

Memorandum

To: Zoning Committee of the Planning Commission (ZOCO) **Date:** Oct 27, 2023

From: Clifton Hogan, AICP - Principal Planner, CPHD

Subject: Zoning Ordinance Amendment – Technical Corrections vol. 2

Executive Summary

The proposed zoning text amendment will correct multiple technical errors and inconsistencies found throughout the zoning ordinance. The draft zoning text developed by staff for the Zoning Committee’s consideration is provided in Attachment 1.

Background

During the routine administration of the Zoning Ordinance, staff often discover various minor errors and inconsistencies which impact the practical application and administration of the Zoning Ordinance. The Zoning Division maintains a catalog of these technical errors, which at the start of 2023 exceeded sixty entries. This past May and July, the Zoning Division led zoning text amendments through the legislative process to correct approximately half of these outstanding errors. This amendment is a continuation of that effort as well as correcting several technical errors discovered in policy-related zoning amendments adopted during 2023, including the new Missing Middle/Expanded Housing Option Development regulations.

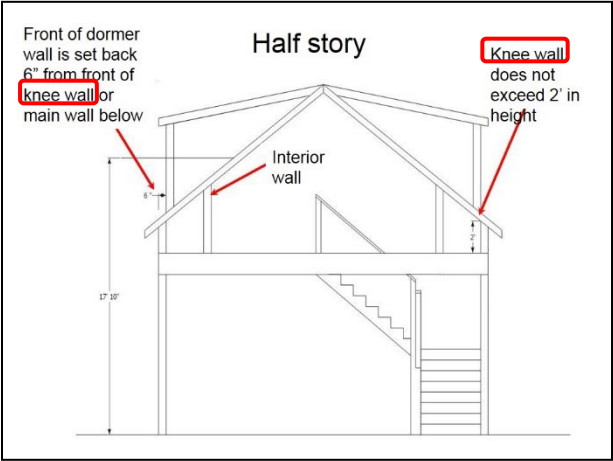
Analysis

All of the text changes proposed in this amendment are correcting technical errors, meaning they do not constitute changes to the County’s land use and/or zoning policies. These errors are demonstrably provable and primarily impact the administration and enforcement of the Zoning Ordinance. While many technical errors can be resolved by simple edits, some require more substantial revisions to existing language or the introduction of novel text. This text amendment encompassed three varieties of errors: Scriveners’ Errors, Technical Corrections, and Clarifications.

Scriveners’ Errors

Scriveners’ Errors are basic mistakes in the text of the Zoning Ordinance, such as citation errors, typographic/grammatic mistakes, and erroneous diagrams and illustrations. These errors are resolved by nominal text edits. Detailed descriptions of the specific Scriveners’ Errors included in the text amendment are provided below:

Section(s)	Description of Proposed Amendment
<p>§4.1.2</p>	<p>Citation Error This subsection provides the principal uses allowed in the Public [P] zoning districts presented in a tabular format with rows for specific uses. The “Colleges and Universities” use under the “Colleges” use category references §12.4.7 as a use standard. This subsection [§12.4.7] is the use standard for “Schools, elementary, middle and high” not colleges and universities. There are no use standards for colleges and/or universities in the zoning ordinance.</p>
<p>§5.1.2 §11.1.5</p>	<p>Citation Errors These subsections provide the principal uses allowed in the Residential [R] and Columbia Pike Form-Based Code [CP-FBC] zoning districts, respectively; with both presented in tabular format with rows for specific uses. On both tables, the “Colleges and Universities” use under the “Colleges” use category reference §12.3.6 as a use standard. This subsection [§12.3.6] is the use standard for “Group Homes” not colleges and universities. There are no use standards for colleges and/or universities in the zoning ordinance.</p>
<p>§7.10.3.D</p>	<p>Typographic/Grammatic Error This subsection establishes the County Board’s authority to rezone a site to the C-O-1.0 <i>Mixed Use District</i>, when such site does not meet the minimum lot area and lot width requirement for the district [i.e. 20,000 sq. ft. and 100 ft., respectively]. The text contains the term “[sic]” which is an editorial mark-up that was inadvertently incorporated into the final published text of the zoning ordinance.</p>
<p>§9.6.4.D</p>	<p>Citation Error This subsection establishes a maximum height limit for buildings developed under standards in ACZO §9.6 <i>Pentagon City Coordinated Redevelopment District</i>. Formerly, this subsection was designated as §9.6.4.C and contained a self-referential citation, i.e. §9.6.4.C. In September 2023, zoning text amendment ZOA-2023-10 was adopted by the County Board which replaced this subsection with provisions concerning density limitations and re-designating it to §9.6.4.D. However, the self-referential citation inadvertently was not updated.</p>
<p>§18.2 [Main Building Footprint] [Main Building Footprint Coverage]</p>	<p>Citation Errors The zoning ordinance definitions for <i>Main Building Footprint</i> and <i>Main Building Footprint Coverage</i> both reference §3.1.4.A. This subsection [§3.1.4.A] contains provisions referring to lot coverage generally. The more specific – and correct – citations are §3.1.4.B for <i>Main Building Footprint</i> and §3.1.4.C for <i>Main Building Footprint Coverage</i>.</p>

Section(s)	Description of Proposed Amendment
<p>§18.2 [Half Story diagram]</p>	<p>Diagram Error</p> <p>The Zoning Ordinance defines a ‘Half Story’ in part as a “story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story...” There is a diagram on page 18-17 labeled ‘Half Story’ showing a building section illustrating the configuration of a half story. Two labels in the diagram incorrectly use the term ‘knee wall’ to refer to the exterior wall plates cited in the text of the definition.</p> 

