



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 11, 2010

SUBJECTS: FBC-11. Amendments to the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, to amend:

1. Subsection II. Definitions to add definitions for "English basement," "porch" and "vestibule" and revise the existing definitions for "ground floor, ground story" and "Local street building;"
2. Subsection III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans, 4. Parking, to require that parking be provided when there are more than two (2) dwelling units per Local street building on sites of less than 20,000 square feet in land area;
3. Subsection IV. Building Envelope Standards to add references to "English basement," "porch," "vestibule," "ground floor, ground story" and "Local street building" where appropriate; to permit Local street buildings to have a ground story finished floor elevation of zero (0) to five (5) inches or 36 to 60 inches above the fronting sidewalk; to modify the minimum clear height for the ground story of Local site buildings and the ground and second stories of Neighborhood site buildings from nine (9) feet four (4) inches to nine (9) feet; to clarify the clear height depth requirement for the ground story of live/work buildings; to add language such that when the finished floor elevation of the ground floor is zero (0) to five (5) inches above grade a stoop is not required and the shy zone shall be distinguished from the sidewalk when a porch is not provided; to prohibit English basement units in Local street buildings with a finished floor elevation of less than 36 inches; to prohibit entries below the ground story on the required building line side of Local street buildings with a finished floor elevation of zero [0] to five [5] inches above grade; to allow up to two (2) entries per stoop, porch or, for Local street buildings with a finished floor elevation of zero [0] to five [5]

County Manager: BMD/GA

County Attorney: CWM SAM

Staff: Margaret Tulloch Rhodes and Deborah Albert, DCPHD, Planning Division

24. B.

PLA-5567

inches above grade, per shy zone treatment; and to allow up to two (2) dwelling units and an English basement unit per Local street building.

C. M. RECOMMENDATION:

Adopt the attached ordinance (FBC-11) to amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 20. (Appendix A), “CP-FBC” Columbia Pike Form Based Code Districts, subsection II. Definitions, subsection III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans 4. Parking and subsection IV. Building Envelope Standards of the Columbia Pike Special Revitalization District Form Based Code.

ISSUES: The proposed amendments to the Columbia Pike Special Revitalization District Form Based Code (“Form Based Code” or “Code”) are to amend the finished floor elevation requirements for Local sites and remove a barrier to accessibility unique to the Code; to clearly establish that stacked flat development is permitted on Local sites; and to amend the minimum clear height for certain stories on Local and Neighborhood sites from nine (9) feet four (4) inches to nine (9) feet, consistent with a previous change made to the Main and Avenue site development standards. Both the Form Based Code Advisory Working Group (“AWG”) and the Zoning Committee of the Planning Commission (“ZOCO”) discussed whether or not an accessible entry should be required, rather than permitted, for each Local street building. Staff’s recommendations, outlined below in the discussion section, address the points raised during the review process.

SUMMARY: Staff is proposing several changes to the Form Based Code, primarily to the Building Envelope Standards for Local sites. In response to concerns about the requirement that all Local non-live/work units be elevated 36 to 60 inches above grade and concerns regarding the proliferation of stoops related to the construction of stacked flats, staff undertook an evaluation of these and other related provisions of the Code. The most significant changes are described below.

As a result of its analysis and discussions with the AWG and ZOCO, staff concluded that developers should be able to construct non-live/work Local street buildings either zero (0) to five (5) inches above grade, in order to provide accessible entry, or at the currently required 36 to 60 inches above grade, which reflects the original intent of the Code to have buildings elevated above the eye level of passersby and to create outdoor spaces which would foster interaction between neighbors. The revised floor level would be permitted even where the developer chooses not to construct an accessible dwelling unit.

Staff also proposes language clarifying that stacked flat development is permitted on Local sites, while multifamily development is not, after discussions with the AWG and civic association leaders from Columbia Pike to confirm that there was support for continuing to allow stacked flat development. In order to mitigate potential adverse effects related to stacked flat development, such as the proliferation of stoops and parking concerns, staff is proposing language to allow no more than one (1) stoop or porch per Local street building, plus an additional entry for English basements, and to allow no more than two (2) entries per

stoop, porch or, in the case of Local street buildings with a finished floor elevation of zero (0) to five (5) inches above grade, a special shy zone treatment area. Staff is also proposing language that would eliminate the parking waiver for Local sites under 20,000 square feet in land area when more than two (2) units are provided, as Local sites are a transition zone from higher density Main and Avenue site development to single-family development, and parking for stacked flats is a concern in these areas.

The intent of the proposed amendments is to provide greater clarity as to what is permitted in Local site development, to better regulate the design and impacts of such development and to remove a barrier to accessibility on Local sites unique to the Form Based Code. The proposed amendments are in keeping with the vision for the Columbia Pike corridor as expressed in the Columbia Pike Initiative, A Revitalization Plan adopted in 2002 and the Columbia Pike Initiative, A Revitalization Plan – Update 2005.

BACKGROUND: In March 2002, the Columbia Pike Initiative, A Revitalization Plan was adopted by the County Board. A major recommendation of this plan was to develop a new administrative review process to evaluate redevelopment proposals on Columbia Pike, which became the Columbia Pike Special Revitalization District Form Based Code. In February 2003, the County adopted the Code for the Town Center and Village Center development nodes. In February 2004, the Code was adopted for the Neighborhood Center and Western Gateway. From time to time, staff has initiated amendments to the Code in response to community concerns and input from advisory boards and commissions in order to clarify the intent of the Code, while facilitating the redevelopment of Columbia Pike in accordance with the overarching vision for the revitalization of the corridor.

