

Proposed FBC Amendments/Interpretations

Form Based Code

Neighborhoods Form Based Code

Map Amendment _____

Text Amendment

Topic: Ground Floor Uses

Issues:

1. The FBC allows only Retail uses to occupy ground story space in Main Street, and certain Local, frontages. Should the list of allowable uses be expanded to include Civic Uses?
2. Specific civic uses are not identified in the FBC except for a selection of uses in Definitions; more clarity on specific uses and where they may occur is needed
3. Should the FBC specify locations for Primary and Secondary Retail uses? Other uses?

Purpose of this study:

1. To evaluate the list of allowable ground floor uses for FBC and N-FBC and consider allowances for civic, or other commercial uses.
2. To specifically include a list of allowable civic uses in FBC, similar to N-FBC, and to indicate where civic uses may occur.
3. To evaluate if specific criteria should be included for Primary & Secondary Retail locations, and other new uses?

FBC References:

Commercial Centers Form Based Code

III. Regulating Plan 5. Retail (pgs 3.6-3.7):

Generally, retail is required on the GROUND STORY of MAIN STREET SITES and, to a lesser degree, on LOCAL SITES. The inclusion of retail enlivens the STREET and creates a purpose for being there. Unless otherwise noted, retail is an inclusive phrase that encompasses consumer comparison goods (general merchandise, apparel, furnishings and other types of similar merchandise—commonly referred to as GAFO categories in the retail industry—convenience goods, food/delis, gifts, drugstore items, personal care, cards/stationery), personal business services, professional offices, restaurants, grocery stores, and hotel, theater, and other uses that provide visual interest and create active street life. Other uses, which in the judgment of the Zoning Administrator are of the same general character as those listed below and will not be detrimental to the district in which it is to be located, may be allowed.

Primary Retail Uses: Generally, uses that provide entertainment or leisure activities, promote high walk-in customer counts, or are shopping destinations.

Secondary Retail Uses: Generally, uses that provide personal or business services. (See attachment for list of Retail)

Neighborhoods Form Based Code

Section 901. Building Use Table (see pgs. 9.1-9.4)

- Specific permitted uses are listed by 6 General Categories: **Residential; Civic; Ground Story Commerce; Upper Story Commerce; Upper Story and Ground Story Commerce;** and **Retail.**
- Where applicable, U denotes if a Use Permit is required, and relevant Use Standards

Staff Analysis:

1. Ground Story Retail

Should the FBC specify locations for Primary and Secondary Retail?

- The FBC generally does not regulate land use, except for a few areas where retail or commerce is specified. Main Street Sites, and to a lesser degree Local Sites, have specific requirements for ground story retail. The FBC lists the specific retail uses that are permitted to occupy those area in two categories (Primary & Secondary) however the FBC regulations do not indicate specific locations for either category.
- Staff considers the Columbia Pike frontage as the location for the most activating ground story retail uses, which would be considered those listed in the Primary category.
 - Consideration should be given to revising the FBC to specify that Primary retail uses should occupy the Columbia Pike frontage, and other main arterial frontages such as Walter Reed and Glebe Road. Primary and Secondary retail could occupy side streets, or upper stories where permitted. Consideration could be given to allowing Secondary uses on Columbia Pike frontages on a temporary basis.

2. Ground Story Civic Use

Should the ground story uses be expanded to allow CIVIC USES? Or should these uses be limited to occur only in CIVIC BUILDINGS? Should CIVIC USES be limited to specific locations/criteria?

- If a CIVIC USE is proposed as part of a FBC development, the use could be approved if the building is designated as a CIVIC BUILDING. Otherwise, a CIVIC USE in a mixed use building – not designated as a CIVIC BUILDING – could not occupy ground story space where Retail use is required.
- CIVIC USES can be a compatible land use on the ground story with other private land uses such as upper story residential and office.
- The N-FBC allows CIVIC USES to occupy ground stories of Urban Mixed Use and Urban Residential. These frontage types typically occur along Columbia Pike or secondary streets in close proximity to Columbia Pike. Buildings will be typically larger in size and footprint which would provide a suitable scale to accommodate ground story CIVIC USES as compared to the Townhouse/Small Apartment frontage type. The locations may be suitable for CIVIC USES where higher pedestrian volumes are likely, transit access is within a short walking distance, and other retail/commerce establishments may be in close proximity to offer a clustering of community amenities.

