

**REVISED**

November 13, 2003

TO: The County Board of Arlington, Virginia

FROM: Ron Carlee, County Manager

SUBJECTS: Adoption of Zoning Ordinance Amendments:

- A. Adopt an Ordinance to Amend Section 26. "C-2" Service Commercial-Community Business Districts, Subsection 26.A.1. Uses Permitted, to amend, reenact and re-codify zoning provisions deleting uses permitted by reference to "RA8-18" Apartment Dwelling Districts in "C-2" Districts (and "C-3" General Commercial Districts, by reference) and adding Subsection 26.B.21. Special Exceptions, to offer a use permit option for mixed-use development within "C-2" Districts.
- B. Adopt an Ordinance to Amend Section 31. Special Provisions, adding Subsection 31.A.14 Unified Commercial/Mixed Use Development which enacts and codifies regulations for developments permitted under Subsection 26.B.21.

**RECOMMENDATION: Adopt the attached Ordinances to amend, reenact and re-codify the Zoning Ordinance, Section 26, and Section 31.**

**ISSUE:** The current language for "C-2" Service Commercial – Community Business Districts allows by-right development of residential townhouses and apartment houses (as permitted and regulated in "RA8-18" Apartment Dwelling Districts). There is concern in the community that excessive by-right development of residential townhouses in areas that are planned as community business districts will erode the commercial service level in those areas of the County. Some members of the development community have expressed concern with the proposed change.

**SUMMARY:** After several months of analysis, staff, with input from a "C-2" working group, the Zoning Ordinance Review Committee (ZORC) and other interested parties has drafted a proposed Zoning

STAFF: James D. Brown, DCPHD, Planning Division  
Reviewed by the County Attorney's Office: \_\_\_\_\_

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PLA-3417

Ordinance text amendment for "C-2" Districts. The amendment would delete the reference to "RA8-18" and would provide a Special Exception Use Permit option for mixed use development which would include residential uses but insure that minimum levels of commercial service would be maintained. Development under this Special Exception Use Permit Option will be referred to as Unified Commercial/Mixed Use Development. The proposed Unified Commercial/Mixed Use Development regulations are intended for developments in areas which do not have other area specific tools in place. Therefore these proposed regulations would not be applied to "C-2" or "C-3" properties located in areas such as the Columbia Pike Special Revitalization District, the Clarendon Revitalization District and the Lee Highway Cherrydale Special Revitalization District. The proposed Zoning Ordinance amendments are consistent with the goals of the General Land Use Plan and other planning policy documents. The proposed amendment reinforces the land use pattern established by the General Land Use Plan and encourages pedestrian scale mixed use development. It is recommended that the County Board adopt the proposed Zoning Ordinance amendments.

**BACKGROUND:** A "C-2" working group, composed of representatives from various County departments, members of the Zoning Ordinance Review Committee (ZORC), the Long Range Planning Committee (LRPC), and the Small Business Task Force (SBTF), was formed in fall 2002 to review elements of the Columbia Pike Form Based Code and issues pertaining to the "C-2" district, including by-right residential development. Changes to "C-2" were initially considered at the County Board meeting of November 16, 2002. However, due to focused efforts relating to the development and implementation of the Columbia Pike Form Based Code and staff needing additional time to work through the "C-2" issues, staff recommended deferral of the "C-2" changes. The County Board approved the recommendation and deferred the item to the May 2003 County Board meeting.

The "C-2" working group reconvened in March 2003 to continue the development of a proposed Zoning Ordinance amendment. Previously, the working group had been considering the use of a Special Exception Site Plan option in place of the by-right "RA8-18" reference currently in the ordinance. After further consideration, the working group began looking at a Special Exception Use Permit option as a more effective alternative. In May, September and October 2003, the item was deferred for additional analysis and community outreach. Staff has continued to work closely with the working group and the Zoning Ordinance Review Committee (ZORC) to develop recommendations for a Special Exception Use Permit option. Several drafts of the proposed ordinance have been reviewed by ZORC over several months. In addition to collaborating with the working group and ZORC, staff has presented several drafts to the Northern Virginia

Building Industry Association (NVBIA) and obtained their feedback. Staff has also solicited community awareness and feedback through a direct mailing campaign to "C-2" and "C-3" property owners of record, the Civic Federation, and individual civic associations. Additionally, an on-line forum, on the County's website, outlining the proposed amendment, was established.

**DISCUSSION:**

**Deletion of By-Right Residential Development**

"C-2" Districts are located throughout the County in areas generally classified as "Service Commercial" on the General Land Use Plan. According to the General Land Use Plan, "Service Commercial" areas are for "personal and business services." Development at 1-4 stories with a maximum by right FAR of 1.5 is prescribed for these areas. A closer examination of the location of these zoning districts (approximately 700 parcels) shows that these areas are along arterial roads and bordering residential areas, providing key services to the adjacent residents (see Attachment A). Under "C-2" (subsection 26.A.1.), the Arlington County Zoning Ordinance allows by reference all uses permitted under "C-1" Local Commercial Districts and under "RA8-18" Apartment Dwelling Districts. Additional permitted uses are listed under subsection 26.A.2-31. , which generally conform to the stated land use priority of professional and business services.

The current inclusion in "C-2" (and by reference in "C-3") of "RA8-18" uses as permitted uses would allow a parcel to be developed "by-right" with only residential uses. Such development, if allowed to proliferate, would lead to a decrease in the number of parcels available for commercial uses and therefore would erode the commercial service level to surrounding areas. Currently, market conditions are more conducive to the development of residential uses as opposed to professional service or retail uses. It is the stated goal of the General Land Use Plan to provide a comprehensive framework for development that is isolated from short-term market pressures. It seems prudent, therefore, to take steps to ensure that the zoning ordinance text related to "C-2" districts regulate future development in such a manner that it supports the goals of the General Land Use Plan, namely to provide professional and business service within those areas identified as Service Commercial.

In addition to the need to ensure that the future land use occurs in a manner consistent with the General Land Use Plan, several planning and policy efforts within Arlington County have outlined additional goals for development in commercial areas. The value of mixed use development has been highlighted in several planning efforts. Plans throughout the Rosslyn-Ballston Metro Corridor as well as in the Columbia Pike area have highlighted the value of pedestrian scale mixed use development. Additionally, the Lee Highway - Cherrydale Revitalization Plan also points to the value of mixed use, pedestrian friendly environments. Another planning policy effort approved by the County Board, the Retail Action Plan, calls for changes in "C-2" districts (such as set

back/build-to requirements) to encourage development patterns that achieve desirable building mass for retail development and pedestrian amenability. Finally, the Small Business Task Force has identified the need for redevelopment opportunities that could accommodate small sites and/or smaller developers.

Due to the above considerations, it is recommended that the by-right residential provision in "C-2" districts (and by reference in "C-3" districts) be removed and residential development be permitted only through a Special Exception Use Permit process (see discussion below).

### **Special Exception Use Permit Option - Unified Commercial/Mixed Use Development**

In developing a special exception use permit option for the "C-2" districts, the "C-2" working group, comprised of the Zoning Ordinance Review Committee (ZORC) and other interested parties, was guided by the following six goals:

- 1) Maintain an adequate level of commercial service at a community and neighborhood scale where appropriate throughout the County.
- 2) Facilitate mixed-use development in order to add vitality to commercial districts.
- 3) Create pedestrian friendly and attractive environments.
- 4) Ensure that development of "C-2" parcels is achieved in a manner which is sensitive to surrounding residential development.
- 5) Provide opportunities for the preservation, revitalization, creation and expansion of small businesses in planned community commercial areas.
- 6) Create a flexible tool which would allow development in a manner compatible with the surrounding neighborhood.

In keeping with these goals, the proposed Zoning Ordinance amendment provides a development option which allows for community input and site "tailoring" while providing a predictable set of standards to guide prospective developers. For Unified Commercial/Mixed Use Developments, these standards would be outlined in Section 31 of the Zoning Ordinance. These standards provide prospective developers with substantial guidance in project design, while allowing the County Board to modify elements of the standards in order to accommodate the specific needs of a site and to address citizen concerns through a public process. The proposed Unified Commercial/Mixed Use development option achieves the above goals and is consistent with the objectives of the General Land Use Plan for "Service Commercial" areas and other planning and policy efforts in Arlington County. Below is a discussion of the elements for this proposed use permit option:

#### Geographic Areas of Applicability

The proposed Unified Commercial/Mixed Use Development regulations are intended for developments in areas which do not have other area specific zoning tools in place. Therefore, the proposed regulations for Unified Commercial/Mixed Use Development

would be applied to "C-2" or "C-3" properties County-wide and not be applied to "C-2" or "C-3" properties located in areas such as the Columbia Pike Special Revitalization District, the Clarendon Revitalization District and the Lee Highway/Cherrydale Special Revitalization District (see Attachment B – Map of Excluded Areas). For example, the Columbia Pike Special Revitalization District uses the Columbia Pike Form Based Code and the Cherrydale Special Revitalization District has a site plan option. The Clarendon Revitalization District, being currently evaluated, has the "C-R" Commercial Revitalization District, the "C-TH" Commercial Townhouse District regulations as well as a site plan option. It is important to note that residential development will continue to be permitted through these special land use and zoning tools in these revitalization districts absent the by-right residential provision.