With regards to the subject of this staff report, in response to concerns about the requirement that all Local non-live/work units be elevated 36 to 60 inches above grade and concerns regarding the proliferation of stoops related to the construction of stacked flats, staff undertook an evaluation of these and other related provisions of the Code.

DISCUSSION: The proposed amendments to the Code are shown with language to be added shown underlined and language to be deleted shown struck-through. Terms defined in the Code are distinguished from other terms with all capital letters. Many of the proposed changes to the language are minor editorial clarifications which do not change the intent of the language. Staff is recommending, however, several additional changes of a more substantive nature. Staff is proposing to change the finished floor elevation requirements for Local sites to remove a barrier to accessibility unique to the Code; to clearly establish that stacked flat development is permitted on Local sites and to address its potential impacts, including the proliferation of stoops and parking impacts; and to change the minimum clear height for certain stories on Local and Neighborhood sites from nine (9) feet four (4) inches to nine (9) feet, consistent with a previous change made to the Main and Avenue site development standards, to reduce unnecessary development costs while maintaining a generous clear height. All of the aforementioned amendments are in keeping with the vision for the Columbia Pike corridor as expressed in the Columbia Pike Initiative, A Revitalization Plan adopted in 2002 and the Columbia Pike Initiative, A Revitalization Plan – Update 2005.

The following represents a brief overview of the primary proposed changes:

Topic	Current Requirement	Proposed Amendment
Finished Floor Elevation	Local street buildings are required to be elevated 36-60” above grade	Require Local street buildings to be either 0-5” or 36-60” above grade to allow flexibility for accessibility
Stacked Flats	Original intent was to permit fee simple townhouses with or without an English basement or accessory unit on Local sites, however Code, as written, permitted stacked flats on Local sites	Stacked flats explicitly permitted and limited to a maximum of 2 units per Local street building plus an English basement or accessory unit
Stoops	One stoop or porch required per Local dwelling unit, which could result in multiple stoops per Local street building when stacked flats are provided	Require not more than 1 stoop or porch per Local street building and allow an English basement entry; no more than 2 entries per stoop or porch permitted; in the case of Local street buildings constructed 0-5” above grade, no stoop is required, but a special treatment for at least 2’ of the shy zone is required when no porch is provided and no more than 2 entries per shy zone treatment or porch are permitted
	English basement unit permitted for Local street buildings	English basement units only permitted for Local street buildings with a finished floor elevation of 36-60” to prevent excessively large window wells or pits
	No restriction on entries below the ground story for Local sites	No entries permitted below the ground story on the required building line side of Local street buildings with a finished floor elevation of 0-5” above the fronting sidewalk to prevent excessively large window wells or pits
Parking	No parking required for any site under 20,000 square feet in site area	Remove parking waiver for Local sites when more than 2 units are provided to mitigate potential impacts of stacked flat development
Clear Height	9’4” clear height for ground story of Local buildings and ground and second stories of Neighborhood buildings	Amend clear height to 9’ for these stories, consistent with previous amendment for Main and Avenue sites

Finished Floor Elevation and Barriers to Accessibility: The Code currently requires that the finished floor of Avenue, Local and Neighborhood sites be elevated for residential uses and that stoops or porches be provided on Local non-live/work sites. Concerns have been raised that because the Code requires the first floor of Local sites to be elevated, it is challenging to construct accessible units on such sites. As Avenue development is intended to be multifamily or commercial development, Federal law ensures accessibility for these properties. As Neighborhood sites are intended to be developed as single-family detached units, there is sufficient space for a developer or homeowner to retrofit or include a ramp or other accommodations. By contrast, Local sites, aside from live/work sites which can be built at grade, have a requirement for a first floor elevated 36 to 60 inches above grade. Part of the original vision for the Columbia Pike corridor was to have townhouses slightly elevated above the eye level of passersby and to create outdoor spaces, in the form of stoops or porches, which would foster interaction between neighbors. However, given this elevation requirement, it is difficult to construct an accessible entrance. Any ramp constructed would need to be of sufficient length to reach the finished floor elevation of 36 to 60 inches above grade and available space is constrained by the streetscape requirements.

Informed by discussions with the AWG and ZOCO, staff recommends amendments to the Code to permit non-live/work Local street buildings to be constructed either between zero (0) to five (5) inches above grade, which would allow for accessible entry, or 36 to 60 inches above grade, which mirrors the current requirement and original vision of the Code. This would remove a barrier to accessibility unique to the Code and would allow developers to choose, based on programmatic interests, topography, marketing plans, and the like, at what elevation, between zero (0) to five (5) inches or between 36 to 60 inches above grade, to construct their buildings. Staff does not recommend requiring that such buildings be constructed to specific internal standards, as the Code is designed to be a form-based document and does not regulate internal design and finishes. In addition, the County attempts not to duplicate other local, state or federal codes in its Zoning Ordinance.