Technical Corrections

Technical Corrections are erroneous provisions that are inconsistent or conflict with existing regulations and/or established practices, such as references to non-existent or outdated regulations and unconformities with the Code of Virginia or other provisions. These errors are resolved by more nuanced and substantial text edits than *Scriveners’ Errors*. Detailed descriptions of the specific Technical Corrections included in the text amendment are provided below:

Section(s)	Description of Proposed Amendment
<p>§5.1.3</p>	<p>Technical Error</p> <p>This subsection provides the uses allowed on Transitional Sites in the Residential [R] zoning districts presented in a tabular format with rows for specific uses. Two specific uses – “Duplexes, abutting other than C-1 or C-1-O districts” and “Semidetached, abutting other than C-1 or C-1-O districts” – are shown as prohibited in the R-6 zoning district. This is erroneous. The zoning ordinance has allowed duplex dwellings on transitional sites in the R-6 district by special exception use permit approval since 1950 and semidetached dwellings on R-6 transitional sites by special exception since 1962. In addition, §5.6.3.B [R-6] <i>Special exception use permit</i> in the current zoning ordinance provides density and dimensional standards for special exception development in the R-6 zone presented in tabular format. The heading on the table reads: “Two-family Dwellings on Transitional Sites, other than abutting C-1 or C-1-O districts” indicating that duplex and semidetached dwellings are <u>not</u> prohibited on transitional sites in the R-6 district.</p>

Section(s)	Description of Proposed Amendment
<p>§7.1.2 §12.2.4.A</p>	<p>Technical Errors</p> <p>These subsections provide: (1) the principal uses allowed in the Commercial/Mixed Use [C] zoning districts presented in a tabular format with rows for specific uses [§7.1.2]; and, (2) the classification characteristics for the <i>Colleges</i> use category [§12.2.4.A]. The Commercial/Mixed Use principal use table [§7.1.2] shows a row for the “<i>Trade or commercial school</i>” use under the “<i>Colleges</i>” use category. The <i>Colleges</i> use category [§12.2.4.A] both cites trade or commercial schools as an example of a College use [§12.2.4.A.2 <i>Examples</i>] while also explicitly indicating that trade or commercial schools are <u>not</u> categorized as a <i>College</i> use but instead are categorized as an <i>Office</i> use [§12.2.4.A.4 <i>Uses not included</i>]. This discrepancy was discovered during the study period leading to zoning text amendment ZOA-2023-01, adopted in January 2023, which introduced <i>Urban colleges and universities</i> as a use in the <i>Office</i> use category. During that zoning study period, it was confirmed that the original intention was to categorize trade or commercial schools as an <i>Office</i> use, not a <i>Colleges</i> use. However, the correction of this error was inadvertently excluded from the final text amendment adopted by the County Board. The proposed amendment will correct the error by: re-locating the “<i>Trade or Commercial School</i>” specific use row from the <i>Colleges</i> use category to the <i>Office</i> use category on the use table in §7.1.2 and striking “<i>trade or commercial schools</i>” from the examples listing in §12.2.4.A.</p>
<p>§10.2.2 §10.2.3 §10.2.4</p>	<p>Technical Updates</p> <p>These subsections contain various provisions for <i>Unified Commercial/Mixed Use Developments</i> [UCMUDs] pertaining to the Nauck Village Center with approximately a dozen references to ‘Nauck’ in the text. In May 2019, Nauck was renamed ‘Green Valley’ by the Nauck/Green Valley Civic Association.</p>

Section(s)	Description of Proposed Amendment
<p>§10.4.4.B.2 §10.4.4.C.2(b)(1) §10.4.5.B.2(a) §10.4.6.D §10.4.6.F</p>	<p>Citation & Technical Errors</p> <p>These subsections are all under the newly adopted Expanded Housing Option Development [EHO] regulations in §10.4 <i>Expanded Housing Option Development</i>, which became effective on July 1, 2023. During the implementation of the EHO Permit program, several minor technical errors were discovered in the adopted zoning text.</p> <ul style="list-style-type: none"> ▪ §10.4.4.B.2 – this subsection provides the dimensional standards for EHO developments on sites exceeding one (1) acre in land area presented in tabular format. The row label listing the minimum allowable site area reads “<i>Site area, <u>maximum</u> (sq. ft.)</i>.” It should read <i>Site area, <u>minimum</u> (sq. ft.)</i>. ▪ §10.4.4.C.2(b)(1) – this subsection provides exceptions to the one main building limitation imposed on EHO developments and contains two citations – §10.4.C.1.b and §10.4.B – which do not exist in the zoning ordinance. The correct citations are §10.4.4C.2(b) and §10.4.4.B, respectively. ▪ §10.4.5.B.2(a) – this subsection contains a grammatic error, specifically multiple superfluous prepositions: “<i>Properties with a permitted detached accessory dwelling <u>as of</u> on July 1, 2023...</i>” The underscored text should be struck from the text. ▪ §10.4.6.D – this subsection provides site development standards pertaining to building entrances, requiring entrances to face a street right-of-way or open onto a porch facing a street right-of-way. However, the text of the provision reads “<i>...or open onto a front porch that faces a street.</i>” The intention was to allow any porch facing a street to satisfy the street-facing entrance requirements. However, the use of the term ‘<u>front</u> porch’ effectively prohibits side porches facing a street from meeting this site design requirement. The term “front” needs to be struck from the text in both §10.4.6.D.1(a) and §10.4.6.D.2. ▪ §10.4.6.F – this subsection provides shade tree landscaping requirements for EHO developments and contains two citations referencing §10.4.6.E.1. The cited subsection [§10.4.6.E.1] contains site development requirements for exterior stairs, not shade trees or landscaping. The correct citation is §10.4.6.F.1. <p>The proposed amendment will correct all outstanding errors in §10.4.</p>
<p>§12.2.4.A §12.2.4.I</p>	<p>Technical Updates</p> <p>These subsections are the use category descriptions for the <i>Colleges</i> and <i>Schools</i> use categories, respectively. Under the accessory uses paragraph for both categories, the term “<i>support commercial</i>” is indicated as an allowed accessory use. However, the “<i>support commercial</i>” term under the <i>Schools</i> use category [§12.2.4.I.3] is followed by a descriptive example, specifically “<i>...(a college-operated bookstore, for example).</i>” This descriptor more appropriately belongs under the <i>Colleges</i> use category with the example under the <i>Schools</i> category being changed to “<i>a <u>school</u>-operated bookstore.</i>”</p>