### Use and Density

The removal of the by-right reference to "RA8-18" districts would reinforce the role of the "C-2" District as a commercial zone. The addition of the Unified Commercial/Mixed Use Development would allow a new method for developing residential uses within commercial areas. To maintain adequate commercial service levels, all "C-2" parcels within planned commercial areas should provide a minimum for commercial development. The guidelines for Unified Commercial/Mixed Use development provide a requirement of a minimum FAR for the commercial component of a mixed use development. In order to determine the most appropriate minimum level of commercial development, data for all 700 (approximate) "C-2" parcels was analyzed. Analysis showed that the average FAR of all parcels was .40. It was then determined that a minimum requirement of .4 FAR commercial development on "C-2" sites under Unified Commercial/Mixed Development would insure that new development would (at a minimum) maintain the existing commercial service level on a square foot basis. Overall, the proposed Unified Commercial/Mixed Use Development option proposes a maximum density for entirely commercial development projects to be 1.5 FAR. This represents maintenance of the existing density limit for by right commercial developments within the "C-2" District. However, for those projects that incorporate residential development, the maximum density is 2.0 FAR. This increase is to facilitate the feasibility of mixed use projects which provide for more vital commercial districts. The residential component of any Unified Commercial/Mixed Use Development shall not exceed 1.1 FAR. This limit is in place to prevent an over preponderance of residential uses within these commercial areas. (See subsections 26.A.1., 26.B.21., 31.A.14.a.(1) and 31.A.14.a.(11))

### Building Placement, Orientation and Design

Current regulations within "C-2" districts make mixed-use projects problematic due primarily to difficult yard and setback requirements. The proposed regulations for Unified Commercial/Mixed Use Developments facilitate and guide the integration of residential and commercial uses within the same building/project. One set of building placement guidelines governs all projects. The guidelines further dictate building forms which foster differentiation of uses through design. The retail orientation of the ground

floor is emphasized with fenestration and first floor height requirements. In order to encourage attractive pedestrian environments, the regulations for Unified Commercial/Mixed Use Developments would require buildings to be placed at the rear of the sidewalk. Additional regulations would dictate setbacks adjacent to "R" districts in order to provide an appropriate buffer/transition. Additionally, the location of trash storage areas would be regulated to shield these areas from the public. (See subsections 31.A.14.a.(2) and 31.A.14.a.(5))

Pedestrian friendly environments invite patrons into the business district and encourage patronage of multiple businesses during one trip. Enhancing the quality of the pedestrian environment will help promote the viability of businesses. To accomplish these ends, the proposed Zoning Ordinance Amendment regulates the placement and design of buildings in order to create a positive relationship between the building and the pedestrian. By placing buildings at the back of the sidewalk and automobile traffic to the rear, the pedestrian's experience is emphasized and conflicts with automobiles are minimized. Additionally, the requirement of streetscape and landscape improvements add to the attractiveness of the development. The location of building entrances is also regulated in order to insure intuitive access points for pedestrians. (See subsections 31.A.14.a.(2) – (4) and 31.A.14.a.(7) – (10)) (see Attachment C - Alternatives)

#### First Floor Design/Fenestration

Unified Commercial/Mixed Use developments are required to locate commercial uses on the first floor. In order to accommodate the potential for retail uses in these spaces, a minimum first (ground) floor height of twelve feet (12') is required. Additionally, the proposed amendment regulates the amount and location of fenestration (doors and windows) on the first floor in order to ensure attractive and easily accessible commercial spaces. (See subsections 31.A.14.a.(1) and 31.A.14.a.(7)-(9))

#### Landscaping/Coverage

Current "C-2" regulations require 10% of the site area to be landscaped (90% maximum coverage). For smaller sites (less than 20,000 square feet) this standard is maintained. For larger sites (greater than 20,000 square feet) the amount of required landscaping is increased. This increase would provide an opportunity for additional buffering for larger projects, and encourage larger, contiguous open spaces where possible in commercial districts. (See subsection 31.A.14.a.(10))

#### Height and Transitions

Frequently, "C-2" districts are located adjacent to low density residential districts. In order to provide adequate transition from the commercial area to the residential area, several regulations were incorporated into the proposed Zoning Ordinance Amendment. First, the height limit was maintained at forty-five feet (45') and the height of penthouses was reduced from twenty-three feet (23') to twelve feet (12'). A setback of twenty feet (20') adjacent to any "R" district was established in order to transition from

the thirty-five feet (35') height limit typical of low density residential districts to the forty-five feet (45') limit of "C-2" districts. Landscaping requirements were increased for larger parcels (>20,000 square feet of site area) in order to balance the scale of such projects. Screening of parking and trash areas is also required. In general, the setback and height requirements prescribed for Unified Commercial/Mixed Use Development is comparable to the existing requirements for "C-2" by right developments (see Attachment D – Zoning Chart) (See subsection 31.A.14.a.(2), 31.A.14.a.(6) and 31.A.14.a.(10))

#### Parking

In Unified Commercial/Mixed Use Developments, parking is placed to the rear or side of buildings. Walls are used to shield above ground parking from the street and neighboring properties. The intent of these regulations is to accommodate pedestrian oriented building placements and to minimize the impact of automobiles.

Many property and business owners have noted the difficulties in improving "C-2" properties. Onerous parking requirements and limits on mixed use projects have made the redevelopment of smaller parcels difficult. By creating the Use Permit option for Unified Commercial/Mixed Use developments, the proposed Zoning Ordinance Amendment gives the County Board the flexibility needed to modify certain requirements, such as parking, where the project otherwise meets the intent of the district. (See subsection 31.A.14.a.(4) and 31.A.14.b.(2))

#### Streetscape

Unified Commercial Mixed Use Developments would be required to provide appropriate streetscape improvements including curb, gutter, sidewalk, street lighting, street trees and other elements. Pedestrian friendly environments invite patrons into the business district and encourage patronage of multiple businesses during one trip. Enhanced streetscapes would improve the quality of the pedestrian environment and help promote the viability of businesses. The requirement of streetscape improvements adds to the overall attractiveness of the development. (See subsection 31.A.14.a.(3))

#### Flexibility

The proposed Zoning Ordinance Amendment would give the County Board the ability to modify setback, parking, landscaping, first floor fenestration, building entrance and streetscape requirements in order to ensure orderly and compatible development.

It was noted in discussions with the working group and ZORC, that in-fill development in some areas may necessitate a modification of the building placement requirements in order to promote an integrated environment. It was further noted that creative opportunities for shared parking as well as other transit solutions could lead to the reduction of parking requirements. The flexibility incorporated with the amendment will also allow tailoring of streetscapes to integrate with surrounding development where appropriate. Likewise, first floor fenestration and building entrance requirements could

be modified to increase the architectural compatibility of new development with existing development.

Landscaping requirements received considerable discussion. While the ability of landscaped open space to enhance an environment was duly noted, it was likewise noted that in some instances, more urban contexts could emphasize increased streetscape requirements over landscaped area. Additionally, certain green building technology solutions could be utilized as an alternative to landscaping which could introduce "green" elements to the area while also providing for drainage/run-off issues.

The amendment is written in such a manner as to allow the County Board some discretion when approving projects. This discretion is allowed in order to facilitate the tailoring of projects to specific locations when such projects meet the intent but not letter of the regulations. The procedure for approval of Unified Commercial/Mixed Use projects is also outlined (See subsections 31.A.14.b.(1)-(5) and 31.A.14.c.(1)-(3))