- The following CIVIC USES are permitted in the N-FBC. Staff evaluated each use for consideration in the commercial centers FBC.

Use	Background	Consideration/Recommendation
<p>Child Care (a segment of Schools use, but due to particular standards, this use is discussed separately).</p>	<p>Since the FBC was adopted in 2003, the County has assessed its County-wide policies on child care centers. It has been documented that there are challenges for this use to expand in the transit corridors due to rent costs, available open space, and competing interests for ground floor retail to activate pedestrian areas. In turn, there is a growing deficiency for this use in certain geographic locations (i.e. close to jobs, mixed use corridors), which is further pronounced due to shortages in instructor supply and capacity. The use is considered necessary to support the community and considerations should be made to evaluate the use in future mixed use development both County-wide and along Columbia Pike.</p> <p>Child care uses require ground stories for infant care; upper stories may be used for mobile children (i.e. 2.5 years and above). Other access/egress and fire code standards may be applicable. Child care uses require access to an outdoor recreation space, in which case, a ground story location may be most practical for ease of access to open space. Open space is frequently provided on site; however, use of public open space has been approved when distance, travel patterns, and safe playgrounds meet DHS review. Child care facilities often request screening of rooms/children from street views.</p> <p>Child care uses have been approved in several site plan projects within the past several years: Pershing Drive; Clean Tech.</p>	<p>Child care uses may be feasible for locations within the commercial nodes and may be compatible with other uses proposed in upper story space.</p> <p>Should form, placement, and clustering criteria be established for child care?</p> <p>Form & Placement: Some flexibility with form requirements could be considered due to the nature of the use, such as: 1) entry spacing to limit access and increase security, and 2) transparency to shield views to child care space. Taking these factors into consideration, staff suggests limiting child care locations on side streets rather than Columbia Pike frontage. Further consideration should be given to allowing Civic Uses flexibility/modifications for certain design standards, by use permit review.</p> <p>Clustering of multiple child care centers: Several factors may reduce the quantity of child care centers including high rent costs and high build out costs, ability to achieve on site open space or ability to access neighborhood parks. Therefore, it is not expected that child care centers would profusely occur along Columbia Pike, and due to the design criteria, diminish the walkability and shopping/dining experience envisioned in the corridor. For these reasons, staff is not contemplating criteria to further limit locations for child care uses.</p> <p><i>See additional handout for additional considerations [to be provided separately].</i></p>
<p>Schools and colleges; other public and private educational institutions (all</p>	<p>Schools and educational centers were not specifically included in the list of allowable retail uses.</p>	<p>School uses may be a compatible use with upper story office or residential uses and other ground story retail. The use may require interior space to achieve divided rooms and walls for instruction (i.e. white</p>

other ages)		boards/screens). While this type of use may be more suited to upper story space, ground floor space with street access may be possible on side street locations rather than Columbia Pike frontage.
Libraries, Fire Station, Police, Community Center/Recreation, or other government use (i.e. offices, resource centers, post office)	While these uses would likely be approved as part of a public CIVIC BUILDING, it is possible that a use, such as a library, could occupy a discrete space within a private building, not designated as a CIVIC BUILDING.	<p>Allow public CIVIC USES to occupy ground stories for Main Street Sites. Evaluate applicability for Avenue and Local frontages.</p> <p>These uses would be required to meet the FBC regulations, unless deviations were approved by the County Board through designation of a CIVIC BUILDING and completion of a public review process.</p> <p>Staff would evaluate designation of a CIVIC BUILDING on a case by case basis, but would likely support the designation if the majority of the building contained CIVIC USES.</p> <p>Evaluate design flexibility for the frontage occupied by a CIVIC USE as part of mixed use development.</p>
Churches	<p>Churches occur along Columbia Pike today and should continue to be allowed in the future either by right or through FBC development.</p> <p>Since the FBC was adopted in 2003, there has been interest by some churches to pursue mixed-use development while maintaining church uses in a portion of the project instead of remaining as a stand-alone, single purpose building.</p>	<p>Allow church uses to occupy ground stories for Main Street Sites. Evaluate the applicability for Avenue and Local frontages.</p> <p>These uses would be required to meet the FBC regulations, unless deviations were approved by the County Board through designation of a CIVIC BUILDING and completion of a public review process.</p> <p>Staff would evaluate designation of a CIVIC BUILDING on a case by case basis, but would likely support the designation if the majority of the building contained CIVIC USES.</p> <p>Evaluate design flexibility for the frontage occupied by a CIVIC USE as part of mixed use development.</p>
Museums/Art Gallery		Same as above