Section(s)	Description of Proposed Amendment
<p>§14.3.3.G.1 §14.3.3.G.3 §14.3.3.G.4</p>	<p>Technical Errors</p> <p>These subsections contain provisions for the use of private parking areas by off-site users in various zoning districts. For parking areas in R or RA districts [§14.3.3.G.1] the text of the provision reads in part: “...in R or RA districts except in the RA-H district...” According to ACZO §1.7 <i>Zoning Districts Established</i>, the RA-H zoning district is classified as a Commercial/Mixed Use [C] district, not as a Residential [R] or a Residential Apartment [RA] district, making the reference superfluous and unnecessary. For parking areas in C or M districts [§14.3.3.G.3 and §14.3.3.G.4] the text of the provisions read in part: “...in C, C-O, M, RA-H or R-C districts...” Again, according to ACZO §1.7, the C-O, RA-H, and R-C zoning districts are classified under the Commercial/Mixed Use [C] district grouping, making the references superfluous and unnecessary.</p>
<p>§14.3.7.A</p>	<p>Technical Error</p> <p>This subsection provides the minimum required parking ratios presented in tabular format with rows for specific types of uses. The required parking for <i>Public Assembly & Club Buildings</i> erroneously excludes Community Centers. When originally adopted in 1960, this the text read: “Establishments other than schools, involving public assembly (excluding church sanctuaries), club buildings (other than golf clubs), and community buildings.” In 1965, the parking requirements were amended resulting in the text being mis-transcribed to read: “Establishments other than schools, involving public assembly (excluding church sanctuaries), club buildings (other than golf clubs, and community buildings).” This punctuation error inadvertently and erroneously excluded community centers from the public assembly parking ratio. This error was carried forward in every version of the zoning ordinance, including the 2015 Zoning Ordinance Update.</p>
<p>§18.2 [Family (c)] [Group Home]</p>	<p>Technical Update</p> <p>The zoning definitions of <i>Group Home</i> and <i>Family (c)</i> describe congregate residential facilities licensed by the Virginia Dept. of Behavioral Health and Development Services for “persons with mental illness, intellectual disability or developmental disability” who reside with care providers; specifically, “one or more resident counselors or other staff persons.” The language in both definitions is derived from Code of Virginia §15.2-2291.A. In 2014, the General Assembly amended the language pertaining to care providers to read: “...one or more resident or nonresident staff persons...”</p>

Clarifications

Clarifications are provisions which are ambiguous, deficient, or incoherent that while not strictly erroneous are nonetheless problematic from an administrative and/or interpretive standpoint. Resolving these “errors” involves substantial text edits and/or the introduction of new text often across multiple subsections of the Zoning Ordinance. Despite the significant edits, these amendments do not carry any policy or regulatory changes but instead improve the functionality and practical application of the Zoning Ordinance. There are two Clarifications proposed in this text amendment, which are described in greater detail below.

Family/Caregiver Suites

Subsections: §12.9.8

§18.2 *Family/Caregiver Suite*

Family/Caregiver Suites are a residential accessory use allowed in the main building of a dwelling. The zoning ordinance defines a Family/Caregiver Suite as: *“Not more than two rooms plus a bathroom and “efficiency” kitchen in a dwelling that are designed, arranged, used or intended for occupancy by either not more than two persons who are related by blood or marriage to the principal occupant of the dwelling or no more than two persons who may be unrelated to the principal occupant of the dwelling, at least one of whom provides care for one or more children of the principal occupant of the dwelling or care for or assistance to one or more elder(s) or person(s) with disabilities who are occupant(s) of the main dwelling.”* The provisions regulating family/caregiver suites, providing standards such as GFA limits, covenant requirements, and eligibility restrictions, are located in ACZO §12.9.8.

There are two provisions in the Family/Caregiver Suite definition that are in practice use standards as opposed to describing the family/caregiver suite as a use. These provisions are: (1) *“Not more than two rooms plus a bathroom and “efficiency” kitchen...”* and (2) *“...for occupancy by...not more than two persons...”* These provisions more appropriately belong under the family/caregiver suite use standards in §12.9.8, as they establish the regulatory framework for a family/caregiver suite use rather than describing when a use is a family/caregiver suite.

The proposed amendment will relocate the use standard provisions from the Family/Caregiver Suite definition in §18.2 to the Family/Caregiver Suite use standards in §12.9.8. In addition, the amendment proposes text edits of the definition and the use standards to provide language that is more concise, readable, and coherent.

Parking for Religious Institutions

Subsections: §14.3.7.A

§14.3.3.B.3 [new subsection]

The minimum required parking for any use is provided in §14.3.7.A *Required Parking and Standing Space*. These parking requirements are presented in tabular format with rows for specific types of uses listing the number of parking spaces required for a use followed by any additional required parking beyond the base parking ratio. The required parking for *Churches, mosques, synagogues, and temples* [collectively termed ‘Religious Institutions’] is one (1) parking space per five (5) sanctuary seats with an ‘Additional Requirement’ that allows required parking spaces for these uses to be located off-site. This ‘Additional Requirement’ is not truly an additional parking requirement but rather a provision on the manner in which required parking spaces can be provided, i.e., off-site as opposed to on-site as is generally required per §14.3.3.A *Use and Parking on Same Lot*. As such, this provision more appropriately belongs under §14.3.3.B *Off-Site Parking*, which stipulates the circumstances where exceptions to §14.3.3.A are allowed.