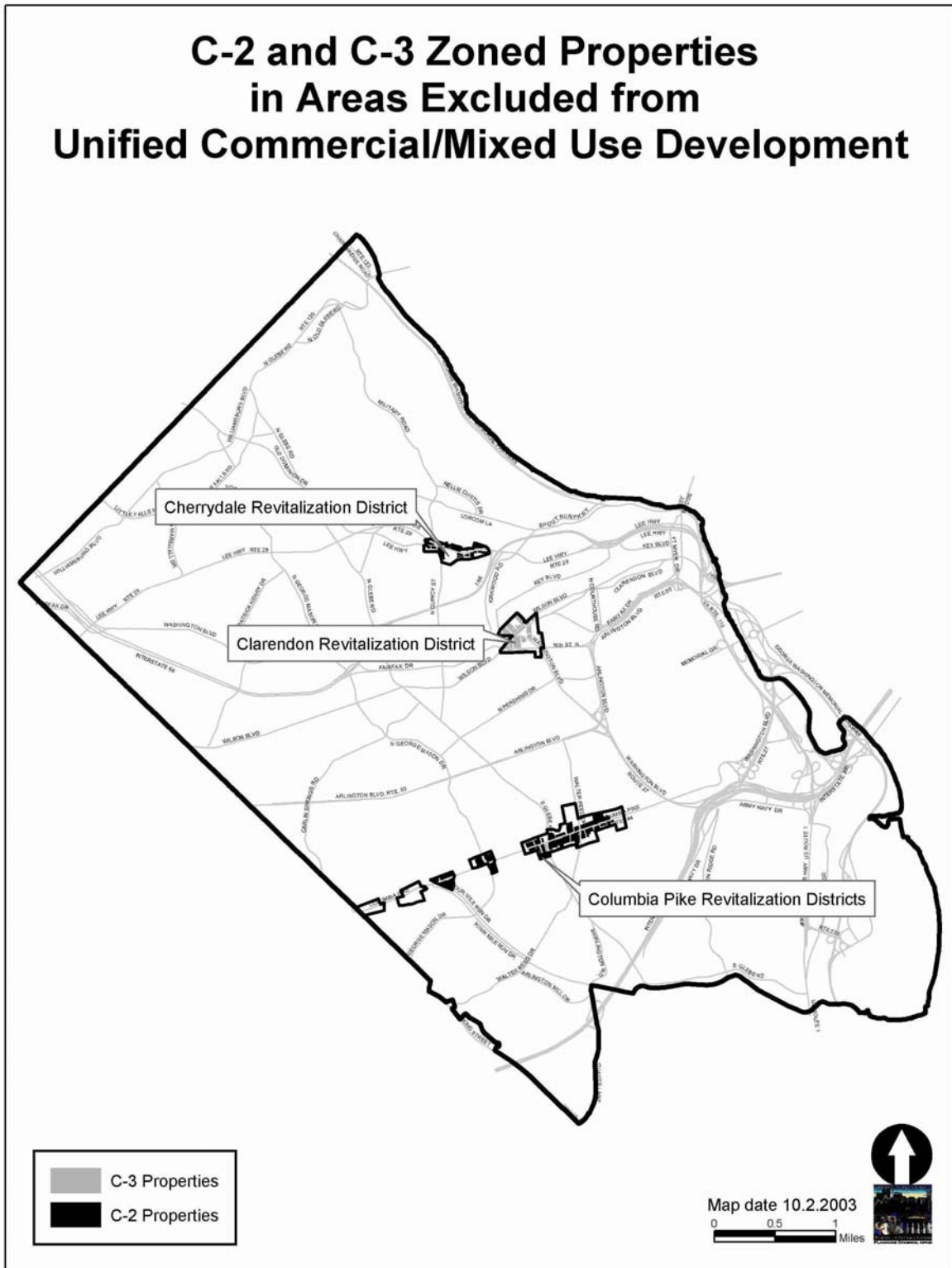
By facilitating mixed-use development, smaller parcels and owners are given an opportunity to support their property with differentiated revenue sources. By allowing residential and commercial uses within the same development, owners would have more flexibility in determining an economically viable mix. The proposed amendment would allow current business/property owners to fund renovation of existing commercial space with additional development rights.

**CONCLUSION:** It is recommended that the County Board adopt the attached ordinance to amend, reenact and recodify the subject Zoning Ordinance provisions. (see Attachment E – Zoning Ordinance Amendments).

