



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of November 15, 2005**

**DATE:** November 8, 2005

**SUBJECTS:** A. Adoption of Proposed Amendments to Section 20 (Appendix A) "CP-FBC" Columbia Pike - Form Based Code Districts of the Zoning Ordinance to modify the definition for the term "dormer"; and

B. Adoption of language to clarify how the Form Based Code is to be interpreted.

### C. M. RECOMMENDATIONS:

A. Adopt the attached ordinance to amend Section 20 (Appendix A), "CP-FBC" Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance.

B. Defer consideration of language to clarify how the Form Based Code is to be interpreted in Section I. – Components of the Code, of the Form based Code to the November 28, 2005 Planning Commission and December 10, 2005 County board Meetings.

**ISSUE:** None.

**SUMMARY:** Staff has continually worked with citizens to refine the Form Based Code (the Code) since its adoption in February 2003 to reflect the community's vision for Columbia Pike. Community members have expressed a concern regarding the manner in which language in the Code may be interpreted. The proposed amendments will help to more clearly express the community's vision, specifically the Code's treatment of dormers. Therefore it is recommended that the County Board approve the proposed amendment under Item A. Regarding the language proposed under Item B., staff recommends that the County Board defer action to the December 10, 2005 County Board meeting to allow for additional review and analysis of the proposed amendment.

**BACKGROUND:** In March of 2002, the Columbia Pike Initiative, A Revitalization Plan was adopted by the County Board. A major recommendation of this plan was to develop a new

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Richard Tucker, DCPHD, Planning Division

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administrative review process to evaluate redevelopment proposals on Columbia Pike, which became the Columbia Pike Form Based Code. In February 2003, the County adopted the Form Based Code for the Town Center and Village Center development nodes. In February 2004, the Form Based Code was adopted for the Neighborhood Center and Western Gateway. In response to community concerns and input from advisory boards and commissions, staff has initiated amendments from time to time in order to clarify the intent of the Form Based Code, while facilitating the redevelopment of Columbia Pike in accordance with the overarching vision for the revitalization of the corridor.

## **DISCUSSION:**

### Proposed Changes to Section II. of the Form Based Code - Definitions (page 5)

The Code specifies the allowable height (in stories) on all developable sites within the Columbia Pike Special Revitalization District. The height requirements for “Main Street” and “Avenue” sites, which are found in Section IV - Building Envelope Standards (BES), are 6 stories and 5 stories, respectively. Among other things, these height limits were developed in response to citizen input during the Columbia Pike Urban Design Charrette that was held in September 2002. However, the Code also contains a definition for dormers that indicates that additional occupiable space within the roof structure is allowed and shall not be counted as a story. In order to resolve the concern over allowing additional occupiable space, a revision to the definition of “dormer” to clarify that no additional occupiable space will be allocated was advertised at the October County Board meeting. Therefore, staff is proposing that the definition of “dormer” be amended to clarify that dormers do not permit additional occupiable space, thereby eliminating any conflict on this issue. Staff has concluded that the proposed language clarifies the intent of the Code and is in keeping with the vision of the community, as expressed in the Columbia Pike Initiative – A Revitalization Plan, as updated in 2005.

### Proposed Changes to Section I. of the Form Based Code – Components of the Code (page2)

To date, two Form Based Code projects have been approved by the County Board. In addition, several redevelopment proposals are currently at some stage of preliminary staff review. In examining each of these proposals staff has had to interpret some elements of the Code. In these instances, staff has relied on the intent of the Code to make reasonable determinations as it applies to a development proposal. As a result, staff has provided either informal guidance to developers or, more formally, determinations and interpretations in cases where the intent of the Zoning Ordinance (including the Form Based Code) is not clear. A concern has been voiced by the community that some guidance, determinations and/or interpretations may not be in keeping with the community’s vision. Therefore, new language has been proposed to limit interpretations. Generally, zoning codes are always subject to some level of interpretation. Staff is currently examining whether the proposed language will have the desired effect or have unintended consequences. Several community members have requested additional community input on this issue. Therefore, it is recommended that this matter be deferred to the November 28, 2005 Planning Commission and December 10, 2005 County Board meetings.

**CONCLUSION:** Staff recommends that the County Board adopt the attached ordinance to amend Section 20 (Appendix A), “CP-FBC” Columbia Pike – Form Based Code Districts, of the Arlington County Zoning Ordinance to modify the definition for the term “dormer” in Section II. – Definitions, of the Form Based Code (Item A.); and to defer consideration of language to clarify how the Form Based Code is to be interpreted in Section I. – Components of the Code, of the Form Based Code to the November 28, 2005 Planning Commission and December 10, 2005 County Board meetings.