The proposed amendment will re-locate the off-site parking provisions for religious institutions to §14.3.3.B, under a new subsection designated §14.3.3.B.3 *Parking for Religious Institutions*, with the new subsection cited on the parking requirements table in §14.3.7.A. In addition, the term ‘Religious Institutions’ will replace the term ‘Churches, mosques, synagogues, and temples’ for consistency with the overall zoning ordinance and the original text of the off-site parking provision will be edited to provide language that is more concise, readable, and coherent.

Conclusion

None of the proposed text changes in the amendment constitute changes to the County's planning, land use, or zoning policies. Instead, they are intended to improve the overall administration, application, and enforcement of the Zoning Ordinance.

Anticipated Schedule

- November 11, 2023: County Board Request to Advertise
- December 4/6, 2023: Planning Commission final consideration and recommendation
- December 16, 2023: County Board final consideration and action

Attachments

- Attachment 1: Draft Zoning Text

Attachment 1

1 **Article 4. Public (P) Districts**

2 **§4.1. Public (P) Districts Use Tables**

3 **§4.1.2. Public (P) districts principal use table**

PUBLIC (P) DISTRICTS PRINCIPAL USE TABLE					
Use Category	Specific Use Types	S-3A	S-D	P-S	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Public, Civic and Institutional Use Categories (§12.2.4)					
Colleges (§12.2.4.A)	Colleges and universities	U	U	U	§12.4.7

4 **Article 5. Residential (R) Districts**

5 **§5.1. Residential (R) Districts Use Tables**

6 **§5.1.2. Residential (R) districts principal use table**

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Public, Civic and Institutional Use Categories (§12.2.4)										
Colleges §12.2.4.A)	Colleges and universities	U	U	U	U	U	U	U	U	§12.3.6

7 **§5.1.3. Residential (R) districts transitional use table**

8 Transitional uses in residential (R) districts shall include the following uses, activities and
 9 structures:

RESIDENTIAL (R) DISTRICTS TRANSITIONAL USE TABLE									
Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted									
Duplexes, abutting other than C-1 or C-1-O districts					U	U		U	
Semidetached, abutting other than C-1 or C-1-O districts					U	U		U	
Offices or clinics, medical or dental, in existing one-family detached dwelling	P	P	P	P	P	P	P	P	§12.8.3
Transitional parking areas	U	U	U	U	U	U	U	U	§12.8.5

Article 7. Commercial/ Mixed Use (C) Districts

§7.1 COMMERCIAL/MIXED USE (C) DISTRICTS USE TABLES

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

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

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

Public, Civic and Institutional Use Categories (§12.2.4)

Colleges	Colleges and universities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
(See §12.2.4.A)	Trade or commercial school	S			S					S	S	S	S	P	S	S	P	P	P	S

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

Office (See §12.2.5.C)	Audio-visual production and broadcast studio	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Financial services	S			S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Offices, federal, state and local	U	S	U	U	U	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Offices or clinics, medical or dental	U S	U	U S	U	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Offices, business and professional		S				P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Research and development, flex		P		U		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Trade or commercial school	S			S					S	S	S	S	P	S	S	P	P	P	S
	Urban agriculture	U	S	U	S	U	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Urban colleges and universities	S	S	U	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

§7.10. C-O-1.0, MIXED USE DISTRICT

§7.10.3. Density and dimensional standards

D. Exceptions

1. Stories shall be counted from the average elevation of the site. Mechanical equipment placed on roof shall be enclosed or screened.
2. The County Board may authorize application for rezoning to the C-O-1.0 district where a lot or plot having less width or less area which ~~is~~ is any part of a block surrounded by streets and/or buildings that generally comply with the provisions of this section.
3. Hotel meeting rooms and restaurants may be permitted to exceed the above density by site plan approval.

23 **Article 9. Special Planning Area Regulations**

24 **§9.6. Pentagon City Coordinated Redevelopment District**

25 **§9.6.4. Maximum Development Threshold**

- 26 A. Under no circumstances shall the County Board permit a density of more than 9.0 FAR for
27 sites within the Pentagon City Coordinated Redevelopment District and located in the C-O-
28 2.5 district.
- 29 B. Under no circumstances shall the County Board permit a density of more than 150
30 dwelling units per acre for sites within the Pentagon City Coordinated Redevelopment
31 District and located in the RA6-15 district.
- 32 C. For sites within the Pentagon City Coordinated Redevelopment District and located in the
33 RA6-15 district, the County Board may, in accordance with §9.6.3, approve non-residential
34 density of up to 1.5 F.A.R.
- 35 D. Under no circumstances shall the County Board permit a building height of more than 350
36 feet, exclusive of mechanical penthouses and parapet walls, and except that non-
37 occupiable, exceptional architectural features may exceed the heights outlines in this
38 ~~§9.6.4.D.~~ ~~§9.6.4.C.~~

39 **Article 10. Unified, Cluster, and Housing Option**
40 **Developments**

41 **§10.2. Unified Commercial/Mixed Use Development**

42 **§10.2.2. Modifications**

43 Any proposed unified commercial/mixed use development shall comply with the standards
44 below in §10.2.3, §10.2.4 or §10.2.5, and with any zoning requirements that are consistent with
45 those standards, unless through the use permit process, the County Board modifies such
46 standards or requirements after finding that such modifications will better accomplish the
47 purposes and intent of §10.2.1. Provided, however, that under no circumstances shall the
48 County Board modify the standards in §10.2.3 that pertain to the amount of residential density,
49 building height or density, and under no circumstances shall the County Board modify the
50 standards in §10.2.5 that pertain to the maximum building height (exclusive of mechanical
51 penthouses). Projects within the ~~Nauck Green Valley~~ Village Center Special Revitalization
52 District can be approved pursuant to the requirements of §10.2.4, below.