Attachment A



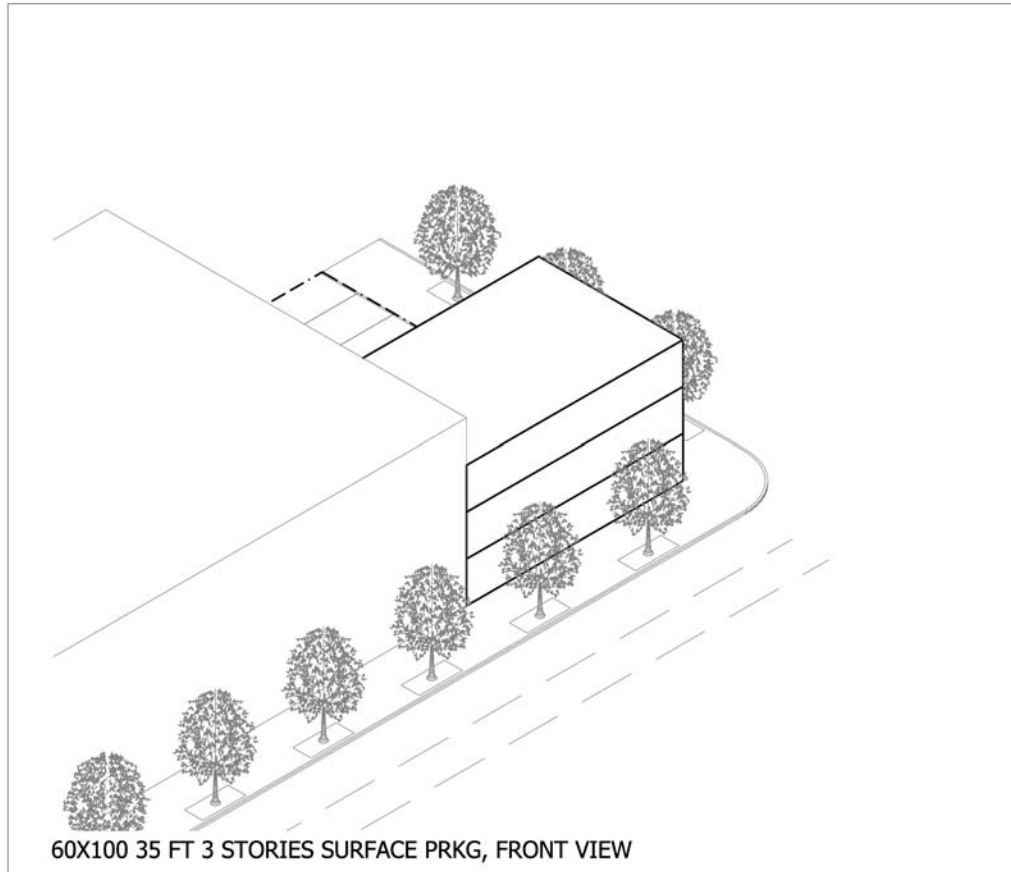
Attachment B



**Attachment C**

**Illustrative Development Scenarios**

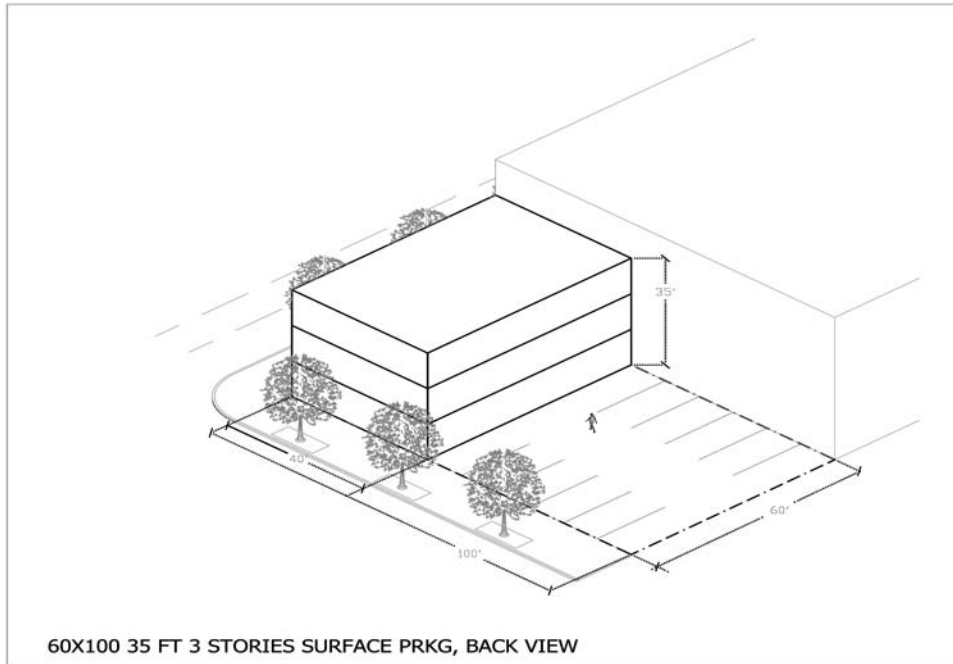
**Attachment C (1)a**



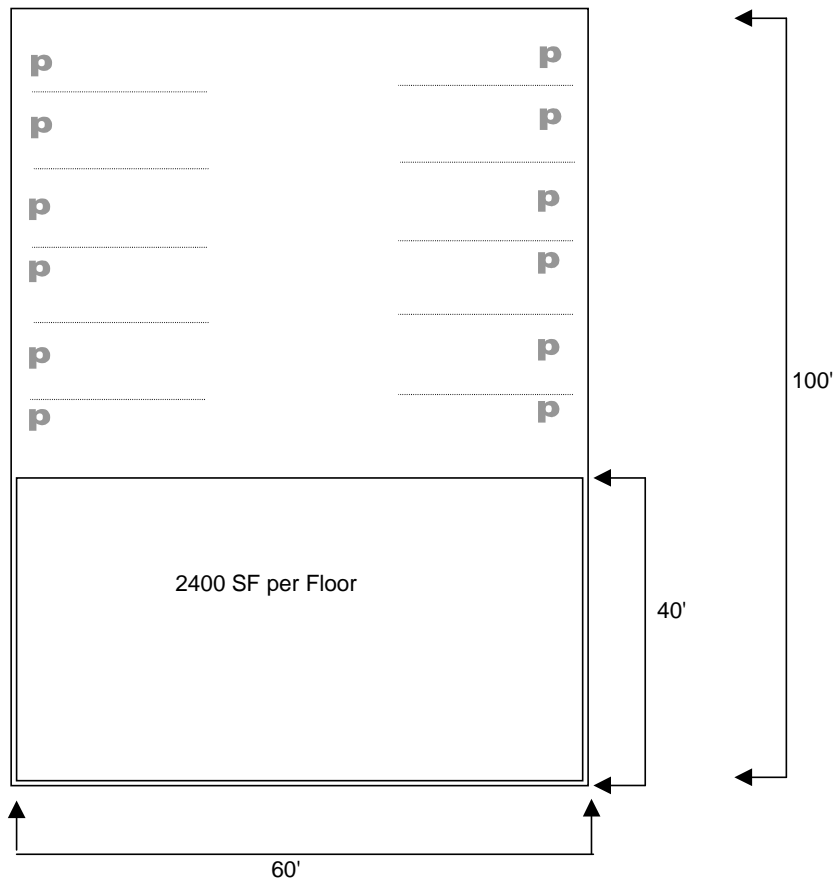
Lot size = 60' x 100' = 6,000 SF = .14 Acres  
Required Commercial = .4 FAR = 2,400 SF  
Max. Res. Dev. = 6,600 SF  
Required Parking = 1/250 SF (Commercial) = 10 Spaces  
                          = 1.125/Unit (Residential) = 5 Spaces  
                          = 15 Spaces (Total)

Actual Commercial = 2,400 SF  
Actual Residential Dev. = 4 Units (4 x 900 SF) = 3,600 SF  
Provided Parking = 12 Spaces  
Parking Deficiency = 3 Spaces  
Anticipated Building Height = 3 Stories = 35'  
Effective FAR = 1.13

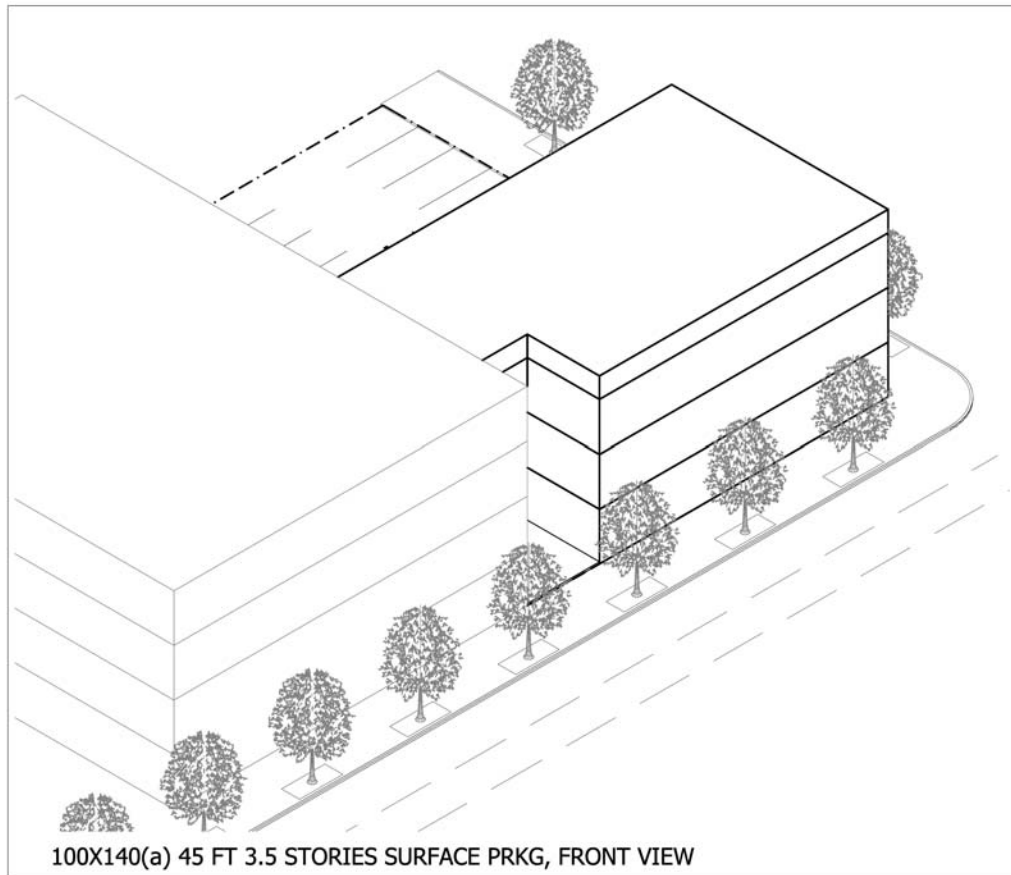
Attachment C (1)b



Plan View



**Attachment C (2)a**



Lot size = 100' x 140' = 14,000 SF = .32 Acres

Required Commercial = .4 FAR = 5,600 SF

Max. Res. Dev. = 1.1 FAR = 15,400 SF

Actual Commercial = 5,600 SF

Actual Residential Dev. = 10,400 SF = 10 Units (4x1250, 3x1100,3,1050)

Required Parking = 1/250 SF (Commercial) = 23 Spaces

= 1.125/Unit (Residential) = 12 Spaces

= 35 Spaces (Total)

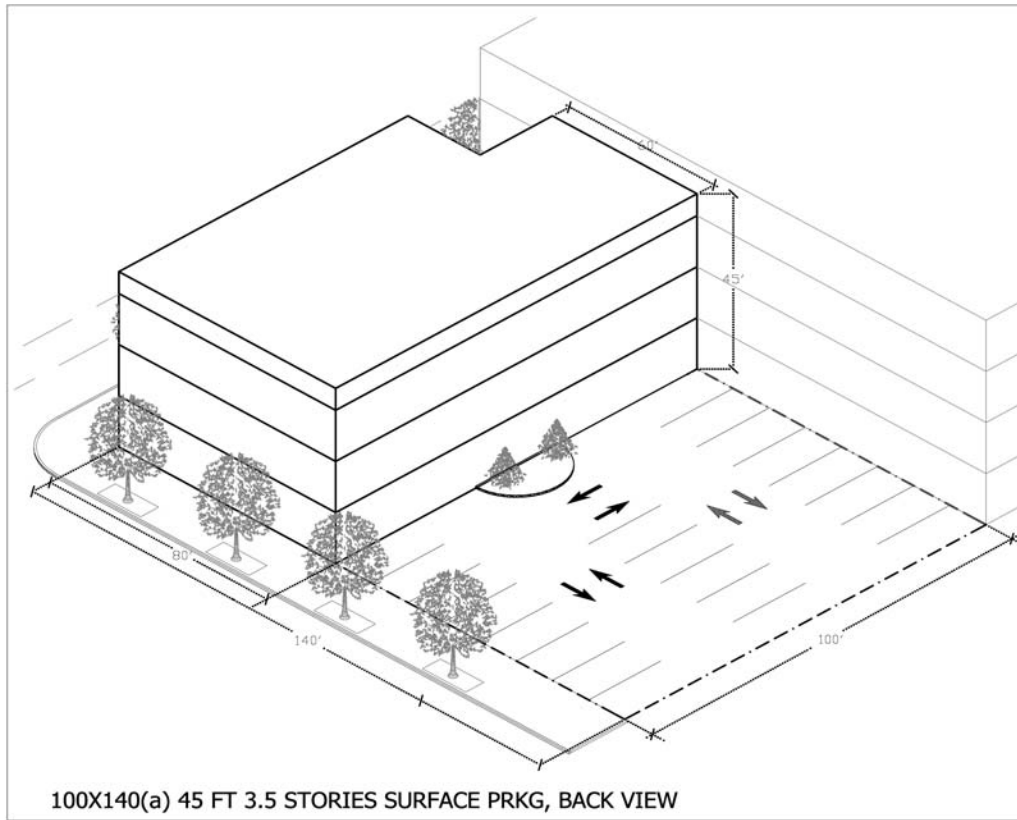
Provided Parking = 21 Spaces

Parking Deficiency = 14 Spaces

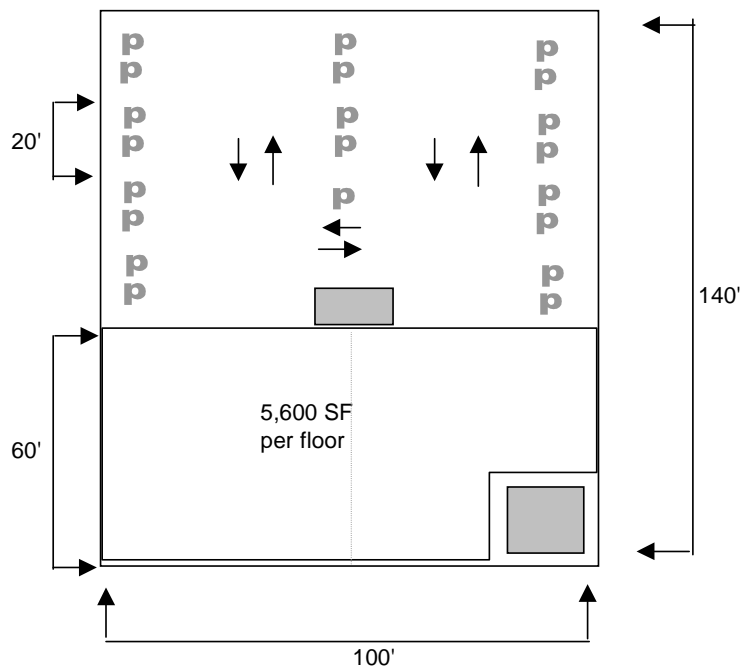
Anticipated Building Height = 4 Stories = 45'

