



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 18, 2013

DATE: May 10, 2013

SUBJECT: ZOA-13-03 Zoning Ordinance amendment to reorganize and reformat the Ordinance to remove the pyramid structure, incorporate graphics, provide complete use lists for each zoning district, and summarize dimensional requirements in tables.

C. M. RECOMMENDATION:

Adopt the attached ordinance (Attachment A) to amend, reenact and recodify the Zoning Ordinance to remove the pyramid structure, incorporate graphics, provide complete use lists for each zoning district, and summarize dimensional and other requirements in tables, with an effective date of July 1, 2013.

ISSUES: This is a comprehensive reorganization and reformatting of the Arlington County Zoning Ordinance. No changes to policy or to substantive requirements are being proposed.

SUMMARY: This is a proposed Zoning Ordinance amendment that will reorganize and reformat Zoning Ordinance provisions without making any changes to policy. The purpose of the amendment is to clarify, update and improve the usability of the Ordinance to improve comprehension, administration and compliance. Features of the revised format include:

- Reorganization to remove the “pyramid” structure of the Zoning Ordinance and to create individual use lists for each zoning district
- Reformatting to include an updated look and to standardize presentation of regulations
- Inclusion of graphics and tables to clarify and summarize key regulations
- Factual updates to text that do not change policy and incorporation of limited incidental text to support the new format
- Incorporation of live links to improve ease of navigation of the Ordinance.

BACKGROUND: In December 2010, the County Board accepted a work plan for a two-phased approach to comprehensively update the Arlington County Zoning Ordinance. The first phase

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Staff: Deborah Albert, DCPHD

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of the process culminated in the adoption of revised sign regulations in July 2012. Phase II is a comprehensive update to the remainder of the Ordinance to address formatting, organization and to incorporate minor policy changes in distinct categories, described further in the table below. However, Phase II of the update has been broken into two parts: Part A, the formatting and reorganization, and Part B, any substantive changes that would impact policy. Part B has not yet been addressed. The following table shows a summary of the update process, with the current phase, discussed in this report, shaded in grey.

Phase	Topic	Timeline
Phase I	Sign regulations	Adopted July 24, 2012
Phase IIA	Reformat (no changes to policy), to create individual use lists, remove the pyramid structure, reorganize provisions, summarize key regulations in tables, and incorporate graphics	Final consideration in May 2013
Phase IIB	Minor policy changes to update definitions, incorporate administrative practices and Zoning Administrator determinations, ensure consistency with Virginia Code, and address other minor policy issues identified as part of Phase IIA.	Starting after completion of Phase IIA

DISCUSSION: The purpose of the proposed amendment is to clarify, update and improve usability of the Ordinance to facilitate comprehension, administration and compliance. The proposed amendment presents the Zoning Ordinance with an updated look and, for the first time, in a web-friendly, complete document that can be easily searched.

Staff proposes that the attached Ordinance be effective starting July 1, 2013. While the proposed reformat does not make any changes to policy, a six-week implementation period will allow staff time to update applications, forms, zoning counter handouts, web pages and other documents that need to be cross-referenced with the revised Article/Section references. It will also give the public time to learn their way around the new Ordinance. During this transition period, both the new and the old Ordinance can be available on the County’s web site.

Features of the reformat and reorganization. The following summarizes the major features of the proposed zoning ordinance.

Reorganization to remove the “pyramid” structure. The current Zoning Ordinance is structured in what is known as a “pyramid.” In a pyramidal Zoning Ordinance, each zoning district builds upon previous zoning districts, with districts that allow the fewest uses and lowest density and intensity of uses appearing early in the Ordinance, and those allowing a wider range of uses in higher densities and intensities, appearing later, and allowing many uses by reference to districts appearing earlier.

In Arlington, this means that most zoning districts (although not all) refer, ultimately, back to R-20, the single-family residential zoning district with the largest lot size requirements. In most subsequent districts, the first “use” identified in the list of permitted uses is a reference to “all uses permitted and regulated” in some previous district (a few exceptions to this rule exist where

new zoning districts were created and inserted out of order, including MU-VS and C-O-A). As additional uses are added in subsequent districts, they are listed under the reference to previous district(s). This requires the user to view multiple zoning districts in order to determine what uses are allowed in a specific district. This proposed reorganization deconstructs the pyramid to articulate all uses allowed in each district. These uses are provided in consolidated use tables for each category of districts (e.g. residential, industrial), discussed further below.

Reorganization and reformatting of other provisions. As shown in the article list below, regulations in the proposed draft have been categorized by subject, and thus have been reorganized from their current Sections. All regulations in the current Ordinance have been moved into the revised format. All changes are shown with underline/strikethrough, except where text is moved into table form. New text was added where needed to support the new format, and in limited cases, changes reflect factual updates to text that do not change policy (e.g. updating references to documents such as the Master Transportation Plan or departments that have changed names since the Ordinance was adopted). This revision does not attempt to rephrase existing regulations, except on an extremely limited basis to work in the new format or to correct typos and non-substantive errors. Some specific formatting changes include the following:

- All numbers less than ten are spelled out, while those greater than ten are expressed as numerals (e.g. changed from “two (2)” to “two” and “eleven (11)” to “11”)
- Density and dimensional standards are summarized in tables.
- Other than titles and proper nouns, terms are not capitalized.
- Limited re-ordering of zoning districts will be incorporated should the County Board adopt the proposed amendment. The MU-VS and C-O-A districts will be moved within Article 7 to after the C-2 district, as both these zoning districts build upon the uses allowed in the C-2 district (due to technical limitations, so as not to lose the underline/strikethrough notations, this reordering will be incorporated when the final document is created).

Articles. An additional level has been added to the hierarchy of organization, creating 18 Articles that are “super categories” above the “Section” level of the current Ordinance. Articles are organized by topic, and include the following (the origin of the majority of the regulations included in each article are included in parentheses):

1. Introductory provisions (Section 2)
2. District Map (Section 2)
3. Density and dimensional standards (Sections 1, 31, 32 and other)
4. Public districts (S-3A, S-D, P-S districts)
5. Single-family residential districts (R districts)
6. Multifamily residential districts (RA14-26, RA8-18, RA7-16, RA6-15 districts)
7. Commercial and mixed-use districts (all other districts not listed above or below)
8. Industrial districts (CM, M-1, M-2 districts)
9. Unified developments (UC/MUDs, URDs, Residential Cluster)

10. Special Planning Areas (special regulations within zoning districts that apply only within designated areas, including Clarendon Revitalization District, Fort Myer Heights North Special District and Radnor Heights East Special District)
11. Overlay and special purpose districts (Section 31A - Historic districts; Section 20 – Columbia Pike Form Based Code)
12. Use standards (apply to uses that occur in multiple zoning districts, from individual zoning districts and Section 31)
13. Site development standards (Section 32A landscaping, Section 33 parking)
14. Signs (Section 34)
15. Administration and Procedures (use permit and site plan regulations, Board of Zoning Appeals and other administration from Section 36)
16. Nonconformities (Section 35)
17. Violations, enforcement and penalties (Section 37)
18. Definitions (Sections 1, 34)

Standardized organization of zoning districts. Each zoning district includes the following general outline. Where applicable, some zoning districts also contain additional paragraphs with special regulations specific to the subject district.