53 **§10.2.3. Unified commercial/mixed use development not within ~~Nauck Green Valley~~**
54 **Village Center, Columbia Pike or Lee Highway-Cherrydale Special Revitalization districts**
55 **or within the Clarendon Revitalization district**

56 The County Board may, by use permit approval, approve Unified Commercial/Mixed Use
57 developments in the C-2 and C-3 districts where such a development is not within the ~~Nauck~~
58 ~~Green Valley~~ Village Center Special Revitalization District, the Columbia Pike Special
59 Revitalization District, the Lee Highway-Cherrydale Special Revitalization District or the
60 Clarendon Revitalization District and where the development meets the following
61 requirements:

62 **§10.2.4. Unified commercial/mixed use development in Nauck Green Valley Village**
63 **Center Special Revitalization District**

64 The County Board may, by use permit approval, approve unified commercial/mixed use
65 developments in the Nauck Green Valley Village Center Special Revitalization District where a
66 proposal meets the following minimum requirements:

67 **A. Density and Use**

68 Unified Commercial/Mixed use developments may include both residential units and
69 commercial uses up to a total F.A.R. of 2.0, where the development fronts on a block face
70 identified as “Retail Required” or “Retail Optional” within the Nauck Green Valley Village
71 Center Action Plan. On block faces specifying “Retail Required” within the Nauck Green
72 Valley Village Center Action Plan, the project must include retail uses totaling at least 0.4
73 F.A.R. located on the ground floor along the frontages shown in the Nauck Green Valley
74 Village Center Action Plan. Commercial or retail uses above 0.4 F.A.R. may be located on
75 any floor. On block faces specifying “Retail Optional,” residential density of up to 1.5
76 F.A.R. shall be permitted provided the total F.A.R. for all uses on the site does not exceed
77 2.0. On block faces which are not identified as either “Retail Required” or “Retail
78 Optional,” projects eligible for approval through this use permit process shall contain only
79 residential uses, with allowances made for management and tenant amenity space, and
80 shall be limited to 1.5 F.A.R., except as provided for in §10.2.4.L, below, relating to
81 Affordable Housing.

82 **B. Placement and orientation**

83 Buildings shall be sited to build-tos at the back of the sidewalk, which build-to shall be
84 determined through use permit approval. At least 75 percent of a building’s façade must
85 abut the back of the sidewalk along any street designated as principal or minor arterial
86 streets in the Arlington County Master Transportation Plan and along Shirlington road.
87 Retail uses shall be oriented to the block face locations shown as “Retail required” or
88 “Retail Optional” within the Nauck Green Valley Village Center Action Plan, as relevant.
89 Where a development parcel is abutting an R district, all buildings must be setback a
90 minimum of 20 feet from the residential district.

91 **C. Streetscape**

92 The periphery of any site fronting on a public right-of-way shall be landscaped by the
93 provision of curb, gutter, sidewalk, streetlight, street furniture, street trees and other
94 elements, covering the entire area from face of curb to face of building and conforming to
95 the Streetspace and Streetscape Standards set forth in the Nauck Green Valley Village
96 Center Action Plan for the relevant block frontages. All streetscape improvements shall be
97 constructed in a manner consistent with such plan, except as otherwise specifically
98 approved. Outdoor restaurant seating may be allowed by the county manager, so long as
99 a clear and unobstructed 6’ minimum sidewalk width is maintained.

100 * * * * *

101 **F. Building height**

102 Building heights shall be limited to 45 feet. Mechanical penthouses may be permitted
103 above the 45 feet height limit, provided that they are set back a distance equal to their
104 height from the building edge and that the mechanical penthouse height does not exceed
105 12 feet. The County Board may accommodate the various topographical conditions
106 prevalent in Nauck Green Valley by modifying the locations on a frontage from which

107 building height is measured. However, such modifications shall not result in a building
 108 height of more than 48 feet, arrived at through the calculation method required by the
 109 zoning ordinance, except as provided for in §10.2.4.G. Provided further that under no
 110 circumstances shall any portion of a structure located at the street frontage or build-to
 111 line, be taller than 45 feet from the adjoining curb grade, except as provided for in
 112 §10.2.4.G.

113 * * * * *

114 **H. Ground floor height**

115 Along any frontage identified in the [Nauck Green Valley](#) Village Center Action Plan as
 116 “Retail Required,” the Ground Floor of any building shall have a minimum clear height of
 117 12 feet for at least 75 percent of the gross floor area of the ground floor that is retail uses.

118 **I. Ground floor fenestration**

119 Along any frontage identified in the [Nauck Green Valley](#) Village Center Action Plan as
 120 “Retail Required,” the Ground Floor shall have a façade which is at least 70 percent
 121 transparent (i.e., 70 percent glass and 30 percent solid walls) for the area of the façade
 122 that is between two feet and 10 feet above the abutting sidewalk grade. “Transparent”
 123 shall mean using glass or other exterior material offering a view into an area of the
 124 commercial space where human activity normally occurs and shall not be satisfied by
 125 views into areas blocked by display cases, the rear of shelving, interior walls, blinds,
 126 hallways, or any other material that could block a view.