Effective FAR = 1.39

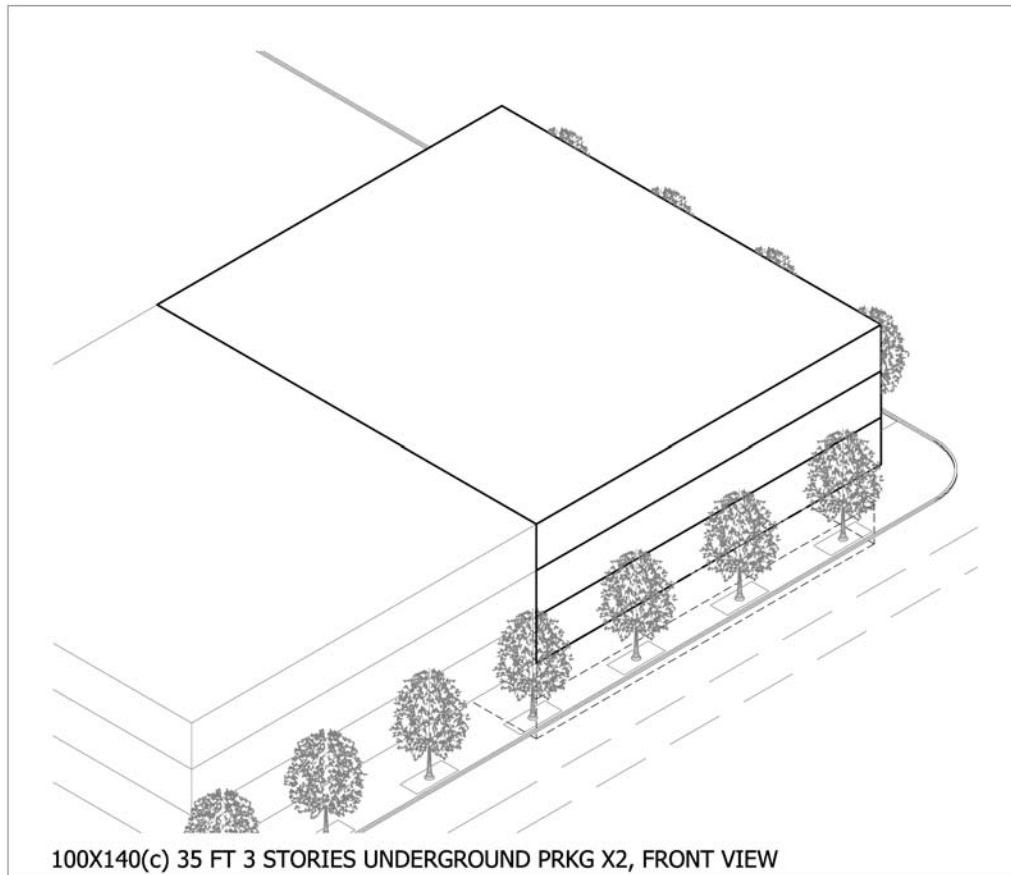
Attachment C (2)b



Plan View



**Attachment C (3)a**



Lot size = 100' x 140' = 14,000 SF = .32 Acres

Required Commercial = .4 FAR = 5,600 SF

Max. Res. Dev. = 1.1 FAR = 15,400 SF

Actual Commercial = 11,000 SF = .79 FAR

Actual Residential Dev. = 13,860 SF = 12 Units ( 12x1155)

Required Parking = 1/250 SF (Commercial) = 44 Spaces

= 1.125/Unit (Residential) = 14 Spaces

= 48 Spaces (Total)

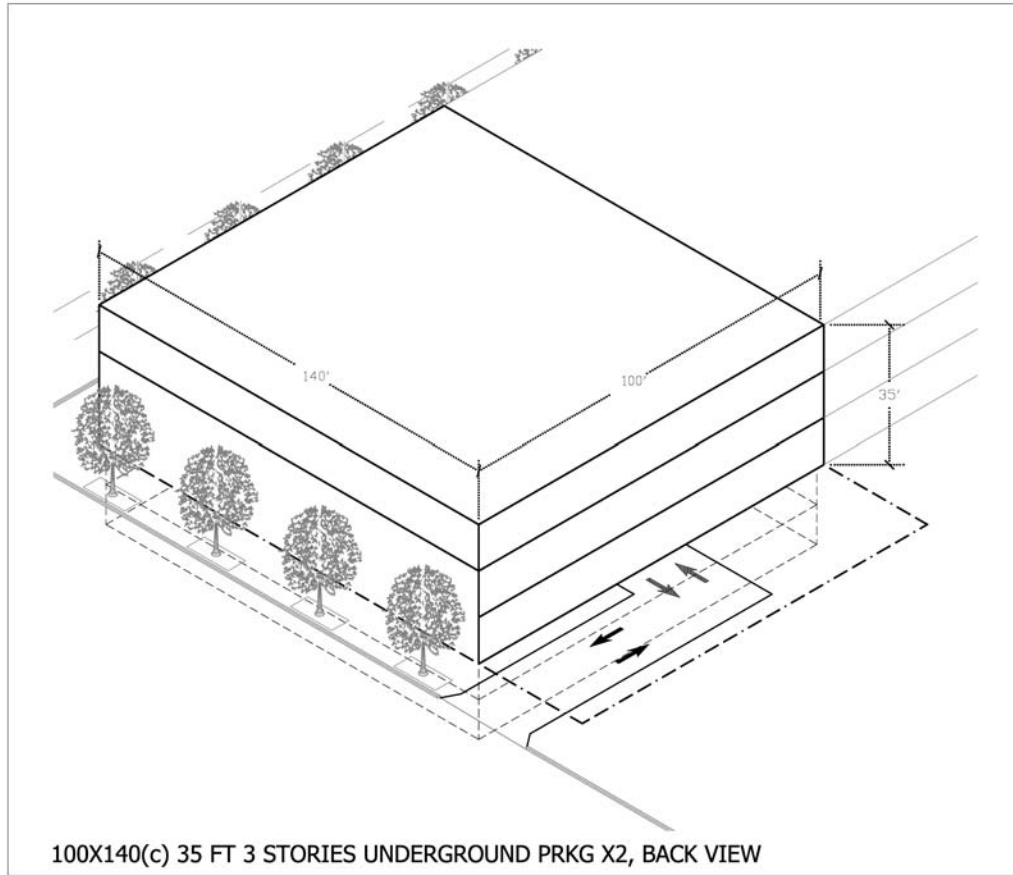
Provided Parking = 58 Spaces (2 levels underground, 29 spaces/level)

Parking Deficiency = 1 Space

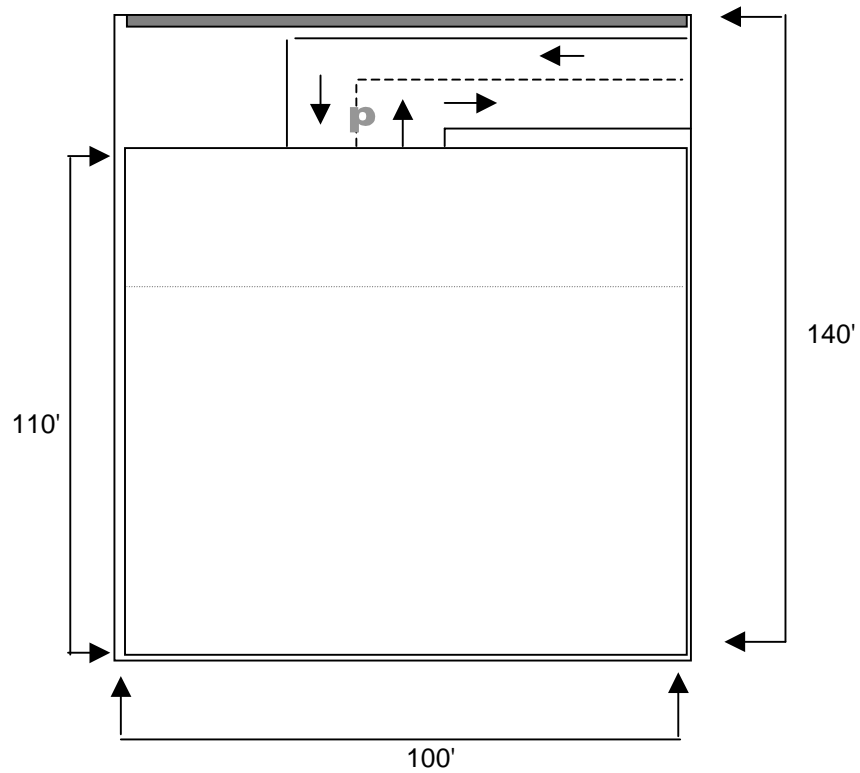
Anticipated Building Height = 3 Stories = 35'