Transit Center	Commuter Store, or other transit hub ...	A Commuter store would likely function like a typical retail business and draw customers frequently. This type of use, although publicly owned or operated, could be located in Primary or Secondary retail locations.
Public Utility, including streetcar power facility	Physical space for power traction stations for streetcar will be needed in several locations along Columbia Pike. While underground locations may be preferred, above-grade locations may be needed due to limited below-grade space, negotiations with private property owners, costs, other.	<p>These facilities should not occupy Columbia Pike frontage. If they occupy above-grade space on side streets, façade improvements should be included to provide design interest and ensure that the facility meets the character of the community and meets the principles of the FBC.</p> <p>Further evaluation of other public utilities, vaults, transformer stations could be limited is needed.</p>

3. CIVIC USE Design Flexibility – see handout on Civic Uses & Civic Building Designations

Recommendations

FBC AWG Comments

ZOCO Comments

PC/CB Comments/Recommendation

Impact of Proposed Solution (i.e., additional height, more coverage, more gfa, less open space, better architecture, etc) _____

Result: Interpretation ____ FBC Amendment ____

Commercial Centers FBC (pgs. 3.6-3.7)

Primary Retail	
Art or antique shop, including art work, art supplies and framing materials	Meat or fish market
Bakery	Newsstand
Book, stationery, or card store	Nursery, flower, or plant store
Clothing shop	Optical store (operating as a commercial enterprise with incidental eye exam)
Coffee shop	Pet Shop
Delicatessen	Restaurant
Department, furniture, home furnishings, or household appliance store	Secondhand or consignment shop
Drugstore	Shoe store
Dry goods or notion store	Specialty food store (fish market, breads, pastries, wine, etc.)
DVD/Video tape or record store	Sporting goods store
Day Spa	Variety store
Electronics store	*The following uses are permitted with Special Exception Use Permit
Florist or gift shop	If any of the aforementioned uses provide classes or instruction to children and, either twenty (20) percent or more of the total number of students enrolled in classes and/or instruction are children under eighteen (18) years of age or the total number of children under eighteen (18) years of age enrolled in classes scheduled to be held at any one time is ten (10) or more, the use may only be established subject to obtaining a use permit.
Grocery, fruit, or vegetable store	
Hardware, paint, or appliance store	
Hobby or handcraft store	
Ice cream or confectionery store	Amusements
Indoor theatres	Bowling alley
Interior decorating store (with incidental interior service)	Nightclubs and restaurants with live entertainment/dancing
Jewelry store	Restaurant with drive-through window
Leather goods/luggage	Self-storage facilities

Secondary Retail	
Animal hospital or veterinary clinic within a fully enclosed structure	Pawnshop
	Photo studio
Automobile rental (retail functions only—no auto servicing) or automobile accessories and supplies (excluding installation)	Printing, lithographing, or publishing
	Private postal service
Bank or other financial institution (including check cashing)	Shoe or small appliance repair shop
Barbershop or beauty salon	Sign painting shop
Barbershop or beauty salon	Tailor or dressmaker
Blueprinting, photostatting, or photo copy service	Tax service
Business college operated as a commercial enterprise	*The following uses are permitted with Special Exception Use Permit
Catering establishment	If any of the aforementioned uses provide

Clothes cleaning or laundry establishment	classes or instruction to children and, either twenty (20) percent or more of the total number of students enrolled in classes and/or instruction are children under eighteen (18) years of age or the total number of children under eighteen (18) years of age enrolled in classes scheduled to be held at any one time is ten (10) or more, the use may only be established subject to obtaining a use permit.
Dance studio	
Employment agencies	
Film processing or film exchange	
Health club	
Insurance sales	
Locksmith	
Medical or dental offices, clinics or laboratories	
Music conservatory or music instruction	
Office (such as real estate broker, travel agency, medical, etc.)	
Palmistry	Audio-visual production studio
	Carpet and rug cleaning (excluding dying)
	Food delivery service
	Miniature golf course
	Mortuary or funeral home
	Upholstery shop
	Vehicle service establishment 9A