While the privacy of at-grade units has been raised as a concern, there are various design choices and techniques that can mitigate the lack of privacy that such a unit may have. For instance, a fence or garden wall of 30 to 40 inches in height could be constructed per the Code; various plantings in front of the building could provide a landscaped buffer; a porch (with a required width not less than 50 percent of the required building line) could create a physical separation from the sidewalk; windows could be slightly raised to minimize views into the unit, and so forth. Staff is also proposing that at least two (2) feet of the shy zone, the area on the sidewalk within two (2) feet of the building face, of Local buildings with a finished floor elevation of zero (0) to five (5) inches above grade be distinguished from the sidewalk by a change in material, color, finish or landscaping when a porch is not provided. This would provide articulation of a privacy zone in front of ground level units.

Given a concern about the potential construction of at-grade Local street buildings with English basement units (see proposed definition below), which could result in excessively large window wells or pits that are not in keeping with the intent of the Code, staff proposes prohibiting English basement units where the first story finished floor elevation is less than 36 inches above the fronting sidewalk. Likewise, staff also recommends prohibiting entries

below the ground story on the required building line side of Local street buildings with a finished floor elevation of zero (0) to five (5) inches above the fronting sidewalk, which could be desired to allow egress from a traditional basement space, but which would likewise result in moat-like areas.

Stacked Flats and Potential Impacts: During the initial community meetings to develop the Form Based Code in 2002, Local development was envisioned as fee simple townhouse development. However, the Zoning Administrator has interpreted the Code, as it was written, to permit stacked flat development, though not multifamily development. Stacked flats are distinguished from multifamily development by the absence of common corridors and stairways. During this discussion of Local site development, staff discussed with representatives from the AWG and the civic associations along Columbia Pike whether or not the community was interested in amending the Code to preclude stacked flat development on Local sites. The general consensus was that stacked flat development contributes to a diversity of housing types and should not be eliminated, but that multifamily development should not be permitted. Given this input, staff added language to the definition of “Local street building” making it clear that stacked flats are permitted on Local sites. Staff has also added language to address the potential adverse effects of stacked flat development, such as the proliferation of stoops and parking impacts.

Proliferation of Stoops: Stoops and porches are identified design element specifications for Local sites and a component of the vision expressed in the Code for Columbia Pike. However, concerns have been raised that the Code’s current requirement of one stoop or porch per lot/unit, has resulted in an unintended consequence - the proliferation of stoops, as developers attempting to maximize their unit count construct stacked flats resulting in multiple stoops in front of each Local street building. Staff expects that without this change, streetscapes will be unnecessarily cluttered and anticipates that applicants will continue to request tree pit and other modifications to accommodate the stoops. With fewer stoops needed to achieve the same number of units, developers could elect to turn some stoops in pinch point situations to accommodate the required streetscape elements. To date, no project has been proposed or approved with a porch. As porches are required to have a width not less than 50 percent of the required building line, porches are less of a concern in terms of crowding of a streetscape for stacked flat development than stoops, which are smaller in size and cannot be more than five (5) feet deep and six (6) feet wide, and are more likely to be used where more entries are desired.

Staff recommends amending the Code to allow not more than one (1) stoop or porch per Local street building, plus an additional entry for English basements, and to allow not more than two (2) entries per stoop, porch or, in the case of Local street buildings with a finished floor elevation of zero (0) to five (5) inches above grade, the special shy zone treatment above referenced. Staff also proposes that entries may be accessed by a vestibule in order to permit a common space, limited in size, that has space for entries to two (2) separate dwelling units. Staff, however, has added additional language to the Local Building Envelope Standards, making it clear that, apart from the vestibule, no stairway or corridor shall serve as common access for multiple dwelling units, thereby reinforcing that multifamily development is not permitted on Local sites. Effectively, the aforementioned

modifications would limit developers to three (3) units per Local street building – up to two (2) units in the main “townhouse” plus either an English basement unit or an accessory unit. This is consistent with the maximum number of units that has been recently approved for a Local site project. Additionally, this modification is consistent with an existing informal interpretation that Local sites are not intended to support multifamily apartments. Staff also recommends clarifying that for live/work developments, neither a porch, as currently stated, nor a stoop or special shy zone treatment is required because live/work development is intended to be a more commercial zone with more intense pedestrian activity closer to the Main streets.

Parking: As Local sites typically serve as a transition zone from higher density Main and Avenue site development to single-family development, parking for stacked flats is a concern. Currently the Code waives the 1 and 1/8 parking spaces per residential dwelling unit (of which a minimum of 1/8 parking space per residential dwelling unit shall be provided as shared parking) parking requirement for sites under 20,000 square feet in land area. However, townhouse and stacked flat development are the most auto-intensive residential uses in the County and the Zoning Ordinance requires 2.2 spaces per townhouse or stacked flat unit in other areas of the County. Therefore, in order to mitigate the parking impacts to neighborhood streets in transitional areas, staff recommends that when more than two (2) dwelling units per Local street building are constructed, parking be provided per the aforementioned Code standard for each dwelling unit, regardless of site size.

Clear Height: The minimum clear height requirement for the ground story of Local site buildings and the ground and second stories of Neighborhood site buildings is currently nine (9) feet four (4) inches. Staff recommends changing the minimum required clear height to nine (9) feet for those stories on Local and Neighborhood sites that are currently required to have nine (9) foot four (4) inches, as was previously done for Main and Avenue sites. This change is proposed, and the previous amendments made, in response to a concern that this unusual clear height necessitated the custom sizing and cutting of standard drywall and other construction materials, thereby increasing development costs. Staff concludes that a nine (9) foot clear height still provides a generous floor height.