Effective FAR = 1.93

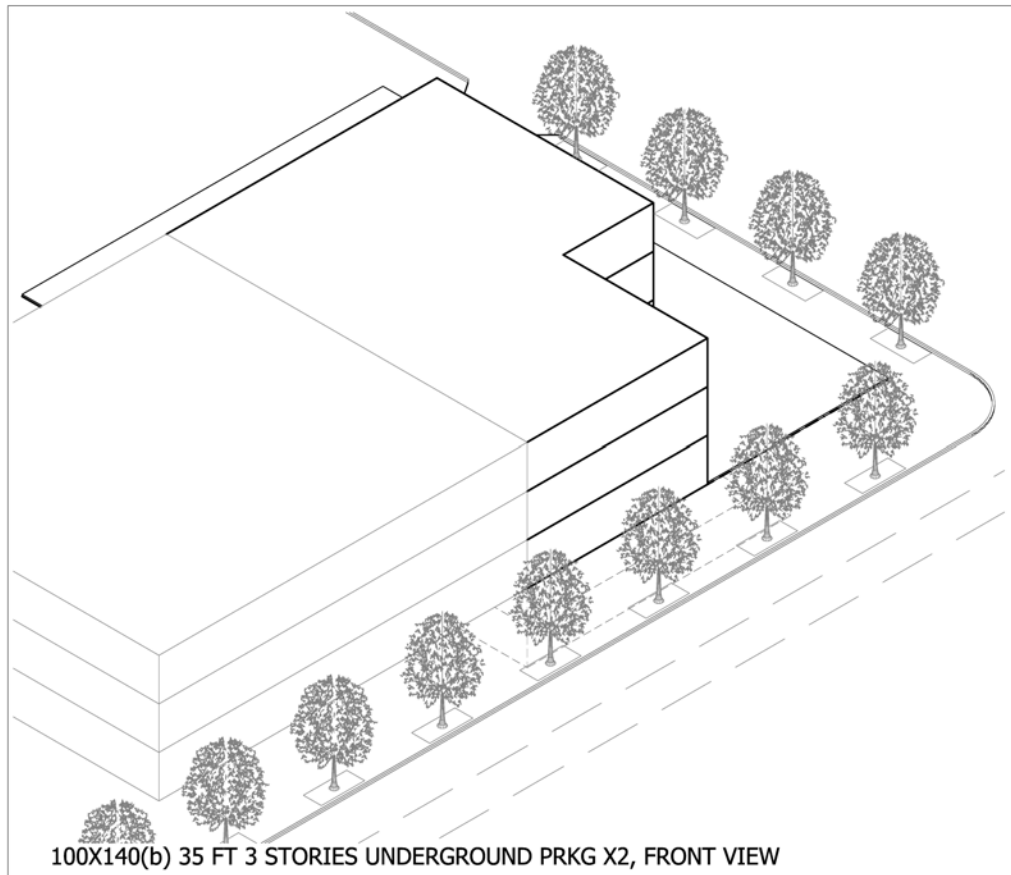
Attachment C (3)b



Plan View



**Attachment C (4)a**



Lot size = 100' x 140' = 14,000 SF = .32 Acres

Required Commercial = .4 FAR = 5,600 SF

Max. Res. Dev. = 1.1 FAR = 15,400 SF

Actual Commercial = 8,700 SF = .62 FAR

Actual Res. Dev. = 16 Units ( 2x1200, 4x1100, 6x900, 4x750) = 15,200 SF = 1.09 FAR

Required Parking = 1/250 SF (Commercial) = 35 Spaces

= 1.125/Unit (Residential) = 18 Spaces

= 53 Spaces (Total)

Provided Parking = 46 Spaces (2 levels underground, 23 spaces/level)

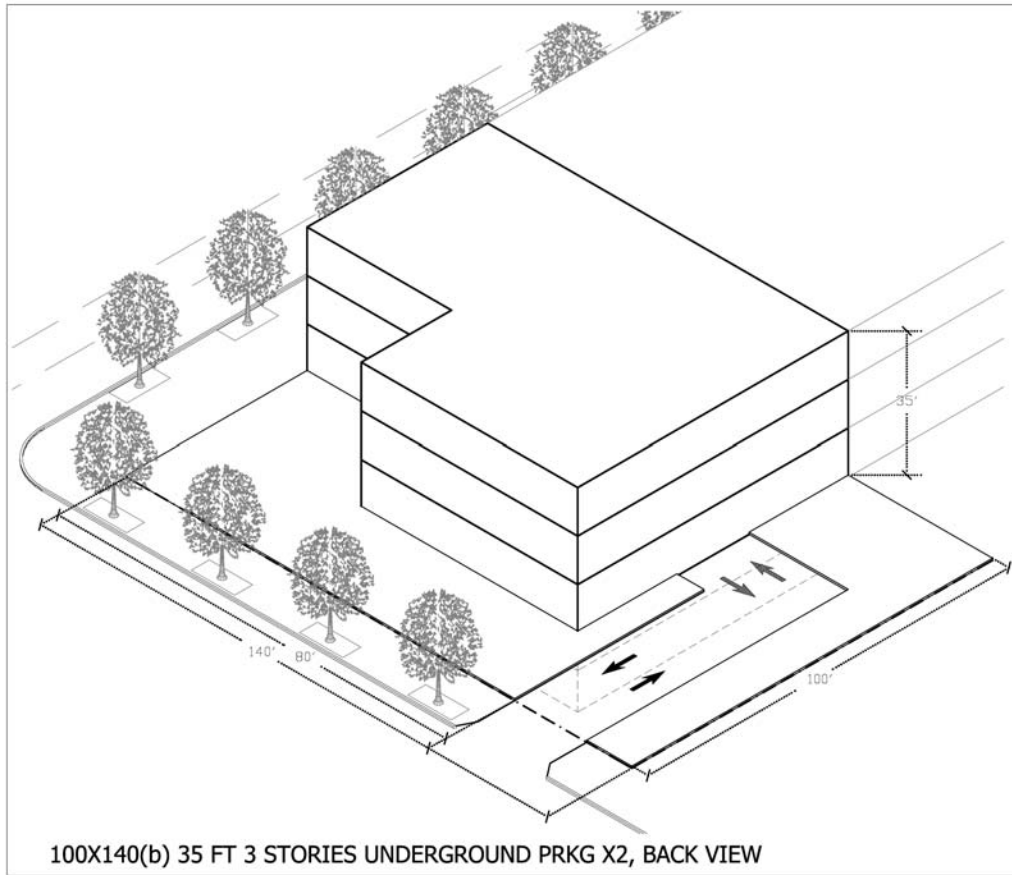
Parking Deficiency = 7 Space

Anticipated Building Height = 3.5 Stories = 45'

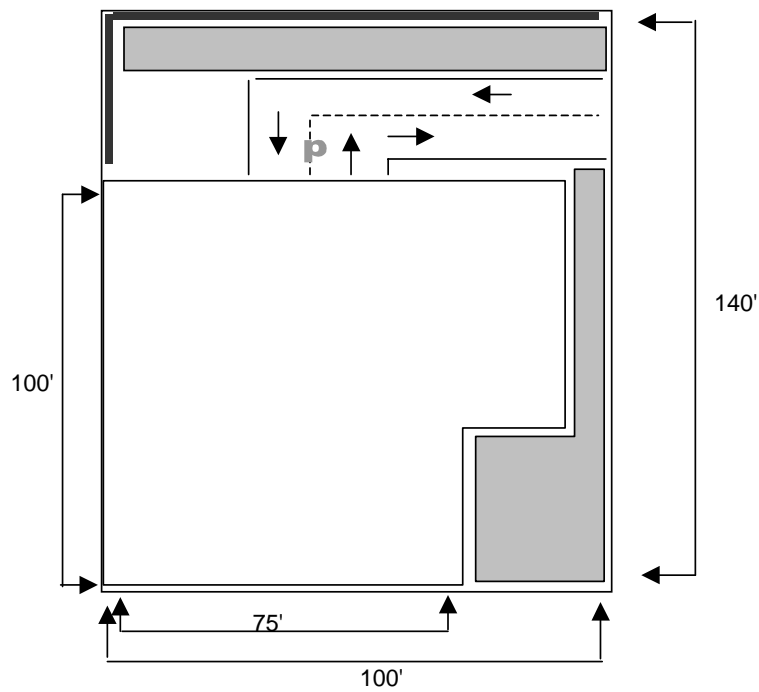
Effective FAR = 1.71

Open Space = 2,800 SF = 20% of site

Attachment C (4)b



Plan View



**Attachment D - Charts**

**Chart Outlining Potential Bulk, Placement, Density and Height Restrictions for "RA8-18" by right residential development, "C-2" by right commercial development, and Unified Commercial/Mixed Use development.**

<b>Development Scenario</b>	<b>Max. Height (penthouse)</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Yards</b>	<b>Coverage</b>	<b>Maximum Density</b>
<i>"RA8-18" (by right)*</i>	40' (23')	50' from centerline or 25' from ROW	10'-16' (determined by building height)	10'-16' (determined by building height)	90%	36 DUA
<i>"C-2" by right commercial</i>	45' (23')	40' from centerline	8'-16' (determined by building height)	8'-16' (determined by building height)	90%	1.5 FAR
<i>Unified Commercial /Mixed Use Dev.</i>	45' (12')	adjacent to sidewalk ("zero lot line")	20' minimum when adjacent to "R" district	20' minimum when adjacent to "R" district	90% (for sites under 20,000 SF) 80% (site area in excess of 20,000 SF)	1.5 FAR (minimum 4 Comm) 2.0 FAR (maximum 1.1 Res.)