1. Purpose (“reserved” if purpose does not currently exist).
2. Allowed uses (pointing to the consolidated use table).
3. Density and dimensional standards (e.g. height, lot area, width, coverage, density, intensity, as provided). Tables are provided for by-right and where applicable, special exception uses.
4. District-specific use standards.
5. Site development standards. References to common standards across districts (e.g. parking, landscaping, signs) and including any standards specific to the subject district.
6. Additional requirements, including special site plan provisions, where applicable.

Tables. Tables are included to summarize key regulations in each zoning district and in other Articles where provisions could easily be summarized in tables. Use of tables helps to standardize similar information across zoning districts and allows for quick comparison between districts.

- Consolidated use tables are included in Articles 3-8 for each use category (e.g. public, single-family residential, multifamily residential, commercial and mixed use, and industrial). The consolidated use tables allow the user to view uses allowed in an individual zoning district, as well as to compare uses allowed across other districts within the same category. This presentation of uses will also aid in administration of the Ordinance by providing an overview of all districts in each category. For each category of uses, a principal use table, an accessory use table, and where applicable, a transitional use table is provided. Within each table, uses are listed alphabetically, and phrasing of uses has been standardized across each category.
- Dimensional tables for each zoning district (e.g. density, height, lot area, etc.) standardize presentation of key provisions in each zoning district, and provide for quick access.

Live links. All internal references are live links when the Ordinance is viewed on-line or on other media to improve navigation throughout the Ordinance and facilitate use of related regulations. For those using the Ordinance in hard copy, full context references are also provided.

Graphics. Graphics have been included to illustrate key concepts and provide additional clarification to concepts described in the text.

General rules and specific decisions. The drafting process to deconstruct the pyramid followed the general rules described below. However, there are some instances where the general rules were not reflective of consistent administrative practice, and therefore the general rule was not followed, or instances where administrative practice was not completely consistent over time. The rules and deviations from those rules are described below. All rules and deviations from those rules are consistent with longstanding administrative practice, and in cases where administrative practice was inconsistent, the ordinance was drafted to reflect most current practice.

General interpretation of uses. “All uses as permitted and regulated in ...” and “all uses as permitted in” were interpreted to have the same meaning. Therefore, where either of these phrases is included in a use list in a zoning district, the uses allowed in the subject district are interpreted to include all those uses allowed in the referenced district, under the same approval authority and with the same dimensional requirements as in the referenced district, as follows:

- If the use is allowed by-right, by use permit approval or by site plan approval in the referenced district, it is allowed in the same manner in the subject district.
- Dimensional standards (e.g. lot width, height, minimum lot area, etc.) for uses allowed by reference to another zoning district are allowed as they are regulated in the referenced district (e.g. with the same dimensional limitations and requirements).
- Uses first listed in a subject zoning district are regulated per the dimensional standards of the subject district.
- Uses allowed in many zoning districts build upon the uses allowed in previous zoning districts, and in many cases, the same use may be allowed in a subsequent district, at a higher intensity. In these cases, the use allowed by reference to a previous zoning district is shown as struck through (to be deleted) as it is superseded by the more permissive provisions in the subject district. For example, “carpet and rug cleaning establishments, excluding dying,” is allowed subject to use permit approval in the C-2 district. The CM district allows all uses as permitted in the C-2 district, and also explicitly allows “laundry, cleaning and dyeing works, and carpet and rug cleaning” as a matter of right. Therefore, in the M districts, the use permit use from C-2 is shown as stuck through for deletion.
- In all RA, C and mixed-use districts, single-family residential use is allowed subject to the dimensional standards in the R-6 district, except where otherwise noted, in accordance with such provision in the current Ordinance (31.A.6).
- Residential cluster provisions provide specific allowances for the R-20, R-10, R-8, R-6 and R-5 districts only. However, the current Ordinance does not clearly prohibit such

development in other districts where it is allowed by reference to R-20. In the draft, residential cluster is listed as an allowed use only in the aforementioned districts.

Clarifications and interpretations to residential zoning districts.

- Low and moderate income housing provisions in the RA14-26 district are allowed, by reference, in the RA8-18 and RA6-15 districts. However, similar provisions allow for higher heights and densities within the RA8-18 and RA6-15 districts, and therefore, the duplicates have been shown as struck-through (to be deleted) in the draft.
- In the RA6-15 district, height for by-right apartments and townhouses is listed as the height provided in the RA6-15 district even though these uses are allowed by reference to RA14-26. This is consistent with approved by-right residential buildings in this zoning district.

Clarifications and interpretations to commercial and mixed-use districts.

- The R-C district lists two different heights (65 feet and 95 feet). The 65-foot height limit is expressed as the base maximum height for special exceptions, and included in the special exception table, while the 95-foot height limit is articulated in the text in the district use standards below as the absolute maximum height achievable through the site plan procedure, including bonuses or other measures.
- The R-C, RA4.8, RA-H and RA-H-3.2 districts (Article 7) are classified in the commercial/mixed-use category.
- The Columbia Pike Form Based Code district (Article 11.1) references all uses permitted in the RA14-26, RA8-18, RA7-16 and RA6-15 districts. As these referenced uses were articulated in the draft amendment, they were edited to remove referenced uses (shown with strikethrough) that could not be developed under the Form Based Code (e.g. are not consistent with the form or processes required or allowed, respectively, under the Form Based Code). These changes are consistent with a provision that indicates that in the case of any conflict between the FBC and the rest of the Zoning Ordinance, the FBC shall prevail. In all cases, the struck through provisions would still be available to a property owner who chooses to develop under the underlying zoning rather than under the FBC. These changes to uses allowed by reference to the RA districts are as follows:
 - All uses requiring site plan approval are proposed to be deleted and shown with strikethrough. The Form Based Code does not provide for site plan approval, and the referenced site plan provisions result in a form that could not be achieved under the FBC.
 - The following residential uses are proposed to be deleted, and shown with strikethrough, as they are either duplicates of “dwellings, apartment or townhouse,” which was retained, or they incorporate specific standards that are not applicable under the FBC: Apartment houses; Apartment houses, which may be of townhouse design; Dwellings, apartment houses; Dwellings, townhouses, not with the Fort Myer Heights North Special Districts as designated on the General Land Use Plan; Dwellings, townhouses, in the Fort Myer Heights North Special District as designated on the General Land Use Plan; Dwellings, two-family (duplexes and semidetached dwellings); Housing, low or moderate income (subject to specific standards identified in Article 12).