Other Related Zoning Changes: In order to implement the aforementioned policy changes and to provide greater clarity and avoid using an inordinate number of words to describe, for instance, a “vestibule,” in the Code, staff proposes several changes to the Definitions Section of the Code. Staff modified several terms and added some new terms to the Definitions Section and used them, where appropriate, throughout the Code.

English Basement: Staff added a definition for “English basement,” as it is a term used, but not defined, in the Code. Staff has defined it as “A dwelling unit, with kitchen and bath, which is below the GROUND FLOOR of a building, partially below and partially above the grade of the fronting sidewalk, has its own separate entrance from the rest of the building and which may have internal access to the GROUND FLOOR dwelling unit.”

Ground Floor, Ground Story: Staff revised the definition of “ground floor, ground story” to remove the regulations specific to any one frontage type, as those regulations are already and

more appropriately included in the Building Envelope Standards for each frontage type. With regards to the parenthetical discussion of the finished floor elevation in the “ground floor, ground story” definition, staff removed this reference as it is redundant and incorrect.

Local Street Building: Staff also revised the definition for “Local street building” in order to clarify that Local street buildings are essentially “townhouses,” but that they can contain one (1) or more dwelling units as stacked flats.

Porch: Staff also defined the term “porch,” because, while the term is already used in the Code, it is not a defined term. To avoid confusion, staff provided a simple definition for “porch” as “[a] covered platform on the RBL [Required Building Line] side of a building. A PORCH shall not be enclosed.”

Vestibule: Lastly, staff added the term “vestibule” in order to permit use of a small common entrance that provides access to multiple dwelling units, that will not be considered a common hallway, defining it as “An open or enclosed passage or hall, of not more than 30 square feet, between an exterior opening or door and the interior of a building.”

Community Process: The proposed amendments were discussed with the AWG at meetings on September 9, 2009, October 14, 2009, November 12, 2009, January 20, 2010, and March 17, 2010. In addition to the AWG, special outreach was made to the presidents of the relevant Civic Associations along Columbia Pike prior to the January, 2010, meeting in order to ensure that the proposal to formally codify stacked flat development on Local sites was supported and understood by the community. At the March 2010 meeting, members of the AWG expressed general support for the proposed amendments, suggesting that the finished floor elevation for non-live/work Local sites be either accessible, i.e. zero (0) to five (5) inches above grade, or at the height originally required in the Code, which is 36 to 60 inches above grade, rather than permitting the finished floor elevation to be between zero (0) to 60 inches above grade, as staff had initially proposed.

The proposed amendments also were discussed with ZOCO at its February 4, February 16, and April 5, 2010, meetings. ZOCO members encouraged staff to consider permitting all Local street buildings to be constructed at grade, rather than a limited percentage, as previously proposed by staff. ZOCO members also encouraged staff to consider a requirement for accessible entries. Additionally, ZOCO suggested some editorial changes to the proposed text amendment. Staff concurred with most of the changes recommended by AWG and ZOCO members, though it does not, as discussed above in this report, support a requirement for accessible entries rather than the permissive option, as included in the staff proposal. At the April 2010 meeting, ZOCO members acknowledged that staff had addressed the outstanding issues.

On May 10, 2010 the Planning Commission voted nine (9) to one (1) with one (1) abstention to recommend that the County Board approve the proposed amendments. The one (1) Planning Commissioner who opposed the proposed amendments recommended that the proposed finished floor elevation for Local street buildings be zero (0) to 60 inches above grade, instead of limiting it to zero (0) to five (5) inches or 36 to 60 inches above grade.

Staff maintains that flexibility should only be added to the finished floor elevation requirements for accessibility, which is consistent with the discussion of the AWG.

CONCLUSION: Staff recommends that the County Board adopt the proposed ordinance to amend, reenact and recodify the Arlington County Zoning Ordinance, Section 20. (Appendix A), “CP-FBC” Columbia Pike Form Based Code Districts, Section II. Definitions, Section III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans 4. Parking and Section IV. Building Envelope Standards of the Columbia Pike Special Revitalization District Form Based Code in order to provide greater clarity as to what is permitted in Local site development, to better regulate the design and impacts of such development and to remove a barrier to accessibility on Local sites unique to the Form Based Code.