\* Listed regulations pertain to developments within "C-2" districts which develop under the current ordinance as regulated in "RA8-18")

**Summary Chart of "C-2" Parcels**

<b>Parcel Size in Square Feet</b>	<b># of Parcels</b>	<b>Parcel Size in Square Feet</b>	<b>%</b>
<= 5,000 SF	208	<= 5,000 SF	30.5%
5,001-7,499 SF	139	5,001-7,499 SF	20.4%
7,500-10,000 SF	69	7,500-10,000 SF	10.1%
10,001-19,999 SF	149	10,001-19,999 SF	21.8%
20,000-40,000 SF	64	20,000-40,000 SF	9.4%
40,001-100,000 SF	42	40,001-100,000 SF	6.2%
> 100,000 SF	11	> 100,000 SF	1.6%
<b>Total</b>	<b>682</b>		<b>100.0%</b>

**Attachment D – Charts**

**Land Area, GFA and FAR Summary Data for “C-2” Parcels by Zip Code**

**C-2**

**Total** Parcels: 682

	Land Area	GFA	FAR
Acres	225	NA	NA
Sq. Ft.	9,792,681	3,938,987	0.40
Average	14,359	5,776	0.40

**22205** Parcels: 2

	Land Area	GFA	FAR
Acres	1	NA	NA
Sq. Ft.	46,605	8,157	0.18
Average	23,303	4,079	0.18

**22201** Parcels: 208

	Land Area	GFA	FAR
Acres	51	NA	NA
Sq. Ft.	2,223,763	1,021,757	0.46
Average	10,691	4,912	0.46

**22206** Parcels: 60

	Land Area	GFA	FAR
Acres	17	NA	NA
Sq. Ft.	719,237	140,118	0.19
Average	11,987	2,335	0.19

**22202** Parcels: 35

	Land Area	GFA	FAR
Acres	15	NA	NA
Sq. Ft.	636,240	288,241	0.45
Average	18,178	8,235	0.45

**22207** Parcels: 144

	Land Area	GFA	FAR
Acres	43	NA	NA
Sq. Ft.	1,874,085	671,301	0.36
Average	13,014	4,662	0.36

**22203** Parcels: 67

	Land Area	GFA	FAR
Acres	27	NA	NA
Sq. Ft.	1,185,611	389,925	0.33
Average	17,696	5,820	0.33

**22209** Parcels: 10

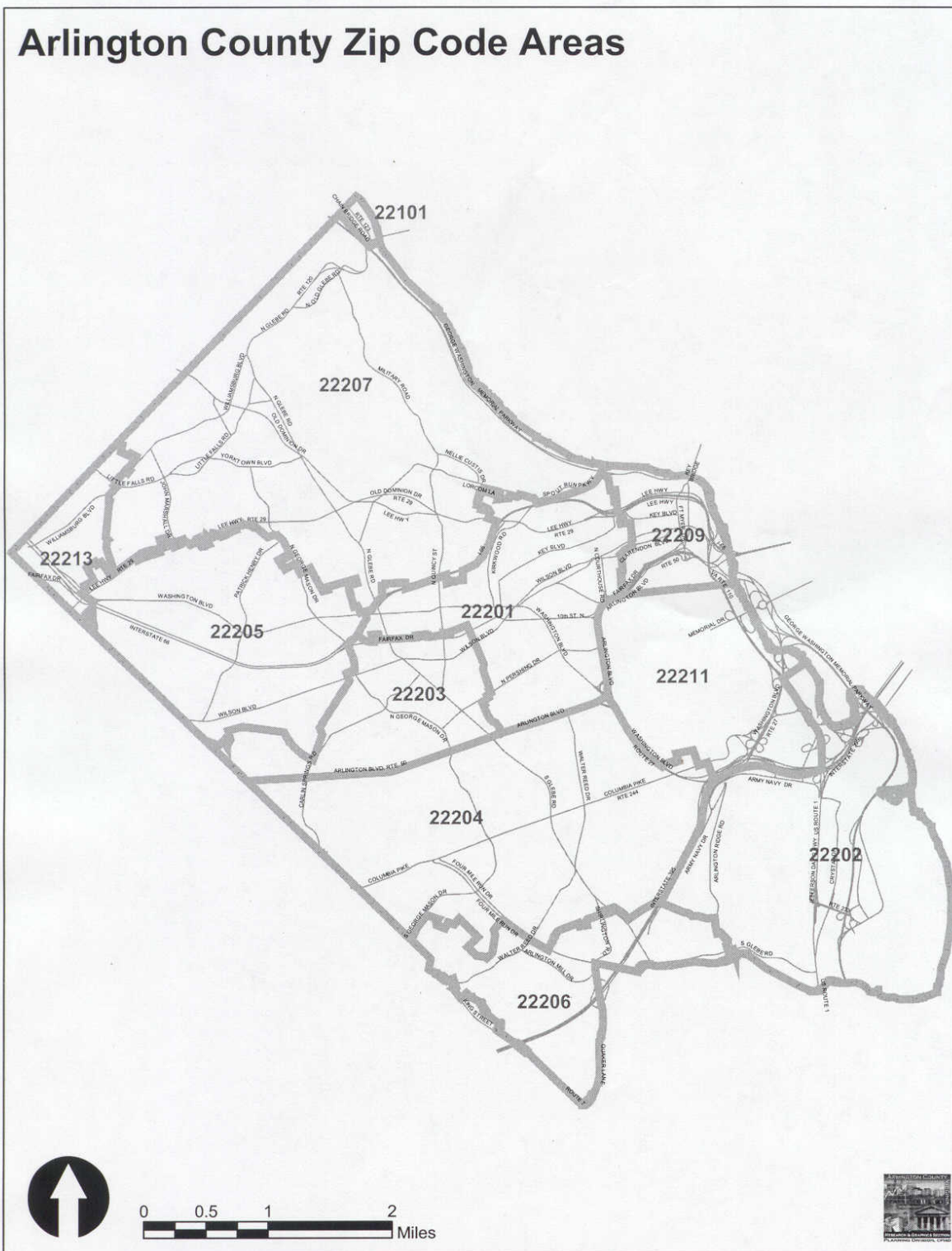
	Land Area	GFA	FAR
Acres	4	NA	NA
Sq. Ft.	170,279	58,416	0.34
Average	17,028	5,842	0.34

**22204** Parcels: 153

	Land Area	GFA	FAR
Acres	66	NA	NA
Sq. Ft.	2,863,476	1,354,474	0.47
Average	18,716	8,853	0.47

**22213** Parcels: 3

	Land Area	GFA	FAR
Acres	2	NA	NA
Sq. Ft.	73,385	6,598	0.09
Average	24,462	2,199	0.09



## Attachment E

### Attachment E (1)

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING ORDINANCE, SECTION 26. "C-2" SERVICE COMMERCIAL-COMMUNITY BUSINESS DISTRICTS, SUBSECTION 26.A.1. USES PERMITTED, DELETING USES PERMITTED BY REFERENCE TO "RA8-18" APARTMENT DWELLING DISTRICTS IN "C-2" DISTRICTS (AND "C-3" GENERAL COMMERCIAL DISTRICTS, BY REFERENCE) AND ADDING SUBSECTION 26.B.21. SPECIAL EXCEPTIONS TO OFFER A USE PERMIT OPTION FOR MIXED USE DEVELOPMENT WITHIN "C-2" DISTRICTS IN ORDER TO: 1) MAINTAIN AN ADEQUATE LEVEL OF COMMERCIAL SERVICE AT A COMMUNITY AND NEIGHBORHOOD SCALE WHERE APPROPRIATE THROUGHOUT THE COUNTY.; 2) FACILITATE MIXED-USE DEVELOPMENT IN ORDER TO ADD VITALITY TO COMMERCIAL DISTRICTS.; 3) CREATE PEDESTRIAN FRIENDLY AND ATTRACTIVE ENVIRONMENTS.; 4) INSURE THAT DEVELOPMENT OF "C-2" PARCELS IS ACHIEVED IN A MANNER WHICH IS SENSITIVE TO SURROUNDING RESIDENTIAL DEVELOPMENT.; 5) PROVIDE OPPORTUNITIES FOR THE PRESERVATION, REVITALIZATION, CREATION AND EXPANSION OF SMALL BUSINESSES IN PLANNED COMMUNITY COMMERCIAL AREAS.; AND 6) CREATE A FLEXIBLE TOOL WHICH WOULD ALLOW DEVELOPMENT IN A MANNER COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

BE IT ORDAINED THAT, Section 26. "C-2" Service Commercial-Community Business Districts of the Zoning Ordinance is amended, reenacted, and recodified as follows in order to: 1) maintain an adequate level of commercial service at a community and neighborhood scale where appropriate throughout the county; 2) facilitate mixed-use development in order to add vitality to commercial districts; 3) create pedestrian friendly and attractive environments; 4) insure that development of "C-2" parcels is achieved in a manner which is sensitive to surrounding residential development; 5) provide opportunities for the preservation, revitalization, creation and expansion of small businesses in planned community commercial areas; And 6) create a flexible tool which would allow development in a manner compatible with the surrounding neighborhood:

Section 26.A. Uses Permitted.