- The transitional use table is proposed to be deleted. The Form Based Code is an option allowed on all properties in zoning districts identified as eligible for development under the FBC. The transitional lot definition does not apply to the FBC.
- Convenience service is proposed to be deleted as an allowed accessory use, as it is in conflict with FBC ground floor retail and fenestration requirements.

Clarifications and interpretations to industrial zoning districts. Prior to advertising, it was brought to staff's attention that there has been inconsistency over the years in how uses in industrial zoning districts (CM, M-1 and M-2) that are allowed by reference to the uses allowed in the C-2 zoning district have been regulated. Historically, some uses that require use permits in the C-2 district have been allowed by-right in the industrial districts (e.g. vehicle service stations). However, recent amendments to uses in industrial districts allowed by reference to C-2 have interpreted such uses as continuing to require use permits in the industrial districts if they are regulated as such in the C-2 district. The intent of the use tables and other provisions shown in the proposed amendment is to reflect consistent administrative practice with respect to regulation of uses. Therefore, in order to allow for additional research into past practices with respect to regulation of industrial district uses, and to show a broader range of potential outcomes to be considered for adoption in the final draft, staff provided two versions of the industrial use table for advertising.

- One version showed most "use permit" uses allowed by reference to C-2 as allowed by-right.
- The other version showed those "use permit" uses allowed by reference to C-2 as allowed by use permit approval.

Staff has conducted additional research, and has concluded that the industrial districts have in the recent past been consistently administered such that uses that are allowed subject to use permit approval by reference to C-2 also require use permits in the industrial districts. While staff acknowledges that historically there have been different interpretations, staff believes that this interpretation most accurately reflects current practice. Furthermore, review of Certificates of Occupancy issued over the last 20 years suggests that this interpretation would result in only vehicle service establishments being nonconforming (e.g. existing vehicle service establishments in the industrial districts do not have use permits. However, use permits are required under current practice). In this case, the practice of requiring use permits for vehicle service establishments in industrial districts was clarified in a 2010 amendment. Research on uses in industrial districts that led to the recommended amendment is discussed below.

The following uses have been administered to require use permits, consistent with how they are regulated in C-2, and consistent with County Board actions (adopted Zoning Ordinance amendments where the uses are discussed are shown in parentheses):

- *Large format sales establishment* (2011: ZOA-11-02): This amendment states that use permits are required for large format sales establishments in C-1, C-R, C-2, and by reference, MU-VS, C-O-A, C-3, CM, M-1 and M-2.
- *Open-air market* (2011: ZOA-11-01): This amendment defined open-air market and allowed such use, subject to special exception use permit approval, in all commercial and

industrial districts (C and M Districts), and in S-3A, S-D, CP-FBC, MU-VS, C-TH and P-S Districts.

- *Vehicle service establishment* (2010: ZOA-10-01): This amendment created the vehicle service station use (which combined a number of previous uses), and requires a use permit for such use in C-1, CP-FBC, C-2, and by reference, C-O-A, C-3, CM, M-1 and M-2. No use permits exist for any of the gas stations in the industrial districts, however, all pre-dated the 2009 amendment.
- *Classes or instruction to children* (2009: ZOA-09-06): This amendment states that use permits are required for all uses that included classes or instruction to children in CP-FBC, C-TH, C-R, C-2, and by reference, C-3, CM, M-1, M-2 and MU-VS.
- *Schools*. Schools require use permits in all zoning districts. The 2009 classes or instruction to children amendment (ZOA-09-06) would also require use permits for such use in any zoning district where it is not explicitly listed as a use permit use.
- *Public parking areas of more than 50 spaces* (1992: ZOA-92-35): This amendment states that uses permits shall be required for parking lots of greater than 50 spaces in C-1, C-2, C-TH, CM, M-1, and M-2 districts.

Other existing uses for which use permits are required in C-2 districts, that have been approved in industrial districts include:

- *Bowling alley* (currently requires a use permit in C-2). There are currently no bowling alleys in the County, however, historically, there was a bowling alley (Scor More Lanes) at 1425 N. Quincy St, zoned M-1. No evidence of a use permit (or a Certificate of Occupancy) exists for this bowling alley, however, there are sign permits from 1960 and 1976, and a Zoning confirmation letter (re parking) from 2002. However, staff concludes that when the bowling alley was established, such use did not require use permit approval in the C-2 district, and the Zoning Ordinance was later amended to require a use permit for such use:
 - In the 1950 zoning ordinance, “bowling alley” was permitted, as part of the by-right “amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery and the like, if conducted wholly within a completely enclosed building” use.
 - The current ordinance shows “bowling alley” as requiring a use permit and shows “amusement enterprises, including a billiard or pool hall, boxing arena, games of skill, penny arcade, shooting gallery and the like, if conducted wholly within a completely enclosed building” as allowed by-right.
 - The 1986 C-1 and C-2 study shows these uses as they are in the current ordinance. Some time between 1950 and 1986, the ordinance was amended to require a use permit for bowling alleys.
- *Drive-through window*. A use permit (U-2905-96-1) in the M-1 district for a restaurant with a drive-through window at 4154 S. Four Mile Run Drive has a CO issued on 3/6/2006. The staff report for this use permit describes the use as permitted under 26.B.8 (C-2 provisions).

- *Health club.* A use permit (U-3186-07-1) exists for a martial arts studio in the CM district, with a Certificate of Occupancy issued on 1/8/2008. This is consistent with then-practice (codified in 2009) of requiring use permits for classes for children.
- *Recycling center.* A use permit is required in C-2 (by reference to R-20). A use permit (U-2983-00-1) exists for such use in the CM district, with a Certificate of Occupancy issued on 11/14/2000.
- *Telecommunications tower.* A use permit (U-3202-08-2) exists for such use in the M-1 district, with a Certificate of Occupancy issued on 10/26/2009. The use permit requirement for such use is consistent practice for administration in all zoning districts.

Supplemental information. To aid in review and orientation to the proposed Ordinance, a [cross-reference table](#) is posted online, showing the origin of regulations in each paragraph of the proposed draft. In addition, a copy of the [current Zoning Ordinance has been annotated](#) to show the destination of each provision in the proposed draft and is also posted online.

Community process. The following summarizes the public process for the proposed amendment.