FBC-11

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. (APPENDIX A), “CP-FBC” COLUMBIA PIKE FORM BASED CODE DISTRICTS AS FOLLOWS: SECTION II. DEFINITIONS TO ADD DEFINITIONS FOR “ENGLISH BASEMENT,” “PORCH” AND “VESTIBULE” AND REVISE THE EXISTING DEFINITIONS FOR “GROUND FLOOR, GROUND STORY” AND “LOCAL STREET BUILDING;” SECTION III. THE REGULATING PLANS B. RULES FOR THE REGULATING PLAN AND NEW DEVELOPMENT PLANS, 4. PARKING, TO REQUIRE THAT PARKING BE PROVIDED WHEN THERE ARE MORE THAN TWO (2) DWELLING UNITS PER LOCAL STREET BUILDING ON SITES OF LESS THAN 20,000 SQUARE FEET IN LAND AREA; SECTION IV. BUILDING ENVELOPE STANDARDS TO ADD REFERENCES TO “ENGLISH BASEMENT,” “PORCH,” “VESTIBULE,” “GROUND FLOOR, GROUND STORY” AND “LOCAL STREET BUILDING” WHERE APPROPRIATE; TO PERMIT LOCAL STREET BUILDINGS TO HAVE A GROUND STORY FINISHED FLOOR ELEVATION OF ZERO (0) TO FIVE (5) INCHES OR 36 TO 60 INCHES ABOVE THE FRONTING SIDEWALK; TO MODIFY THE MINIMUM CLEAR HEIGHT FOR THE GROUND STORY OF LOCAL SITE BUILDINGS AND THE GROUND AND SECOND STORIES OF NEIGHBORHOOD SITE BUILDINGS FROM NINE (9) FEET FOUR (4) INCHES TO NINE (9) FEET; TO CLARIFY THE CLEAR HEIGHT DEPTH REQUIREMENT FOR THE GROUND STORY OF LIVE/WORK BUILDINGS; TO ADD LANGUAGE SUCH THAT WHEN THE FINISHED FLOOR ELEVATION OF THE GROUND FLOOR IS ZERO (0) TO FIVE (5) INCHES ABOVE GRADE A STOOP IS NOT REQUIRED AND THE SHY ZONE SHALL BE DISTINGUISHED FROM THE SIDEWALK WHEN A PORCH IS NOT PROVIDED; TO PROHIBIT ENGLISH BASEMENT UNITS IN LOCAL STREET BUILDINGS WITH A FINISHED FLOOR ELEVATION OF LESS THAN 36 INCHES; TO PROHIBIT ENTRIES BELOW THE GROUND STORY ON THE REQUIRED BUILDING LINE SIDE OF LOCAL STREET BUILDINGS WITH A FINISHED FLOOR ELEVATION OF ZERO (0) TO FIVE (5) INCHES ABOVE GRADE; TO ALLOW UP TO TWO (2) ENTRIES PER STOOP, PORCH OR, FOR LOCAL STREET BUILDINGS WITH A FINISHED FLOOR ELEVATION OF ZERO (0) TO FIVE (5) INCHES ABOVE GRADE, PER SHY ZONE TREATMENT; AND TO ALLOW UP TO TWO (2) DWELLING UNITS AND AN ENGLISH BASEMENT UNIT PER LOCAL STREET BUILDING; AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that Section 20. (Appendix A), “CP-FBC” Columbia Pike Form Based Code Districts of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows to amend Section II. Definitions to add definitions for “English basement,” “porch” and “vestibule” and revise the existing definitions for “ground floor, ground story” and “Local street building;” Section III. The Regulating Plans B. Rules for the

Regulating Plan and New Development Plans, 4. Parking, to require that parking be provided when there are more than two (2) dwelling units per Local street building on sites of less than 20,000 square feet in land area; Section IV. Building Envelope Standards to add references to “English basement,” “porch,” “vestibule,” “ground floor, ground story” and “Local street building” where appropriate; to permit Local street buildings to have a ground story finished floor elevation of zero (0) to five (5) inches or 36 to 60 inches above the fronting sidewalk; to modify the minimum clear height for the ground story of Local site buildings and the ground and second stories of Neighborhood site buildings from nine (9) feet four (4) inches to nine (9) feet; to clarify the clear height depth requirement for the ground story of live/work buildings; to add language such that when the finished floor elevation of the ground floor is zero (0) to five (5) inches above grade a stoop is not required and the shy zone shall be distinguished from the sidewalk when a porch is not provided; to prohibit English basement units in Local street buildings with a finished floor elevation of less than 36 inches; to prohibit entries below the ground story on the required building line side of Local street buildings with a finished floor elevation of zero (0) to five (5) inches above grade; to allow up to two (2) entries per stoop, porch or, for Local street buildings with a finished floor elevation of zero (0) to five (5) inches above grade, per shy zone treatment; and to allow up to two (2) dwelling units and an English basement unit per Local street building; and in order to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

Note: Text to be added is shown with an underline and text to be deleted is shown with ~~striketrough~~. Proposed amendments that have been modified since advertisement are **highlighted** and shown as follows: text proposed to be added since advertisement is shown with a double-underline. Text proposed to be deleted since the advertisement is shown with a ~~double-striketrough~~.

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1 **II. Definitions**

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3 The following terms are defined for the purpose of the **Columbia Pike Special Revitalization**
4 **District Form Based Code**, Section 20 of the Arlington County Zoning Ordinance. Terms not defined
5 here may be defined elsewhere in the Zoning Ordinance. In such case, the definition contained in the
6 Zoning Ordinance will be used. Certain terms in the **Form Based Code** are used in very specific
7 ways, often excluding some of the meanings of common usage. Wherever a word is printed in SMALL
8 CAPITAL LETTERS, it is being used as defined herein.

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11 ENGLISH BASEMENT

12 A dwelling unit, with kitchen and bath, which is below the GROUND FLOOR of a building, partially
13 below and partially above the grade of the fronting sidewalk, has its own separate entrance from the
14 rest of the building and which may have internal access to the GROUND FLOOR dwelling unit.

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17 GROUND FLOOR, GROUND STORY

18 Form Based Code
Local Sites – Stoops, Etc.
PLA-5567

19 The first level of ~~MAIN STREET and LIVE/WORK SITE~~ a buildings where at least 80 percent of the
20 finished floor elevation is within the finished floor elevation parameters established in the designated
21 BES 18 inches of the adjacent fronting sidewalk level. The next STORY above the GROUND STORY is
22 the second floor. ~~(When a residential use occupies the GROUND FLOOR it shall be 30 to 60 inches~~
23 ~~above the fronting sidewalk elevation, as indicated in the BUILDING ENVELOPE STANDARDS.)~~

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26 **LIVE/WORK**

27 A structure that is specifically built (or altered) to accommodate retail or office commercial uses on
28 the GROUND FLOOR and residential uses on the upper floors. Both the lower and upper levels may
29 be occupied by the same user; however, it is not a requirement for this designation.