127 **§10.4. Expanded Housing Option Development**

128 **§10.4.4. Density and dimensional standards**

129 **B. Special Exception**

- 130 1. The purpose and intent of special exception approvals of expanded housing option
 131 development on larger sites is to:
 - 132 (a) Promote flexibility, sustainable design that is in harmony with surrounding
 133 neighborhoods by coordinating building forms, the bulk, scale and placement of new
 134 buildings, and the relationship between buildings and structures within the
 135 development and surrounding properties;
 - 136 (b) Support the goals of the Master Transportation Plan, Community Energy Plan,
 137 Stormwater Master Plan, and/or the Affordable Housing Master Plan; and
 - 138 (c) Preserve natural land forms and significant trees and foliage.
- 139 2. Development with more than one main building including expanded housing option uses
 140 on any lot with an area of one acre or greater on July 1, 2023, require use permit approval
 141 as provided in §15.4. All expanded housing option development allowed by use permit
 142 shall comply with the following standards and all other by-right standards of §10.4, except
 143 as otherwise approved by the County Board.

Type of Standard	R-20	R-10	R-8	R-6	R-5
Site area, minimum maximum (sq. ft.)	43,560				
Lot area, minimum (sq. ft.)					
Duplexes or multiple-family	20,000	10,000	8,000	6,000	5,000
Semidetached or townhouses	1,300	1,300	1,300	1,300	1,300
Lot width, minimum (feet)					

Duplexes or multiple-family	100	80	70	60	50
Semidetached	24	24	24	24	24
Townhouses	16	16	16	16	16
Height, maximum (feet)	35				

144 **C. Bulk, coverage, and placement**

145 1. Maximum lot coverage shall be as follows:

MAXIMUM LOT COVERAGE					
Categories	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	50	45	40	37	30
Maximum lot coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	53	48	43	40	33

146 2. Maximum main building footprint shall be as follows:

MAXIMUM MAIN BUILDING FOOTPRINT COVERAGE AND CAP					
Categories	R-5	R-6	R-8	R-10	R-20
Maximum main building footprint coverage (%)	34	30	25	25	16
Maximum main building footprint coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (%)	37	33	28	28	19
Maximum main building footprint (sq. ft.)	2,380	2,520	2,800	3,500	4,480
Maximum main building footprint coverage with one or more porches of at least 60 square feet (exclusive of any wrap-around or side portion) facing a street (sq. ft.)	2,590	2,772	3,136	3,920	5,320

147 (a) Maximum main building footprint coverage on undersized lots in a zoning district shall
 148 be the same square footage as permitted on a standard sized lot (e.g., 6,000 square feet
 149 in R-6) in the zoning district, subject to all applicable setback requirements.

150 (b) There shall be no more than one main building within a development’s site area.

151 (1) ~~§10.4.C.1.b~~ §10.4.C.2(b) shall not apply to expanded housing option development
 152 approved by special exception as set forth in §10.4.4.B §10.4.B.

153 (c) For the purposes of coverage regulations, a group of semidetached or townhouse
 154 dwellings shall be considered a single main building and maximum coverage
 155 requirements shall be calculated using the entire site area, rather than individual lots
 156 within a subdivision.

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

158 **§10.4.5. Use standards**

159 **B. Accessory dwellings**

160 1. Accessory dwellings, subject to the provisions of §12.9.2, shall be permitted within or
 161 attached to semidetached or townhouse dwellings permitted under §10.4.

162 2. Notwithstanding the provisions of §10.4.5.A, accessory dwellings shall not be
 163 permitted on lots containing duplex or multi-family dwellings which are subject to the
 164 provisions of §10.4.

165 (a) Properties with a permitted detached accessory dwelling ~~as of~~ on July 1, 2023,
 166 shall be permitted to establish a duplex within the main building, subject to the
 167 provisions of §10.4 and the provisions of §12.9.2.

- 168 **§10.4.6. Site development standards**
-
- 169 **D. Building entrances and orientation**
- 170 **1. Duplex and multiple-family dwellings**
- 171 (a) At least one exterior entrance shall face a street or open onto a ~~front~~ porch that faces a
- 172 street.
- 173 (b) On interior lots, there shall be no more than one exterior entrance facing each side yard.
- 174 (c) On corner lots, there shall be no more than one exterior entrance facing each adjacent
- 175 property line.
- 176 (d) No more than one exterior entrance to a building lobby or common area shall face a street.
- 177 **2. Semidetached and townhouse dwellings**
- 178 Each unit shall have an exterior entrance facing a street or that opens onto a ~~front~~ porch that
- 179 faces a street.
- 180 **E. Upper story stairs**
- 181 1. All stairs used to access dwellings located entirely above the ground story shall be enclosed
- 182 within the building.
- 183 2. **Exception:** The provisions of §10.4.6.E.1 shall not apply to stairs facing a rear yard.
- 184 **F. Landscaping**
- 185 1. There shall be a minimum of four shade trees for sites with 2-4 dwelling units, and a minimum
- 186 of eight shade trees for sites 5-6 dwelling units prior to issuance of a certificate of occupancy.
- 187 This requirement may be satisfied with existing trees and/or by planting trees on-site.
- 188 (a) Trees planted to satisfy the requirements of ~~§10.4.6.F.1 §10.4.6.E.1~~ shall be species listed in
- 189 the Arlington County Recommended Shade Tree List.
- 190 (b) Trees planted to satisfy the requirements of ~~§10.4.6.F.1 §10.4.6.E.1~~ shall conform to the
- 191 standards set forth in §14.2.2.D.

Article 11. Overlay and Form Based Code Districts

§11.1. CP-FBC, Columbia Pike Form Based Code District

§11.1.5. Columbia Pike Form Based Code district principal use table

The following use table summarizes the principal use regulations of the CP-FBC district.