- A [web page](#) was created in September 2012 and an introductory email was sent to a broad distribution list to notify the public that the reformat was underway (a distribution list was created during the update of the sign regulations, and all who participated and/or expressed interest in that process were notified of the reformat in Phase II of the Zoning Ordinance update). The web page includes an overview of the Zoning Ordinance update process, links to the work plan accepted by the County Board for the Update, the timeline for advertisement and final consideration of the draft Ordinance during this Phase IIA, announcements of public meeting(s), and links to the public draft.
- A public draft was posted on the web page on February 22, 2013, and again, a message was sent to a broad distribution list (the same as mentioned above) announcing the availability of the draft. The public was invited to review and provide comments on the public draft prior to submission of the Request to Advertise staff report prepared for the March 16, 2013, County Board meeting. Comments received prior to March 7, 2013, were considered for incorporation into the Request to Advertise draft. All comments are summarized in Attachment B.
- A Request to Advertise draft was posted and announced to the community on March 8, 2013, and the public was again invited to continue to provide comments.
- Staff also reached out to some community members, who have expressed interest in zoning issues in the past, to more proactively solicit review and comments on the proposed draft. These outside reviewer comments are included with the public comments in Attachment B.
- The advertisement period was set to be two months in order to provide additional time for public review. Following authorization of advertisement of the draft by the County Board, the public was invited to continue to provide comments through April 15, 2013. Most of the comments received by the general public were requests for changes that were not within the scope of the reformat, however, will be retained for consideration as part of the next phase of the update. All comments are summarized in Attachment B.

Zoning Committee of the Planning Commission (ZOCO). The reformat was presented at two ZOCO meetings in October 2012, early in the drafting process. The purpose of the October 2012 meetings was to review an early sample of the revised format to provide an opportunity for comments as the format was being developed. A second ZOCO meeting was held on March 12, 2013, to provide an opportunity for ZOCO members to review and comment on the public draft prior to the Request to Advertise. ZOCO comments are included in Attachment B.

Planning Commission. At its meeting of May 8, 2013, the Planning Commission voted unanimously (11-0) to recommend that the County Board adopt the proposed reformatted Zoning Ordinance with an effective date of July 1, 2013, and that the County Board direct staff to provide the Ordinance in a web format (where links can be followed both forward and backward) rather than in the proposed PDF format. It was suggested that the proposed PDF format is difficult to navigate electronically because when one follows an internal link, there is no “back” button such as would be available in a web-based interface. This difficulty would frustrate users and therefore limit those who would choose to use the electronic version (over printing a hard copy).

There are trade-offs between a PDF and a web-based interface for presentation of a Zoning Ordinance:

- A PDF document (generated from a Microsoft Word file) can be easily edited through standard software packages, and can easily be printed in such a way that retains the formatting that makes the Ordinance easy to use. Furthermore, the County has an established version-tracking system that works with Microsoft Word (a version-tracking system automatically archives older versions of the Ordinance each time it is amended). However, ease of navigation through a Word/PDF document is more limited, as noted by the Planning Commission, in that when a user follows a link, additional steps are required to return back to the original location.
- A web-based interface provides for easy back and forth navigation. However, the web format does not translate well into a printed document, as pagination and margins cannot be controlled. When amendments are adopted, a web interface would require more specialized technical skills in order to update. In order to maintain the version-tracking system and a well-formatted printed version, a duplicate version of the Ordinance would most likely have to be maintained in Microsoft Word, thus generating additional maintenance requirements.

Staff continues to recommend that the County Board adopt the proposed amendment with an effective date of July 1, 2013. The proposed Ordinance provides a significant improvement over the existing format, and should be made available as soon as possible. Staff believes that the Adobe format provides a broad range of navigation options through use of internal links and a live-linked table of contents in addition to the standard tools built into the Adobe reader software. In response to concerns about navigation within the document, staff will add “quick links” to each Article at the bottom of every page of the Ordinance, and additional links to individual zoning district regulations within the use tables (not yet included in the Attached proposed amendment).

Staff will explore options for providing the Ordinance through a web-based interface. Such exploration will need to consider available technology; compatibility with the County's existing web content management system; time, effort, and cost of initial conversion; maintenance requirements; and the trade-offs between additional navigation options versus inclusion of easy-to-read formatting. Should a web-based interface be determined to be advantageous, such conversion could be started at any time. As such conversion would merely change the interface between the user and the Ordinance, it could be performed administratively (it would not require County Board approval).

The Planning Commission also heard the proposed amendment as an information item at its March 4, 2013, meeting.

Public meeting. A public informational meeting was held on March 7, 2013, to provide an overview of the public draft, an orientation to the revised format and opportunity for the public to ask questions about the content and scope of the draft. Comments received at the meeting are included in Attachment B.

Additional outreach. An overview and orientation to the reformatted Ordinance was presented to the organizations listed below. Members were invited to review the proposed public draft and to provide comments, however, as most members of these groups were viewing the draft for the first time comments and questions were generally limited to the scope and organization of the proposed draft.

- Northern Virginia Building Industry Association/National Association of Office and Industrial Properties (NVBIA/NAIOP) meeting (January 2013).
- Arlington Chamber of Commerce Government Relations Committee (February 2013)

Final Draft. Minor changes to the proposed amendment have been incorporated since the release of the Request to Advertise report in March. These changes generally include correction of transcription errors; minor reorganization of provisions to ensure consistency of format within zoning districts; clean up of standards in use tables that have been moved to the use standards Article; and removal of duplicate provisions. All changes are described in Attachment C.

CONCLUSION: Staff recommends that the County Board adopt the resolution attached as Attachment A, to amend, reenact and recodify the Arlington County Zoning Ordinance to reorganize and reformat the Ordinance, remove the pyramid structure, incorporate graphics, provide complete use lists for each zoning district, and summarize dimensional and other requirements in tables.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE IN ORDER TO REORGANIZE AND REFORMAT THE ORDINANCE TO REMOVE THE PYRAMID STRUCTURE, INCORPORATE GRAPHICS, PROVIDE COMPLETE USE LISTS FOR EACH ZONING DISTRICT, AND SUMMARIZE DIMENSIONAL REQUIREMENTS IN TABLES; AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that, effective July 1, 2013, the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows, in order to reorganize and reformat the ordinance to remove the pyramid structure, incorporate graphics, provide complete use lists for each zoning district, and summarize dimensional requirements in tables; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

* * *

Zoning text in the proposed amendment is shown with underline to denote text proposed to be added; and ~~strikethrough~~ to denote text proposed to be removed.

