plan shall be agreed upon with the police department for time and place of the delivery of automobiles and this plan shall be submitted to the zoning administrator.~~
  - ~~b. All incidental repair services shall occur within the service bay facility. No vehicle parts and repair tools shall be stored or displayed outside the repair facility.~~
  - ~~c. Vehicles placed in the custody of the persons conducting the motor vehicle use shall be kept on the premises of the motor vehicle use in compliance with the parking plan approved by the zoning administrator consistent with the zoning ordinance and shall not be tested or parked on streets that are designated as neighborhood streets in the Master Transportation Plan.~~
  - ~~d. Lighting on the property shall be directed and shielded so as not to affect adversely, through the dissemination of light rays, any "R" or "RA" district which is contiguous to or across a street, alley, sidewalk or other public right of way from the use.~~
  - ~~e. Use of a public address system or loudspeaker shall comply with the standards and regulations in Chapter 15, Noise Control Ordinance, or the Arlington County Code, except that use of such system shall not be permitted after 9:00 p.m., daily.~~

#### **D. Form Based Code**

All development pursuant to this Section 20 of the Arlington County Zoning Ordinance shall be governed by the requirements of the Form Based Code ~~contained in Appendix A of the Zoning Ordinance~~ as adopted by the Arlington County Board (Appendix A of the Zoning Ordinance).

## **E. Administration**

### **1. Eligible Sites**

Only sites located within the Columbia Pike Special Revitalization District, as amended, are eligible to use the Form Based Code.

### **2. Review Process**

*a. Properties of 40,000 square feet in area or less that are located within the Columbia Pike Special Revitalization District: Form Based Code proposals will be reviewed administratively by the staff team for conformance with the Code within thirty (30) days of submission of a complete proposal. Upon completion of such review, applicants will be notified as to whether their submission is in compliance with the Form Based Code. Applicants are required to provide a copy of the submission to the Columbia Pike Revitalization Organization and all affected civic associations at the time of submission.*

Once a proposal is determined to be in conformance with the Form Based Code, the applicant may pursue apply for construction permits, as provided for in Section 36.C of the Zoning Ordinance, but only for a actions consistent with a proposal that has been determined to be in compliance with the provisions of the Form Based Code.

Proposals that are determined to deviate from the Form Based Code requirements may not proceed with development, but may submit a revised proposal for review, or may seek approval of a Use Permit, as provided for in Section 36.G and Section 20.E.(3.) below of the Zoning Ordinance.

*b. Properties larger than 40,000 square feet in area, and proposals that do not conform with the Form Based Code may be approved only by Special Exception Use Permit, as provided for in Section 36.G of the Zoning Ordinance.*

At the time of or prior to filing a Special Exception Use Permit application and any related material, applicants must provide a copy of the submission to the Columbia Pike Revitalization Organization and all affected civic associations. Applicants must provide written notice to all affected and abutting property owners, as well as those across the street from the subject site prior to the hearing as required by the Code of Virginia.

Applications for Form Based Code development approval shall comply with

applicable portions of Administrative Regulation 4.1.2. Form Based Code Use Permit applications shall be filed no less than fifty-five (55) days before the public hearings, which shall be the first regular meeting of the county board each month. The County Board may, on its own motion, establish a different date for the public hearing.

### 3. **Standards for Review of Use Permits**

- ~~a. Properties that are 10,000 square feet in area or larger. The County Board may approve a use permit~~
- a. Proposals that do not conform to the Form Based Code: The County Board may modify the provisions of the Form Based Code upon a finding that, after the proposed modification, the subject development will better accomplish the purposes and intent of subSection 20 of the Arlington County Zoning Ordinance than would the development without those modifications and that the proposed uses will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; (3) be in conflict with the purposes of the master plans of the County.
- b. Pursuant to a use permit application, the County Board may modify only the following requirements of the Form Based Code; Provided, however, that after such modifications, the County Board is still able to make the finding call for in subsection 3.a. above.
- (1) Height of first floor relative to fronting sidewalk elevation;
  - (2) Adjustments to RBLs for the location of new alleys or streets, for historic buildings and for existing parking garages;
  - (3) Adjustments to breaks between buildings;
  - (4) Streetscape details;and
  - (5) Design issues related to the inclusion of existing or historic buildings or mature trees.