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31 **LOCAL STREET BUILDING**

32 ~~Buildings as defined in the BUILDING ENVELOPE STANDARD for LOCAL STREET SITES. One of a~~
33 series of attached similar buildings, as defined in the BUILDING ENVELOPE STANDARDS for LOCAL
34 STREET sites, separated by common party walls without openings extending from basement to roof.
35 Each building may contain one or more dwelling units.

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37 **LOT**

38 A designated parcel, tract or area of land having its principal frontage upon a STREET
39 or a place permitted under the subdivisions ordinance and established by plat or
40 subdivision or as otherwise permitted by law to be used, developed or built upon as a unit. (Ord. No.
41 90-14, 6-28-90)

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45 **PORCH**

46 A covered platform on the RBL side of a building. A PORCH shall not be enclosed.

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49 **STOOP**

50 An entry platform on the RBL side of a building. STOOPS may be roofed, but they shall not be
51 enclosed.

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53 **STORY, STORY HEIGHT**

54 That space within a building, and above adjacent RBL elevation, that is situated between one floor
55 level and the floor level next above, or if there is no floor above, the ceiling or roof above. STORY
56 HEIGHT parameters are as specified by the appropriate BUILDING ENVELOPE STANDARD.

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59 **STREET WALL**

60 A masonry wall set back (or forward) not more than 8 inches from the RBL or adjacent building
61 façade and built to the height specified in the BUILDING ENVELOPE STANDARDS. A vehicle entry
62 gate (opaque, maximum 18 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both
63 allowed as limited substitutions within any required STREET WALL length.

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65 **VESTIBULE**

66 An open or enclosed passage or hall, of not more than 30 square feet, between an exterior opening
67 or door and the interior of a building.

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71 **III. The Regulating Plans**

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A. Understanding the Regulating Plan

A REGULATING PLAN provides standards for the disposition of each property or LOT and how each relates to its adjacent properties and STREETS. Following the adoption of the Columbia Pike Initiative—A Revitalization Plan in March 2002 and the Columbia Pike Urban Design Charrette and citizen planning workshops held in September 2002 and any future addenda, REGULATING PLANS have been produced for the Columbia Pike Special Revitalization District in Arlington County.

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The REGULATING PLAN is the principal tool for implementing the **Columbia Pike Special Revitalization District Form Based Code** and identifies the basic physical characteristics of each building site and the BUILDING ENVELOPE STANDARD (BES) assigned to it.

B. Rules for the Regulating Plan and New Development Plans

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4. PARKING

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B. Sites under 20,000 square feet in land area have no minimum parking requirements, except that on LOCAL sites of less than 20,000 square feet in land area and with more than two dwelling units per LOCAL STREET BUILDING, parking shall be provided for each dwelling unit, as required in Section III.B.4.C.

~~C. Sites over 20,000 square feet in land area and~~ All other sites not expressly covered by Section III.B.4.B. shall meet have the following requirements.

- 1. A minimum of 1 and 1/8 parking spaces per residential dwelling unit, of which a minimum of 1/8 parking space per residential unit shall be provided as SHARED PARKING. There are no maximum limits on SHARED PARKING.
- 2. A minimum of one space per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as SHARED PARKING; there are no set maximum limits on SHARED PARKING. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for SHARED PARKING. Any limitations on the SHARED PARKING (time limits or hours of the day) shall be subject to approval by the Zoning Administrator which shall be given upon a finding that at least 12 15 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary public use will be for commercial or residential uses.
- 3. A maximum of one space per 1,000 square feet of non-residential GFA or two spaces per residential dwelling unit may be made available for RESERVED PARKING.
- 4. RESERVED PARKING above the maximum may be provided upon payment to the County. The County Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.

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IV. Building Envelope Standards

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B. BUILDING ENVELOPE STANDARDS: MAIN STREET SITES

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**Siting Specifications
STREET Façade**

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- 2. The STREET facade shall be composed as a simple plane (limited jogs less than 24 inches are considered a simple plane within this requirement) interrupted only by ~~porches~~ PORCHES, STOOPS, BAY WINDOWS, shop fronts and BALCONIES.

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C. BUILDING ENVELOPE STANDARDS: AVENUE SITES

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**Siting Specifications
STREET Façade**

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- 2. That portion of a facade that is required to be built to the RBL shall be composed as a simple plane (limited jogs less than 18 inches are considered a simple plane within this requirement) interrupted only by ~~porches~~ PORCHES, STOOPS, BAY WINDOWS, shop fronts and BALCONIES.

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D. BUILDING ENVELOPE STANDARDS: LOCAL SITES

Height Specifications

Building Height

- 1. Principal building height is measured in STORIES.
- 2. Buildings shall be between 2 and 3 STORIES in height. Additionally, an attic STORY may be built. An attic or half STORY is any top STORY which achieves its minimum clear height between 8 and 12 feet behind the RBL. An attic or half-STORY may have DORMER windows which face the street.