Attachment A (Proposed Amendment)

ATTACHMENT B (DRAFT)

Zoning Committee of OCO Comments (ZOCO was joined by community members for this discussion): (03-12-2013)

Article	Comment	Staff Response
	Some interest in keeping the amendment tracking dates in the Ordinance; others suggested that old dates should not be retained in new Ordinance, since it is a new printing.	Maintenance of the history of zoning ordinance amendments is important, however, staff does not believe that this information is best maintained within the Zoning Ordinance. Dates in the current ordinance were not consistently incorporated, and until recently, have not been cross-referenced with the amendments to which they relate. These data will be maintained in the current version of the Ordinance as it is archived, and eventually could be compiled into a searchable database that would be more useful.
	Some interest in repeating use lists within each zoning district	Staff has researched a number of other jurisdictions, and use of a single common use table across multiple districts is a common practice in modern zoning ordinances. This practice allows uses to be compared across zoning districts, as well as helps with administration of the ordinance and ensures that future updates do not create multiple versions and varying phrasing for the same uses.
6.3.5	Single-family height is incorrect	This has been corrected.
6.5.6.D.1 (c)	Height in the RA6-15 district is exclusive of penthouses – this is incorrectly stated	Staff concurs. This text was inserted based on a reference to the RA4.8 district. The reference needs further research and should be addressed in the next phase of the update. At this time, the proposed amendment has been modified to reflect the original text (the reference to RA4.8 has been restored, and the text indicating that the height is inclusive of penthouses has been removed)
RA7-16	Medical uses by reference to RA14-26 are missing in RA7-16.	Staff concurs. Medical uses by reference to the RA14-26 district are included in RA7-16 in the principal use table, as they are in existing apartment buildings, and RA7-16 allows apartments as regulated in RA14-26. However, the medical uses on transitional sites are not allowed in RA7-16 by reference, as they are not explicitly associated with apartments. This could be reviewed during the next phase of the update.
RA7-16	Funeral homes by use permit; crematoriums by site plan, by reference to RA14-26, is missing	Crematoriums were added by a July 9, 1983 amendment. Zoning text prior to this amendment showed mortuaries as permitted by site plan, thus both funeral homes and crematoriums are correctly shown as site plan uses. Such use has been added to the RA7-16 district to correct the omission.
Industrial use table (8.1)	Industrial districts: heavy auto uses are by-right, but vehicle service station is by use permit – this seems odd. The heavier uses should also include the lighter uses.	A 2009 Zoning Ordinance amendment that created the term vehicle service station identified such use as requiring a use permit in the industrial districts, therefore, the table correctly shows that a use permit is required. However, the industrial use table has generally been cleaned up to delete (shown with strikethrough) uses allowed by reference that are superseded by more permissive uses explicitly allowed in the industrial districts.

ATTACHMENT B (DRAFT)

Public Comments: Final draft (05-10-2013)
Including comments from public meeting (03-07-2013) and outside reviewers

Article	Comment	Staff Response
General formatting and usability		
	<p>A clear FAQ section would be helpful for issues that would not normally be handled by a contractor. I am still not 100% sure of the requirements for example for a deck, shed or patio. As these are things a homeowner might try to tackle themselves, an FAQ section might help. E.g.:</p> <ul style="list-style-type: none"> ▪ Can I build my own deck: Yes, you can build your own deck if you get a permit, here are the construction requirements; Link: ▪ Can I build a shed? Yes, if it is less than 150 square feet and not attached to the ground, otherwise you will need a permit; Link:. 	<p>Staff will explore creation of supplemental materials to the Zoning Ordinance, as we start thinking about additional information that will be helpful to have at the Zoning Counter and online as we transition to the revised format.</p>
	<p>Despite restructuring, the ordinance remains dense and hard to navigate.</p> <ul style="list-style-type: none"> ▪ As the "How to Use" introduction states, researching many topics requires collating information from three or more sections. ▪ The "How to Use" primer could use a few examples. (comment continued in the next row) 	
	<ul style="list-style-type: none"> ▪ It's not easy to move back and forth through a 380-page .pdf with hyphenated page numbers that must be searched because Adobe Reader's "goto" function doesn't recognize them. ▪ It would also help to post the final document in several shorter .pdfs as well as one. 	<p>The Ordinance includes live links to improve navigation and to help the user navigate between referenced provisions. The live links necessitate the use of a single pdf document. The Ordinance also contains an index for those using it in hard copy. Staff will also incorporate some additional "quick links" at the bottom of each page to aid in navigation.</p>
	<p>The Public Review Draft has removed the references to the amendments to the Zoning Ordinance that were previously provided at the end of each zoning district. Similar to the Virginia State Code, these references are valuable to understand the legislative history of the Zoning Ordinance and provide a tool to locate prior versions of the Zoning Ordinance.</p>	<p>Staff concurs that maintenance of the history of zoning ordinance amendments is important, however, staff does not believe that this information is best maintained within the Zoning Ordinance. Dates in the current ordinance were not consistently incorporated, and until recently, have not been cross-referenced with the amendments to which they relate. In some cases, dates were incorporated at the end of the relevant Section, and in other cases they were incorporated at the end of the relevant paragraph or sentence, but location was not consistent. These data will be maintained in the archived current version of the Ordinance, and staff will create a searchable database that would be more useful.</p>
	<p>Finally, if the ordinance references are being removed, where will the derivation and history of the ZO be kept?</p>	

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
	<p>There are two principles that I am using as I have been reviewing the DRAFT: 1) The reformatting should make it easier for users to find the information that they are looking for; and 2) It should enable users find complete information as easily as possible:</p> <ol style="list-style-type: none"> 1. I appreciate the internal links, however, I'd like to see more-detailed references (links) where possible. This will help avoid reading through irrelevant text to find what applies. 2. I like the grouping into Articles. I think this will help when use permits are being crafted and for coordination with changes to other County codes. 3. It is great to have the entire ordinance in one pdf. 4. It is very effective to separate the use standards from the uses. 5. I have difficulty understanding the Special Exception category. The draft outline begins with the rules, then has the special exceptions, and then (in many cases) indicates that there is a third level: "The following [special exception] regulations shall apply unless otherwise modified by the County Board by site plan." <ol style="list-style-type: none"> a. This is confusing since site plan is itself a type of special exception. b. It also means going to other parts of the ordinance to hunt for additional exceptions. c. I also believe that not having the rules in one place makes it much more difficult for people to participate effectively in SPRC (site plan review committee). d. The specificity of the leeway given to the County Board for exceptions varies somewhat by district, thus I'd like to see the specifics listed in the district section 	<ol style="list-style-type: none"> 1. In many cases, the purpose of the link is to be broad, as many provisions may apply and all those applicable must be followed, such as references to parking standards (14.3), landscaping standards (14.4), signs (13), or site plan or use permit provisions (15.5 or 15.6). 2. Staff concurs. Articles have been provided to aggregate regulations for broad topics. 3. Staff concurs. Creating a single searchable document should facilitate ability to search and find specific provisions. 4. Staff concurs. This is a common practice in Zoning Ordinance, as standards and requirements should not be mixed with uses or definitions. 5. Site plan regulations may be modified by the County Board unless expressly prohibited. This does not create a third category of special exception. Some site plan provisions expressly state that the modification is allowed, others do not, however, in all cases, the site plan provisions (15.6) are applicable, and a more specific reference would not be accurate.
	<p>It would be helpful to have a table in the beginning explaining what districts optionally allow site plan, require site plan, and do not allow site plan.</p>	<p>This information is included in the use tables, through the use of "S" for uses allowed by site plan. It is also included in individual zoning districts, through the use of dimensional tables that articulate which uses are allowed by right and which are allowed by special exception.</p>
	<p>Do not let table rows break across pages</p>	<p>Staff concurs and will re-paginate the document after adoption, once all of the changes are accepted.</p>