\* \* \*

SECTION 3. "S-3A" SPECIAL DISTRICTS

\* \* \*

A. Uses Permitted.

\* \* \*

11. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 12. "RA14-26" Apartment Dwelling Districts

\* \* \*

A. Uses Permitted.

\* \* \*

10. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS

\* \* \*

A. Uses Permitted.

\* \* \*

7. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 14. "RA7-16" APARTMENT DWELLING DISTRICTS

\* \* \*

A. Uses Permitted.

\* \* \*

8. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS

\* \* \*

A. Uses Permitted.

7. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS

\* \* \*

A. Uses Permitted.

33. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 23. "C-O-1.0" COMMERCIAL OFFICE BUILDING, HOTEL AND APARTMENT DISTRICTS

\* \* \*

A. Uses Permitted.

3. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet

in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 25. "C-O" COMMERCIAL OFFICE BUILDING, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS

\* \* \*

A. Uses Permitted.

1. All uses as permitted and regulated in "C-1-O" Districts.
2. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 26. "C-2" SERVICE COMMERCIAL-COMMUNITY BUSINESS DISTRICTS

\* \* \*

A. Uses Permitted.

\* \* \*

32. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

\* \* \*

A. Uses Permitted.

1. All uses as permitted and regulated "C-2" Districts
2. Properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District may be and that are developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations therein in Section 20. that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

\* \* \*

~~RESOLUTION TO ADOPT ZONING ORDINANCE AMENDMENTS TO SECTIONS 3, 12, 13, 14, 15, 19, 23, 25, 26, and 27, TO REFERENCE DEVELOPMENT USING THE FORM BASED CODE AS AN OPTIONAL REGULATION IN THESE DISTRICTS UNDER THE PROVISIONS OF SECTION 20. "CP-FBC" WITHIN THE COLUMBIA PIKE SPECIAL REVITALIZATION DISTRICT, AND TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO ALLOW ADDITIONAL DEVELOPMENT OPTIONS WITHIN THE COLUMBIA PIKE SPECIAL REVITALIZATION DISTRICT.~~

~~—The County Board of Arlington hereby resolves to adopt the following amendments to:~~

<b>Ordinance Section</b>	<b>Zoning District</b>	<b>District Title</b>	<b>Subsection</b>
<del>Section 3</del>	<del>S-3A</del>	<del>Special Districts</del>	<del>Subsection A.11.</del>
<del>Section 12</del>	<del>RA14-26</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection A.10.</del>
<del>Section 13</del>	<del>RA8-18</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection A.7.</del>
<del>Section 14</del>	<del>RA7-16</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection A.8.</del>
<del>Section 15</del>	<del>RA6-15</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection A.7.</del>
<del>Section 19</del>	<del>C-1</del>	<del>Local Commercial Districts</del>	<del>Subsection A.33.</del>
<del>Section 23</del>	<del>C-0-1.0</del>	<del>Commercial Office Building, Hotel and Apartment Districts</del>	<del>Subsection A.3.</del>
<del>Section 25</del>	<del>C-0</del>	<del>Commercial Office Building,</del>	<del>Subsection A.</del>

		<del>Hotel and Multifamily Dwelling Districts</del>	
<del>Section 26</del>	<del>C-2</del>	<del>Service Commercial Districts</del>	<del>Subsection A.32.</del>
<del>Section 27</del>	<del>C-3</del>	<del>General Commercial Districts</del>	<del>Subsection A.</del>

of the Zoning Ordinance to include:

For properties that are up to 40,000 square feet in area located in the Columbia Pike Special Revitalization District that are up to 40,000 square feet in area, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts.

And

<b>Ordinance Section</b>	<b>Zoning District</b>	<b>District Title</b>	<b>Subsection</b>
<del>Section 3</del>	<del>S-3A</del>	<del>Special Districts</del>	<del>Subsection A.12.</del>
<del>Section 12</del>	<del>RA14-26</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection B.4.</del>
<del>Section 13</del>	<del>RA8-18</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection B.4.</del>
<del>Section 14</del>	<del>RA7-16</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection E.</del>
<del>Section 15</del>	<del>RA6-15</del>	<del>Apartment Dwelling Districts</del>	<del>Subsection B.5.</del>
<del>Section 19</del>	<del>C-1</del>	<del>Local Commercial Districts</del>	<del>Subsection B.10.</del>
<del>Section 23</del>	<del>C-0-1.0</del>	<del>Commercial Office Building, Hotel and Apartment Districts</del>	<del>Subsection A.4.</del>
<del>Section 25</del>	<del>C-0</del>	<del>Commercial Office Building, Hotel and Multifamily Dwelling Districts</del>	<del>Subsection B.3.</del>
<del>Section 26</del>	<del>C-2</del>	<del>Service Commercial Districts</del>	<del>Subsection B.21.</del>
<del>Section 27</del>	<del>C-3</del>	<del>General Commercial Districts</del>	<del>Subsection B.8.</del>

to include:

By Special Exception Use Permit, properties of greater than 40,000 square feet in area, located in the Columbia Pike Special Revitalization District, all uses as permitted and regulated in Section 20. "CP-FBC" Form Based Code Districts may be allowed.

\* \* \*