GROUND STORY Height

- 1. The ~~first~~ GROUND STORY finished floor elevation of ~~any each~~ residential ~~unit~~ LOCAL STREET BUILDING shall be between 0 and 5 inches or 36 and 60 inches above the fronting sidewalk. ~~Where~~ The finished floor elevation for LIVE-WORK development shall be between 0 inches and 18 inches above the fronting sidewalk, and have at least 12 feet clear height for at least 1/3 of its area contiguous to RBL frontage.
- 2. The maximum floor-to-floor STORY HEIGHT limit for the GROUND FLOOR is 14 feet.
- 3. The ~~first~~ GROUND STORY shall have at least 9 feet ~~4 inches~~ in clear height for at least 80 percent of its area. The GROUND STORY of LIVE-WORK development shall have at least 12 feet clear height for a depth of at least 1/3 of its floor area contiguous to each frontage adjacent to an RBL.

Upper STORIES Height

- 179 1. All STORIES shall have at least 9 feet 4-inches in clear height for at least 80 percent of their area.
180 2. The maximum floor to floor STORY HEIGHT limit for upper STORIES is 12 feet.

181

182 **Mezzanines**

183 Mezzanines greater than 2/3 of the floor area footprint shall be counted as a full STORY.

184

185 **STREET WALL and fence height**

- 186 1. Any unbuilt RBL shall have a STREET WALL built along it and any unbuilt COMMON LOT LINE
187 shall have a PRIVACY FENCE along it, 7 feet in height.

188

189 **Other**

190 Where a part of a LOCAL site is within 40 feet of a NEIGHBORHOOD site existing single family use
191 dwelling, the maximum height for any structure on that portion of the site is 32 feet to the EAVES or
192 PARAPET.

193

194 **Siting Specifications**

195 **STREET Facade**

- 196 1. The STREET facade shall be built-to not less than 75 percent of the overall RBL. However, at the
197 GROUND FLOOR, portions of the STREET facade within 7 feet of a BLOCK CORNER are exempt
198 from this requirement in order to allow special corner treatments in these areas.
199 2. That portion of a facade that is required to be built to the RBL shall be composed as a simple
200 plane (limited jogs less than 18 inches are considered a simple plane within this requirement)
201 interrupted only by porches PORCHES, STOOPS, BAY WINDOWS, shop fronts and BALCONIES.

202

203 **BUILDABLE AREA**

204 Buildings shall occupy only the area of the LOT specified on the REGULATING PLAN as BUILDABLE
205 AREA. No part of any building excepting overhanging EAVES and BES permitted BALCONIES, BAY
206 WINDOWS, STOOPS, and shop fronts shall encroach into the STREET beyond the RBL. No part of any
207 building (excepting overhanging EAVES, BALCONIES, STOOPS, and small and unroofed garden
208 structures) shall occupy the remaining LOT area. The minimum OPEN CONTIGUOUS LOT AREA shall
209 comprise at least 15 percent of the total BUILDABLE AREA and can be located anywhere within the
210 BUILDABLE AREA of the site.

211

212 **Side LOT Line**

213 There are no required side LOT line setbacks unless shared with an existing single family house
214 where an 8-foot setback is required.

215

216 **Garage and Parking Entrances**

- 217 1. Any garage and/or vehicle (autos, trailers, boats, etc.) parking areas - except where parking is
218 located in an ancillary structure, enclosed in a rear-loading town-house garage, or in a below
219 grade garage - on private property shall not be located within 25 feet from any RBL (except for
220 basement garages) and screened from the STREET by a STREET WALL.
221 2. Parking access shall be from an ALLEY where present. Designated GARAGE ENTRIES and ALLEYS
222 shall be the sole means of automobile access to a site unless otherwise approved by the
223 ADMINISTRATIVE REVIEW TEAM.
224 3. Garage doors shall not face (be at an angle of less than 90 degrees from the RBL or right of way)
225 the RBL.
226 4. These requirements are not applicable to on-STREET parallel parking.

227

228 **ALLEYS**

229 On sites with no ALLEY access, there shall be a 12 foot setback from the rear LOT line.

230

231 **Corner LOTS**

232 Corner LOTS shall be treated as having STREET FRONTAGE on both the front and side STREETS (or
233 RBLs).

234

235 **LOT/Dwelling Unit Width**

236 The LOT/dwelling unit width shall be between 16 feet and 32 feet. No more than 1/3 of the LOCAL
237 STREET BUILDINGS units in any phase within a development proposal shall be less than 18 feet
238 wide. A maximum of 7 units LOCAL STREET BUILDINGS or 150 feet (whichever is greater) shall be
239 contiguous as a single building attached group of LOCAL STREET BUILDINGS. There shall be a 10
240 foot gap (gated) between multiple buildings groups of LOCAL STREET BUILDINGS.

241

242

243 **Elements Specifications**

244

245 **STOOPS**

246 1. Each LOT/unit LOCAL STREET BUILDING shall include a either no more than one STOOP of not
247 more than 5 feet deep and 6 feet wide (plus steps) which is required to be built forward of the
248 (RBL); or a no more than one front porch PORCH, between 8 feet and 10 feet deep with a width
249 not less than 50 percent of the RBL, - [strike-thru dash] with the building facade placed an addi-
250 tional 2 feet back from the STREET/RBL. Provided, however, that when the finished floor
251 elevation of the GROUND STORY is between 0 to 5 inches above the grade of the fronting
252 sidewalk, a STOOP is not required, and at least 2 feet of the shy zone (the area adjacent to the
253 building face, at least 2 feet in width) shall be distinguished from the sidewalk by a change in
254 material, color, finish or landscaping when a PORCH is not provided.