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
	<p>As I understand the process, the intent of Phase II, Part A is to reformat the Zoning Ordinance to improve the ease of use. Specifically, the most significant change is to create a complete list of uses for each zoning district, thereby removing the need to refer to other zoning districts. Despite the proposed reformat, a user is still required to refer to other sections or tables within the Zoning Ordinance.</p>	<p>Staff has researched a number of other jurisdictions, and use of a single common use table across multiple districts is a common practice in modern zoning ordinances. This practice allows uses to be compared across zoning districts, as well as helps with administration of the ordinance and ensures that future updates do not create multiple versions and varying phrasing for the same uses.</p>
	<p>Although one of the goals of the Zoning Ordinance is to eliminate the reversionary zoning of the existing Ordinance, the Ordinance continues to require reference to many different sections. We have prepared two sample sections that seek to eliminate the need to cross reference a wide number of other sections. These sample sections mirror the format of the Fairfax County Zoning Ordinance. Rather than referring to the use tables exclusively, the sample chapters have listed the permitted uses and uses requiring special regulation directly within the section for ease of reference. We have also enclosed comparable chapters from the Fairfax County Zoning Ordinance for convenient reference (See 6-200, PDC district, pp. 6-13 through 6-22: http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art06.pdf; see 3-800 R-8 district, pp. 3-72 through 3-78: http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art03.pdf):</p>	<p>While a major goal was to eliminate the pyramid, which required a user to look at many different zoning districts to determine the allowed uses in a given district, particularly those districts listed later in the Ordinance, this goal does not translate into removing references from the Ordinance altogether. More accurately, the goal was to provide a single location where one could look to understand the allowed uses for a given district. By providing a single use table for each use category (e.g. residential, industrial etc.), the use tables provide the added advantage of being able to compare allowed uses from one district to another in the same category.</p>
	<p>While the use tables at the beginning of each of the various district sections are helpful, it might be more helpful to simply state all of the uses permitted in a given district in that district's section of the Zoning Ordinance. For example, for the S-D Special Development District, the "Allowed uses" should all be listed in §4.3.2. This will further eliminate the need to flip through different sections of the Ordinance, which I understand is a major goal of Part A.</p>	<p>Another strategy in reformatting the Ordinance was to separate allowed uses from use standards. This is another characteristic of modern Zoning Ordinances, and will help to ensure that use standards are consistent across zoning districts and/or build consistently in intensity across zoning districts.</p>

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
	<p>The distinction between "Allowed Uses" and "Permitted Uses" is confusing and should be revised or further clarified. In addition, there are inconsistent references between zoning districts to permitted uses, by right uses, site plan and special exceptions uses. For example, see Section 4.3. I would recommend the following terminology and symbols use used throughout the Zoning Ordinance:</p> <ul style="list-style-type: none"> ▪ "Permitted Uses" be replaced with "By-Right Uses" and be indicated by "BR" in the corresponding use tables. ▪ "Use Permit" should be identified by symbol "UP" and "Site Plan Approval" should be identified by symbol "SP" in the use tables. 	<p>“Allowed uses” has been used in the proposed amendment to refer to all uses, whether allowed by-right, by use permit or by special exception.</p> <p>“Permitted uses” is used in the proposed amendment to refer to uses allowed by-right. This term is commonly used in zoning ordinances for by-right uses.</p> <p>Staff has reviewed these terms for clarity, and has removed the term “allowed uses” from paragraph titles in the proposed amendment in order to eliminate any confusion. The term “permitted uses” has been retained.</p>
	<p>The new structure is certainly more elegant and systematic. The downside is that it clarifies the ZO's inherent complexities, coded language and clunkiness. I trust the next round will include, among many other rewrites:</p> <ol style="list-style-type: none"> 1. Pruning the lists of commercial uses 2. Combining the affordable housing incentives now in sections 12 and 15. 	<ol style="list-style-type: none"> 1. Uses will be reviewed in the next phase of the rewrite and a use classification will be considered. 2. The affordable housing incentives in Article 12 are use standards that apply to specific developments allowed in certain zoning districts, whereby parking, setbacks and certain other physical modifications may be approved when affordable housing is provided under specific provisions. These are distinguished from the affordable housing requirements in Article 15 related to site plan development and the approval of additional density and height within all site plan development (currently 36.H.6 and 7, respectively), that apply more generally to all site plan development. Staff discussed appropriate placement of the provisions in Article 12 and concluded that since they are use specific, they are more appropriately placed with the use standards than in the Administration article.
	<p>One user-friendly step would be to put the definitions section up front. A second would be an exceptionally thorough index that also, perhaps in a head note, reminds users to consult the general provisions as well as specific ones.</p>	<p>Definitions are placed at the end in order to place the most important and most general provisions in the front of the Ordinance. Most modern Zoning Ordinances place definitions at the end of the document.</p>

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
General text comments		
	What does “reserved” mean?	“Reserved” is used as a placeholder for the standard format in zoning districts, where there are no provisions under the subject heading. This is not regulatory. “Reserved” is commonly used in Zoning Ordinances as such a placeholder, and has been used as a placeholder in the current Zoning Ordinance as well.
	The legend for the use tables (e.g. “P”, “S” and “U” should be shown on every page)	Staff concurs. The legend has been added to the table header so it appears at the top of each page.
Graphics comments		
3.1.1.C	Gross floor area: would be helpful to have an illustration here	Staff will look into this as part of a future update.
3.1.3.A	“Coverage” and “parking pad” are not defined.	These terms are included in the current Ordinance. Undefined terms will be reviewed as part of the next phase of the study.
3.2.6.A.3(b)	Color coding in the illustration is hard to discern; the numbers should be larger for readability purposes; and the “sidewalk” is not the lot line, so this label should be reviewed.	This graphic has been replaced.
9.2.6	Map 1 is hard to use. I had difficulty differentiating the colors using the legend and wondered if all the colors were used in Map 1. I also could not read the numbers. Enlarging the page helped somewhat, but the text was fuzzy especially for street names.	Staff concurs that inserting these maps into the draft reduced the quality of these maps. They are in the current Ordinance (adopted when the site plan requirements for the C-3 district were adopted). As part of the final document, the maps have been reconfigured to display in portrait orientation and to improve the quality of the images.
9.2.7 thru 13.	Maps 2-8 used fewer colors, so I had no trouble with the legend. However, the resolution is still not good enough to enlarge for detail.	
Specific comments		
Use tables	Storage as a principal use is shown as blank in all uses in all use tables. This is confusing because the use tables show what you CAN do, not what you CANNOT do.	Staff concurs. This provision was incorporated into the use standards for additional clarity.
3.1.8	Section references Section 3.2.5.A.3., however, such reference does not exist.	This has been corrected. Correct reference is 3.2.6.A.3.
3.2.4.A	Section is confusing and does not seem to be necessary (Feb. 21 draft).	This paragraph has been revised to read “minimum lot width is as specified in the respective district regulations” (the reference to “allowed uses” has been removed).