COLUMBIA PIKE FORM BASED CODE DISTRICT PRINCIPAL USE			
	Specific Use Types	CP-FBC	Use Standards
Public, Civic and Institutional Use Categories (§12.2.4)			
Colleges (§12.2.4.A)	Colleges and universities	U	§12.3.6

Article 12. Use Standards

§12.2 USE CATEGORIES

§12.2.4. Public, civic and institutional use categories

A. Colleges

1. Characteristics

This category includes not-for-profit colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges are generally in campus-like settings, on multiple blocks or in multiple buildings.

2. Examples

Examples include community colleges, liberal arts colleges, nursing or medical schools not accessory to hospitals, seminaries, ~~trade or commercial schools~~, and universities.

3. Accessory uses

Accessory uses include associated offices, car-sharing, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial (a college bookstore, for example).

4. Uses not included

Business, driving, fitness/wellness, trade and other commercial schools (see Office).

I. Schools

1. Characteristics

Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education.

2. Examples

Examples of schools include boarding schools; elementary schools; high schools; middle schools; military academies; and private schools.

3. Accessory uses

Adult continuing education programs; associated offices; auditoriums; before- and after-school child care; cafeterias; food services; health facilities; housing for students and faculty; laboratories; libraries; maintenance facilities; meeting areas; parking; play areas; recreational and sports facilities; support commercial (a ~~college-operated school~~ bookstore, for example); and theaters.

4. Uses not included

Business, driving, fitness/wellness, trade and other commercial schools (see Office); dance, art, music studios or classes (see Retail Sales and Service); child care centers, excluding before- and after-school child care (see Day Care); and community colleges, liberal arts colleges, seminaries and universities (see Colleges).

232 **§12.9. ACCESSORY STANDARDS**

233 **§12.9.8. Family/caregiver suites**

234 Family/caregiver suites ~~may be~~ are an allowed accessory use within a main dwelling, subject to
235 approval by the zoning administrator consistent with the following conditions:

236 A. No more than one family/caregiver suite is permitted in a dwelling.~~Not more than one~~
237 ~~family/caregiver suite shall be permitted in a dwelling;~~

238 ~~B.~~ B. A family/caregiver suite shall is not be permitted in a dwelling or on a lot where in which
239 an accessory dwelling is located.~~;~~~~and~~

240 ~~C.~~ C. There shall be only one address for the property; A family/caregiver suite cannot be
241 addressed separately from the main dwelling.

242 ~~B.D.~~ B.D. The gross floor area of the a family/caregiver suite shall cannot exceed ~~neither~~ 750
243 square feet ~~nor or~~ 35 percent of the combined total gross floor area of the main dwelling
244 and including the family/caregiver suite.

245 E. A family/caregiver suite can contain no more than four rooms including a bathroom and
246 an efficiency kitchen.

247 F. No more than two persons can occupy a family/caregiver suite.

248 G. The A dwelling in which the with a family/caregiver suite is located shall can have only one
249 main entrance. Any exterior entrance to a family/caregiver suite cannot be located on the
250 same side of the dwelling as the main entrance. and no new entrance shall be permitted
251 on the same side of the structure as the existing main entrance of the dwelling;

252 H. The A family/caregiver suite shall be designed so that it can to function as an integral part
253 of the principal main dwelling, although while allowing the occupants may to live
254 independently of each other.

255 ~~G.I.~~ G.I. The A family/caregiver suite shall have interior access to the rest of the main dwelling.

256 ~~D.J.~~ D.J. The A family/caregiver suite shall not cannot have separate or sub-metered utility services
257 (i.e., electric meter and water meter);

258 ~~E.K.~~ E.K. A Floor plans of the a family/caregiver suite that also identifies showing its location within
259 relationship to the rest of the main dwelling shall be filed with the zoning administrator.

260 ~~F.L.~~ F.L. The property owner of a dwelling with a family/caregiver suite shall record a covenant on
261 the property in the County land records which identifies identifying the suite use and the
262 restrictions imposed by this ordinance.

263 ~~K.M.~~ K.M. When a family/caregiver suite is occupied by an unrelated caregiver, A written
264 statement identifying the occupant(s) person who will provide the care and the type kind
265 of care provided that will be given must be filed in the office of with the zoning
266 administrator ~~as to an unrelated resident of the family/caregiver suite.~~

Article 14. Site Development Standards

§14.3. PARKING AND LOADING

§14.3.3. General requirements

B. Off-site parking

1. Zoning districts other than R and RA districts

All off-street parking space appurtenant to any use other than a use permitted in any R or RA district shall be on the same parcel of land with the use to which it is appurtenant or on common areas in the same subdivision; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the zoning administrator, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

- (a) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of parking for certain restaurants, shall conform to the requirements in §14.3.6.
- (b) A pedestrian entrance to such space shall be located within a distance of 600 feet, by the shortest route of effective pedestrian access, entrance to entrance.
- (c) Such space shall be conveniently usable without causing unreasonable:
 - (1) Hazard to pedestrians.
 - (2) Hazard to vehicular traffic.
 - (3) Traffic congestion.
 - (4) Interference with safe and convenient access to other parking areas in the vicinity.
 - (5) Detriment to the appropriate use of business property in the vicinity.
 - (6) Detriment to any residential neighborhood.

2. S-3A and P-S districts

Off-site parking incidental to a use permitted in a P, R or RA district may be permitted in the S-3A and P-S districts subject to use permit approval as provided in §15.4; provided that, unless located on publicly-owned land, such parking area shall be on land in the same fee ownership as the land on which the appurtenant use is located.

3. Parking for Religious Institutions

- A. Required parking for religious institutions per §12.2.4.H may be provided in off-site parking areas which are accessory to another principal use which is not open or operating on the days of the week on which the religious

303 institution is regularly used, when such off-site parking area is within 600 ft. of
 304 the religious institution by the shortest effective pedestrian route.