1. All uses as permitted and regulated in ~~"RA8-18"~~ and "C-1" Districts.

Section 26.B.

21. Residential Uses in projects that are not within the Columbia Pike Special Revitalization District, the Lee Highway-Cherrydale Special Revitalization District or the Clarendon Revitalization District but are part of a Unified Commercial/Mixed Use Development as set forth in section 31.A.14.

Attachment E (2)

ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING ORDINANCE, SECTION 31. SPECIAL PROVISIONS, ADDING SUBSECTION 31.A.14 UNIFIED COMMERCIAL/MIXED USE DEVELOPMENT IN ORDER TO: 1) MAINTAIN AN ADEQUATE LEVEL OF COMMERCIAL SERVICE AT A COMMUNITY AND NEIGHBORHOOD SCALE WHERE APPROPRIATE THROUGHOUT THE COUNTY.; 2) FACILITATE MIXED-USE DEVELOPMENT IN ORDER TO ADD VITALITY TO COMMERCIAL DISTRICTS.; 3) CREATE PEDESTRIAN FRIENDLY AND ATTRACTIVE ENVIRONMENTS.; 4) INSURE THAT DEVELOPMENT OF "C-2" PARCELS IS ACHIEVED IN A MANNER WHICH IS SENSITIVE TO SURROUNDING RESIDENTIAL DEVELOPMENT.; 5) PROVIDE OPPORTUNITIES FOR THE PRESERVATION, REVITALIZATION, CREATION AND EXPANSION OF SMALL BUSINESSES IN PLANNED COMMUNITY COMMERCIAL AREAS.; AND 6) CREATE A FLEXIBLE TOOL WHICH WOULD ALLOW DEVELOPMENT IN A MANNER COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

BE IT ORDAINED THAT, Section 31. Special Provisions of the Zoning Ordinance, is amended, reenacted, and recodified as follows in order to 1) maintain an adequate level of commercial service at a community and neighborhood scale where appropriate throughout the county; 2) facilitate mixed-use development in order to add vitality to commercial districts; 3) create pedestrian friendly and attractive environments; 4) insure that development of "C-2" parcels is achieved in a manner which is sensitive to surrounding residential development; 5) provide opportunities for the preservation, revitalization, creation and expansion of small businesses in planned community commercial areas; and 6) create a flexible tool which would allow development in a manner compatible with the surrounding neighborhood:

**Section 31.A.**

14. Unified Commercial/Mixed Use Development: The purposes of this subsection are to: 1) provide for flexible, site-specific solutions for the revitalization of existing shopping areas while preserving commercial service levels, including, in certain circumstances, new construction in "C-2" Districts to implement the purposes of the General Land Use Plan and Zoning Ordinance; 2) promote the compatibility of commercial developments within the commercial district and surrounding properties by coordinating building placement, orientation, scale, bulk, parking, signage, landscaping, streetscape, pedestrian facilities, and historical features where applicable; (3) provide for creative opportunities which encourage and retain local and small business; and (4) promote opportunities for affordable housing. Additionally, this subsection will provide for the construction of residential units within C-2 Districts as part of a mixed use development, according to specific guidelines. Where there is a sector plan or similar document that is at variance with or in conflict with these requirements the County Board

can modify the requirements as set forth in 31.A.14.b to achieve a development that is more consistent with such plans.

- a. Unified Commercial/Mixed Use Development Limitations: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use developments in the "C-2" district where such a development is not within the Columbia Pike Special Revitalization District, the Lee Highway-Cherrydale Special Revitalization District or the Clarendon Revitalization District and where the development meets the following requirements:
- (1) Unified Commercial/Mixed Use Developments shall not include residential dwelling units, unless a project contains a minimum of .4 FAR of commercial or retail uses located on the first (ground) floor. Commercial or retail uses above .4 FAR may be located on any floor.
  - (2) Placement and Orientation: Buildings shall be sited to "build to" lines at the back of the sidewalk. At least 75% of a building's façade must be immediately adjacent to the back of the sidewalk along any street designated as an arterial in the Master Transportation Plan. Retail uses shall be oriented to streets designated as either principal arterials or minor arterials in the Arlington County Master Transportation Plan. Where a development parcel is located adjacent to an "R" district, all buildings must be setback a minimum of twenty feet (20') from the "R" district.
  - ~~(3)~~ Streetscape: The periphery of any site fronting on a public right-of-way shall be landscaped by the provision of curb, gutter, sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building. ~~Except as otherwise specifically approved, all streetscape improvements shall be constructed in a manner consistent with any applicable Sector Plan, Station Area Plan or Special Revitalization District Plan.~~ **Sites within the area of an applicable Sector Plan, Station Area Plan or Special Revitalization District Plan shall have all streetscape improvements constructed in a manner consistent with such plan, except as otherwise specifically approved. Except as otherwise approved, sites outside such areas and located along streets designated as arterials under the Master Transportation Plan shall be constructed with a minimum 14' distance from face of curb to face of building and sidewalks of 10' minimum unobstructed width (such width shall not contain tree grates, light poles, or similar obstructions). Sites on all other street fronts shall include a minimum 10' distance from face of curb to face of building and 6' minimum sidewalk unobstructed width on all other street fronts. Outdoor restaurant seating may be allowed by the County Manager, so long as a straight 6' minimum sidewalk unobstructed width is maintained.**

- (4) Parking and Loading: Surface and structured parking as well as all loading areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four (4) foot high solid wall; except that where parking areas abut an "R" District that is also designated "Low" residential on the General Land Use Plan, the wall shall be at a height of six (6) feet. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building façade shall be provided for the parking area. Parking structures shall be constructed so that commercial uses occupy the ground level floor on all street fronts. Automobile parking space is to be provided as required in Section 33, unless otherwise approved by the County Board.
- (5) Trash collection and storage areas shall be provided inside the main building or in a designated area outside the structure. Any such designated area shall be screened by a solid wall of materials similar to those used in the construction of the main building and which is a minimum of six (6) feet in height.
- (6) Building Height: Building heights shall be limited to forty-five (45) feet. Penthouses may be permitted above the forty-five (45) feet height limit, provided that they are set back a distance equal to their height from the building edge and that the penthouse height does not exceed twelve (12) feet.
- (7) First Floor Height: Along any commercial frontage, where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a minimum clear height of twelve (12) feet for at least 75% of its gross floor area.
- (8) First Floor Fenestration: Where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a façade which is at least 70% transparent (i.e., 70% glass and 30% solid walls) for the area of the façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk. "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.
- (9) Building Entrances: Where possible, primary building entrances shall be located on streets designated as arterials in the Master Transportation Plan. Secondary entrances and entrances to individual residential units may be placed on any street type. Entrances on streets that are designated as arterials in the Master Transportation Plan shall be placed no more than 100 feet apart. When possible, retail entrances should be placed at street corners. Retail entrances shall have transparent doors.

- (10) Landscaping: Any Unified Commercial/Mixed Use Development which is proposed on a site of 20,000 square feet of land area or less shall have a minimum landscaped area of 10% of the total development site. Any development which is proposed on a site with a land area greater than 20,000 square feet shall provide a minimum landscaped area equivalent to 2,000 square feet plus 20% of the land area in excess of 20,000 square feet.
- (11) Density: Unified Commercial/Mixed Use developments may include both residential units and commercial uses up to a total FAR of 2.0, where the developments contain a minimum of .1 FAR and maximum of 1.1 FAR of residential uses. Any development that contains only commercial uses may develop at a density of up to 1.5 FAR.
- b. Any proposed Unified Commercial/Mixed Use Development shall comply with the above standards and any zoning requirements that are not inconsistent with the above standards, unless through the use permit process, the County Board modifies such standards or requirements after finding that such modifications will better accomplish the purposes and intent of subsection 31.A.14. Provided, however, that in no event shall the County Board modify the above standards (in section 31.A.14.a) that pertain to the amount of residential density, building height or **overall** density.
- c. Procedures for Unified Commercial/Mixed Use Development Approval.
- (1) Unified Commercial/Mixed Use Developments shall be permitted by use permit approval, as specified in Section 36. G
  - (2) An approved use permit for a Commercial/Mixed Use Development Plan may be modified or amended as specified in Subsection 36.G.
  - (3) Fee(s): As specified in Section 36.G.4.e.

(1-5-80; Ord. No. 83-3, 1-8-83; Ord. No. 86-30, 6-1-87; Ord. No. 92-35, 8-8-92)