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
3.2.6.A.1. (b)	Section should refer to all C-O Districts, which would include C-O-1.5, etc.	This is directly from the current Zoning Ordinance, however, could be clarified in the next phase of the update.
4.1	Section indicates that hospitals and related facilities are only permitted by Use Permit, however, in my experience, hospitals have also been approved by site plan approval (February 21, 2013 version).	Use tables are based on the current Ordinance: <ul style="list-style-type: none"> ▪ In the S-3A district (and P-S district, by reference to S-3A), “Hospitals and institutions of an educational, religious, charitable or philanthropic nature...” are listed as allowed by use permit approval, and are therefore represented with a “U” (for use permit) in the use table. ▪ In the S-D district, “hospitals and hospital-related medical and health care facilities” are listed as “permitted subject to securing a use permit and site plan approval...” and are therefore represented with both “U” (for use permit) and “S” (for site plan) in the use table (this was corrected as described subsequent to the public draft).
5 (various)	The R-5, R10T and R15-30T districts need special exception tables for dimensional standards.	All R-districts have been reviewed for where special exception tables are needed, and they have been moved in the R10T and R15-30T districts where they did not fit the standard format.
RA principal use table	Contractors off-site storage is a temporary use in the principal use table	Temporary uses may be principal uses on a temporary basis.
6.2.4.D.2 (b)	What are the slashes in this provision?	They refer to provisions for duplex and semidetached, respectively. These provisions are provided by reference to R2-7. This text should have been shown with underline, as it is new text, and has been updated accordingly.
6.5.3- 6.5.5	May or shall?	“May” is correct. All of these provisions refer to optional site plan or Form Based Code development provisions available in this zoning district.
C Principal use table	Where are the associated notations for the asterisks in the column titles?	The * explanation is at the end of the principal use table. This indicates that in those zoning districts, uses involving classes for children require a use permit.
	Some zoning districts contain a use “other uses in the judgment of the zoning administrator”. Was this use retained?	Yes – it is alphabetized under “Other...” in the commercial/mixed-use use table

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
C Principal use table	Why are some references in the text rather than in the right column?	Only use standards go in the “use standards” column. There may be other references, such as dimensional standards (e.g. height, density, etc.) or site development standards (e.g. parking, landscaping) that are also included. Other such references will be included in the left column.
	"Offices, principal, of physicians ..." — Are you planning to remove the word "principal"? I found the use of it here to be confusing as medical personnel often have multiple offices and this seems to suggest a limit on them using the building as their principal place of business.	No. In this case the “principal” modifies physicians’ offices, and is part of the use itself, rather than an indication of a principal vs. accessory use. However, there are many iterations of uses that include medical offices and the like. These uses will be reviewed in the next Phase of the update.
	"Home Occupations" refers to the Use Standard 12.8.8, which has an introduction that cites R and RA districts — however the table lists many C districts. I don't think this section can do double-duty effectively.	The “home occupations” use is listed in the commercial table in error. The use standard in 12.8.8 indicates that the use is only permitted in R and RA districts, and while they have been permitted in other districts by consistent administrative practice, any changes to the text will be addressed in the next phase of the update. Therefore in this draft, this use has been struck through in the Commercial/mixed-use table.
C Principal use table	There is a typo in the first column of the table: "RA14.8" should be "RA4.8." (February 21, 2013 public review draft)	This typo does not show in the public review draft or the advertised draft. More clarification is needed on location of this error.
	For the C-2 District, health clubs are identified in the use table as permitted by use permit. However, health clubs are a by-right use in C-2.	This has been corrected.
	Residential cluster development with site plan approval has been struck from several C Districts, as noted in Attachment C. Although the note in Attachment C indicates that residential cluster uses are only allowed in certain R districts, they are permitted in several C Districts by reference.	The following explanation was included in the Request to Advertise report: “Residential cluster provisions provide specific allowances for the R-20, R-10, R-8, R-6 and R-5 districts only. However, the current Ordinance does not clearly prohibit such development in other districts where it is allowed by reference to R-20. In the draft, residential cluster is listed as an allowed use only in the aforementioned districts.”
	Home occupations have been struck from the table, despite the fact that they are permitted in R and RA Districts, of which there are four in the C Districts, as defined.	The RA districts include RA14-26, RA8-18, RA7-16 and RA6-15. Zoning districts where home occupations are permitted could be reviewed in a future phase of the update.

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
7.5.3.B	Table: There is a reference to 12.3.6 that I think is relevant for the Height row. However it is not placed next to it, making me wonder if it is providing standards for other parts of the table — and in general whether a goal is to place the standard reference next to the item, or whether it just signifies <i>something in this table</i> .	<p>The reference to 12.3.6 is relevant to all rows in the table, not just to height, and thus is shown in the middle of the table, with no row lines.</p> <p>Where a provision applies just to a single row in the table, the row lines are shown.</p>
7.5.5	Also cites Article 13 and 14, which is confusing.	All zoning districts cite Articles 13 and 14. These articles include provisions for signs, parking and landscaping. This is similar to references in current ordinance to Sections 34, 33 and 32A, respectively, and these references were retained in the draft in response to previous comments from the Zoning Committee of the Planning commission, as a reminder that there are other provisions that apply.
7.6.3.B	Where there are no Bulk coverage and placement requirements that differ from what's in 3.2, is the plan to reference 3.2 as is done here? When I went to 3.2, I saw no coverage restrictions. It would be better to direct the reader to the parts of 3.2 that are relevant for C-1-R, such as 3.2.6 Placement. (This is a global comment about general references to 3.2.)	Yes. This provision is not absolutely necessary, as the provisions in Article 3 apply to all zoning districts (except where specifically noted), as do the provisions in Articles 13 and 14. In response to previous comments from the Zoning Committee of the Planning Commission, these references are included for usability purposes, as a reminder that there are other provisions that apply.
7.8.5.C.6	It would be helpful if the reference to 14.3 were more detailed, such as 14.3.4, since other references to driveways are not for commercial mixed use.	The reference in the current Ordinance is not more specific.
§7.15.4.A	There is no reference to 7.1 (tables) that I saw — only to the GLUP, yet 7.1 tables have a column for CO-Rosslyn.	This is a use standard for retail and commercial uses within the C-O Rosslyn district. There is no need to reference back to the use table. The use table should, and does, reference this paragraph
7.16.5.J	The Crystal City block plans (CCBP) — “The CCBP shall be submitted in accordance with the applicable County administrative regulations.” There is no reference to 15.6 as in other sections. Is this because there are additional applicable regulations that the other sections are not subject to?	This is in the current text, and the reference is to administrative regulations, not to site plan regulations. This could be further reviewed in the next phase (Part B) for clarity.