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ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. "CP-FBC" COLUMBIA PIKE FORM BASED CODE DISTRICT [APPENDIX A.] TO DEFINE DEVELOPMENT OPTIONS, INCLUDING MODIFICATIONS TO DEFINITIONS.

BE IT ORDAINED, by the County Board of Arlington County, that Section 20., "CP-FBC" Columbia Pike Form Based Code District [Appendix A.] of the Zoning Ordinance is amended, reenacted, and re-codified as follows to define permitted use in "CP-FBC" District; 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.

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## Definitions

Certain terms in the **Code** are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITAL LETTERS format, consult the Definitions for the specific meaning. Words used in the **Form Based Code**, but not defined by the **Form Based Code**, that are defined in the Arlington County Zoning Ordinance, shall have the meanings set forth therein.

## Interpretation

The Code is intended to define the form and space in which development will occur. To accomplish that end, the Code will be strictly construed so that structures and development specifically authorized by the Code are permitted; anything not expressly provided for is prohibited.

## The Regulating Plan

The REGULATING PLAN is the coding key for the Columbia Pike **Form Based Code** that provides specific information on permitted development for each building site. The REGULATING PLAN also shows how each LOT relates to public spaces (STREETS, CIVIC GREENS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. There may be additional regulations for LOTS in special locations/situations as identified in the REGULATING PLAN.

## The Building Envelope Standards

The BUILDING ENVELOPE STANDARDS establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain permitted/required building elements, such as storefronts, BALCONIES, and STREET WALLS. The BUILDING ENVELOPE STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable standard for a building is determined by its STREET FRONTAGE contained in the REGULATING PLAN. This produces a coherent STREET and allows the building greater latitude behind its STREET facade.

The intent of the BUILDING ENVELOPE STANDARDS is to shape a vital public space (Columbia Pike and its adjoining STREETS) through placement and envelope controls on private buildings. They aim for the minimum level of control necessary to meet that goal.

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## BUILDING ENVELOPE STANDARDS (BES)

The part of the **Code** that establishes basic parameters regulating building form, including the envelope, placement (in three dimensions) and certain permitted/required building elements, such as storefronts, BALCONIES, and STREET WALLS. The BUILDING ENVELOPE STANDARDS establish both the boundaries within which things may be done and specific things that must be

done. The applicable BES for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET and allows the building greater latitude behind its STREET facade.

#### CIVIC GREEN OR SQUARE

Public spaces located within the Columbia Pike Special Revitalization District as designated on the REGULATING PLAN. The term SQUARE is generally used to describe spaces that have more paved surface area. The term CIVIC GREEN is generally used to describe a formally configured, small public lawn or park that is primarily unpaved. Both shall have at least 60 percent of their perimeter fronting rights of way and both spaces should be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:4 ratio, and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet. Situated at prominent locations within the Columbia Pike Special Revitalization District and often dedicated to important events or citizens (with PUBLIC ART), CIVIC GREENS and SQUARES shall not include active recreation structures such as ball fields and courts, but may include temporary ice skating rinks. See the Streetscape Standards for the specific controls on SQUARES and CIVIC GREENS.

#### CIVIC USE

Community uses including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other uses as determined by the Zoning Administrator.

#### CIVIC BUILDINGS

Those buildings that house CIVIC USES located on the sites designated on the REGULATING PLAN. CIVIC BUILDINGS and PUBLIC ART are situated at prominent locations within the Columbia Pike Special Revitalization District. Publicly owned CIVIC BUILDINGS and publicly owned PUBLIC ART are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code.

#### COMMON LOT LINES

LOT lines shared by adjacent private LOTS.

#### DORMERS

~~Small, roofed architectural features located within the main roof of a hipped or gabled roof ancillary structures with windows providing light and air to occupiable space within the roof. DORMERS are permitted and do not constitute a STORY so long as they do not break the primary EAVES line.~~ ~~DORMERS shall not result in the creation of additional occupiable space above what is otherwise permitted by limits in the BUILDING ENVELOPE STANDARDS. DORMERS shall be~~ ~~are~~ individually less than 15 feet wide, and ~~shall, are~~ collectively, occupy no ~~not~~ more than sixty (60 percent) of the unit's REQUIRED BUILDING LINE facade.

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