305 B. Required parking for religious institutions per §12.2.4.H may be provided in
 306 off-site parking areas which are accessory to another principal use which is
 307 not open or operating on the days of the week on which the religious
 308 institution is regularly used, when such off-site parking area is within ¾ [0.75]
 309 a mile of the religious institution by the shortest effective vehicular route, and
 310 where regular and frequent shuttle service between the religious institution
 311 and the off-site parking area is provided on days of regular use and/or
 312 assembly at the religious institution.

313 * * * *

314 **G. Use of private parking areas**

315 1. No parking spaces located in a private parking area in R or RA districts ~~except in the~~
 316 ~~RA-H district~~ shall be used by any persons other than persons engaging in the use for
 317 which the parking is provided such as occupants of the premises, their visitors and
 318 employees at the site, except as expressly provided in §14.3.3.G.2 and §14.3.7 below.

319 ****

320 3. Parking spaces in C, ~~C-O, and/or~~ M, ~~RA-H or R-C~~ districts located in a private parking
 321 area, which are provided in addition to those required by this zoning ordinance to
 322 serve the premises, may be used by persons other than persons engaging in the use
 323 for which the parking is provided.

324 4. Parking spaces in C, ~~C-O, and/or~~ M, ~~RA-H or R-C~~ districts which are required by this
 325 zoning ordinance may be used by persons other than persons engaging in uses on the
 326 site, provided that said spaces shall be made available at all times to persons engaging
 327 in uses on the site at least at the same rates as to persons not engaging in uses on the
 328 site, and provided that there is no demand for said spaces by persons engaging in uses
 329 on the site.

330 **§14.3.7. Required parking and standing space**

331 A. Parking shall be provided for all uses in accordance with the following standards unless
 332 specified otherwise in this or other sections of this zoning ordinance:

Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
Public, Civic and Institutional uses		
Religious Institutions Churches, mosques, synagogues, and temples	1 per each 5 sanctuary seats	<u>§14.3.3.B.3</u> <u>Notwithstanding other sections of this zoning ordinance, required parking for churches may be located on a parking lot which is accessory to another principal use which is not open or operating on the days of the week on which the church sanctuaries are regularly used if said lot is either located within 600 feet by the shortest route of effective pedestrian access, or within 3/4 of one mile by the shortest route of effective vehicular access, and regular and frequent shuttle bus service is provided between the lot and the church during any hours when the use for which the lot is</u>

Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
		provided is not open and operating and the lot is open to persons attending meetings at the church.
Colleges and Universities	As determined by the County Board	--
Community swimming pools	1 per each 40 sq. ft. of pool area	--
Golf courses	40 per each standard 9 holes	--
Hospitals, rest homes, sanitariums, convalescent homes & institutions	1 per 4 beds	Plus 1 space for each 2 employees (other than staff doctors), plus 1 space for each doctor assigned to the staff.
Intermediate care facilities	1 per each 3 dwelling units	Plus 1 per 3 employees, plus 1 per doctor
Libraries, museums and art galleries or studios	1 per each 500 sq. ft. of floor area	--
Community centers, public assembly uses excluding religious institutions, and membership club buildings excluding golf clubs	1 per each 3 seats or other accommodations (calculated on the basis of 1 accommodation for each attendant)	
Public assembly & club buildings	Excluding religious institutions, golf clubs and community centers 1 per each 3 seats or other accommodations or other accommodations for attendants or participants	Computed on the basis of one accommodation for each attendant or participant

Article 18. Definitions

§18.2. GENERAL TERMS DEFINED

Family: (a) An individual, or two or more persons related by blood, marriage or adoption, or under approved foster care; or

(b) A group of not more than four persons (including servants) whether or not related by blood or marriage living together and sharing living areas in a dwelling unit; or

(c) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing ~~with one or more resident or nonresident staff persons with one or more resident counselor(s) or other staff person(s)~~ in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of this zoning ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or

(d) A group of up to eight aged, infirm or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia.

Family/caregiver suite. ~~Not more than two rooms plus a bathroom and "efficiency" kitchen in a dwelling that are One or more rooms within a [main] dwelling designed, intended, or used in accordance with §12.9.8 arranged, used or intended~~ for occupancy by:

- ~~(a) persons related by blood, marriage or adoption to an occupant residing in the main dwelling;~~
- ~~or~~
- ~~(b) persons providing child care, elder care, or disabled-persons care to an occupant residing in the main dwelling.~~

~~either not more than two persons who are related by blood or marriage to the principal occupant of the dwelling or no more than two persons who may be unrelated to the principal~~

358 occupant of the dwelling, at least one of whom provides care for one or more children of the
359 principal occupant of the dwelling or care for or assistance to one or more elder(s) or person(s)
360 with disabilities who are occupant(s) of the main dwelling.

361 Group home. A residential facility in which more than eight individuals with mental illness, intellectual
362 disability or developmental disability reside, with one or more resident or nonresident staff
363 persons with one or more resident counselors or other staff persons; provided that, for
364 purposes of this definition and the use of the term within the zoning ordinance, “mental illness
365 or developmental disability” shall not include current illegal use of or addiction to a controlled
366 substance as defined in Va. Code § 54.1-3401; all as provided in Va. Code §15.2-2291.A.

367 Main building footprint. See §3.1.4.C. §3.1.4.A

368 Main building footprint coverage. See §3.1.4.B. §3.1.4.A.

369 Story, half. A story under a gable, hip or gambrel roof,
370 the wall plates of which, on at least two
371 opposite exterior walls, are not more than two
372 feet above the floor of such story and if the roof
373 has a dormer, the dormer wall is set back at
374 least six inches from the front of the wall or
375 main wall below and the width of the dormer is
376 less than 50 percent of the width of the roof.

377