255 2. No more than two entries per STOOP, PORCH or shy zone treatment as described above in
256 STOOPS (1.) shall be permitted and the STOOP, PORCH or shy zone treatment as described
257 above in STOOPS (1.) may provide access to a VESTIBULE. In addition, any LOCAL STREET
258 BUILDING may include an entry on the RBL side of the building into an ENGLISH BASEMENT. No
259 entries are permitted below the GROUND STORY on the RBL side of LOCAL STREET BUILDINGS
260 with a GROUND STORY finished floor elevation of 0 to 5 inches above the fronting sidewalk.

261

262 **Fences/GARDEN WALLS**

263 A fence or GARDEN WALL, 30-40 inches in height, is permitted along the STREET FRONTAGE and
264 along the COMMON LOT LINES of the front yard. Opaque ornamental fencing (not including chain
265 link or any other roll type of fencing), between 6 and 7 feet in height may be placed along
266 any unbuilt rear and COMMON LOT LINES.

267

268 **FENESTRATION**

269 FENESTRATION shall be between 30 percent and 70 percent of all RBL building facades (when
270 measured as a percentage of the area of each facade and STORY between 3 and 8 feet above the
271 finished floor). Blank lengths of wall along any RBL facade of more than 20 linear feet are prohibited.

272

273 **Use Specifications**

274 **GROUND STORY**

275 A GROUND FLOOR may have residential and home office uses. Where a site is designated LIVE-
276 WORK, the GROUND FLOOR may additionally have small professional office, building lobby, building
277 manager's office, ancillary retail grocery, and cafe uses (each less than 1,200 sf).

278

279 **Upper STORIES**

280 Upper STORIES shall be exclusively for residential and home occupations, as defined by the County.
281 Where a site is designated LIVE-WORK on the REGULATING PLAN, the second STORY may include
282 small professional office uses.

283

284 **LOCAL STREET BUILDINGS**

285 A LOCAL STREET BUILDING may include up to two dwelling units and an ENGLISH BASEMENT,
286 provided that no stairway or corridor, except a VESTIBULE, shall serve as common access for
287 multiple dwelling units.
288

289 **ACCESSORY UNITS**

- 290 1. ~~Either One English basement~~ ENGLISH BASEMENT unit or one ACCESSORY UNIT is permitted,
291 except that an ENGLISH BASEMENT is not permitted where the GROUND STORY finished floor
292 elevation is less than 36 inches above the fronting sidewalk. Conversion of primary structure
293 single family units for multiple family uses is prohibited.
294 2. Parking and ACCESSORY UNIT (maximum 650 sf) uses are permitted in the building area at the
295 rear of the LOT.
296

297 **Garage/Parking**

298 The garage/parking for vehicles (autos, trailers, boats, etc.) shall be located at least 25 feet away
299 from any RBL (excepting basement garages).
300

301 **The following requirements apply only to LIVE-WORK Designated Sites**

- 302 1. There is no ~~requirement for a front porch~~ STOOP, PORCH or shy zone treatment as described
303 above in STOOPS (1.) requirement.
304 2. There is no front yard fence requirement.
305 3. The GROUND STORY finished floor elevation shall be between 0 and 18 inches above the
306 adjacent sidewalk elevation and the GROUND STORY shall have a clear height of between 12 and
307 19 feet.
308

309 * * *

310 **E. BUILDING ENVELOPE STANDARDS: NEIGHBORHOOD SITES**

311 **Height Specifications**

312 **Building Height**

- 313 1. Principal building height is measured in STORIES.
314 2. The building shall be no more than 3 STORIES in height.
315 3. No accessory building shall be more than 18 feet to its EAVES.
316

317 **GROUND FLOOR and Second STORY Height**

- 318 1. The ~~first~~ GROUND FLOOR finished elevation shall be between 30 and 69 inches above the average
319 RBL elevation.
320 2. The maximum floor-to-floor STORY HEIGHT limit for the GROUND FLOOR STORY is 14 feet.
321 3. The GROUND FLOOR STORY and second STORIES shall have at least 9 feet 4 inches in clear
322 height for at least 80 percent of the area of the particular STORY.
323

324 **Upper STORIES Height**

- 325 1. The maximum floor-to-floor STORY HEIGHT for upper STORIES is 10 feet.
326 2. Each STORY above the second STORY shall have at least 8 feet 8 inches in clear height for at
327 least 80 percent of its area.
328

329 **Mezzanines**

330 Mezzanines greater than 2/3 of the floor area footprint shall be counted as full STORIES.
331

332 **Siting Specifications**

333 **STREET Facade**

334 * * *

339 2. That portion of a facade that is required to be built to the RBL shall be composed as a simple
340 plane (limited jogs less than 18 inches are considered a simple plane within this requirement)
341 interrupted only by porches PORCHES, STOOPS, BAY WINDOWS, shop fronts and BALCONIES.

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345 **Use Specifications**

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349 2. ~~Either One English-basement~~ ENGLISH BASEMENT unit or one ACCESSORY UNIT is permitted.
350 Conversion of primary structure single-family units for multiple family uses is prohibited.