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
7.18.8	<p>Proffers: I think you should follow the process used previously where “Proffers” would be a separate standard that is referred to in C-TH. Otherwise it would be difficult to find, and a user might think it is only relevant to C-TH. I also think you should indicate what districts proffers are relevant for.</p> <p>FYI: The term proffer is also used in 14.3.4.A.1(a), 15.4.4.(which references 7.18.8), and the index.</p>	<p>Staff concurs. The proffer provisions have been moved to the Administration Article (15.4.4.) with a reference in C-TH (7.18.8).</p>
7.19.3.B	<p>This references 15.6 for additional height. It seems like the additional height allowed would be for 15.6.9.C. Community Facilities since “C-2, C-3, and C-R districts, building heights shall not be modified under this 15.6.9.A.3.” I had to read a lot of irrelevant text before I saw that restriction. Thus it would be helpful to use the specific reference.</p>	<p>15.6 is a general reference to site plan provisions, all of which are applicable to site plan development. A more specific reference would be too restrictive.</p>
7.20.4.E	<p>The chart refers the reader to another section for FAR (7.20.9.A) that also has a chart. Did you consider putting that information here? It would be easier to see what’s applicable.</p>	<p>Yes, this was considered, but the regulations in this district do not fit into the standard format for this table.</p>
8.1.1	<p>Should the General information indicate that there are 3 districts and name them?</p>	<p>This same paragraph appears in Articles 4 through 8. It does not need to list the districts, as they are provided in the use table.</p>
M Principal use table	<p>Carpet and rug cleaning establishments are permitted by right in the M-1 and M-2 Districts.</p>	<p>This has been corrected. As noted in Attachment C: “Carpet and rug cleaning establishment, excluding dying” (U) has been struck through. This use comes from C-2 and is superseded by the more permissive use from CM (“laundry, cleaning and dyeing works, and carpet and rug cleaning”).</p>
	<p>Health clubs are permitted by right in the CM, M-1 and M-2 Districts by reference to the C-2 District.</p>	<p>This has been corrected.</p>
	<p>Kiosks are permitted by right in the M-1 District by reference to the CM District.</p>	<p>Kiosks were added by a July 19, 2008 amendment, and are allowed only subject to use permit approval in all districts in which they are allowed. This was incorrectly shown in the public review draft, and has been corrected in the proposed amendment.</p>
	<p>It is unclear why medical office was struck as a use.</p>	<p>“Medical office” was struck because it is duplicative of the above use, “medical office or clinic.”</p>

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
M Principal use table	Public parking areas with or without improvements are a by-right use in the M-1 and M-2 Districts by reference to the CM District (February 21, 2013 draft)	“Public parking area with or without improvements deferred” is a use permit use in the C-1 district. In the C-2 district, public parking areas are allowed by right for up to 50 spaces or 20,000 sf, and by use permit if more than 50 spaces or 20,000 sf (per a 1996 amendment). The C-2 use supersedes the C-1 use and should not have been carried over to either the C-2 district or to the industrial districts, and therefore has been struck in C-2 and in the M districts (it was also incorrectly shown as by right in the advertised draft).
	Public utility service yard is a by-right use in the CM District.	This was a formatting error whereby the text in the M-1 column did not print consistently in the public draft or the advertised draft, and incorrectly showed up as blank for many uses. This has been corrected throughout the table, consistent with the comments to the left
	Publicly-operated recreation buildings are permitted by use permit in the M-1 District.	
	Recycling centers are permitted by use permit in the M-1 District.	
	Repair shops are permitted by right in the M-1 District.	
	Vehicle dealerships, sales or rental lot, are permitted by right in the M-1 District.	As in C-2 districts, vehicle dealership, sales and rental lots in industrial districts are allowed by-right if less than 20,000 sf and by use permit if more than 20,000 sf.
	Commercial vehicle parking is a by-right accessory use in the M-1 District.	
	It is unclear why accessory buildings were deleted from the accessory use table.	Staff concurs. “Accessory buildings” are included in several accessory uses, and was redundant. However, as the wording of these uses varies, this use has been restored in the proposed amendment to avoid any inadvertent change in policy.
It is unclear why the descriptive language listed after "vehicle maintenance, routine" and "vehicle, unlicensed and/or inspected" was deleted in the C use table, but not from the M use table. The M Districts are derivative of the C Districts for purposes of those two use categories.	These provisions are included in the use standards and are provided by reference to 12.8.11 and 12.8.12 in the commercial use table. This same clean-up has been made in the industrial use table.	
9.1.1.B.5	Was the parking/landscaping information superseded by the parking standards?	No, this reference is to the adopted plan for the area, which may include additional guidance.
10.1.2	I like this table showing where unified development can happen. However, I think it should be referenced in the various districts and not just here.	Unified residential development is included in the R use table.

ATTACHMENT B (DRAFT)

Article	Comment	Staff Response
12.3.6.A.2	Should the table be moved to below 12.3.6.A.1, since 2 is about parking?	Yes. This table and the tables in B have also been moved as described.
12.8.2	There is some confusion about what is included in an "R" district. Is an RA generally included in R? The phrase here "R districts (does not include RA districts)" could be interpreted as an exception or as a reminder about what is included.	In this case it does represent an exception, and is part of the original text. The table in 1.6.1 clarifies the definition of all district abbreviations. Similar provisions are provided currently in Section 2.
15.6.1	What policy, if any, is being employed regarding use of "his"? In this text, "his application" I think it may be an easy fix by changing to plural.	No change has been made in this respect at this time.
15.2.3 and 15.6.4	The title of 15.1.5 is "LEED Scorecard or comparable (special submittals for use permit and site plan)" and the general, arguably more basic, submittal requirements are in subsection C. Is the apparent primacy given to LEED intentional? If not, should sub C come first and the title be revised?	The order is shown in the same way as that in the current Ordinance, however, the title was changed as part of the draft and staff concurs that the revised title emphasizes the LEED requirements. The title has been restored to reflect the original, more generic title.
15.6.8.B	I noticed earlier that the ordinance didn't use abbreviations. I think there should be a policy on that. In this specific case, ADU is a term that was used for Accessory Dwelling Units also – though not in the Ordinance.	This is original text. Accessory dwellings have been abbreviated in other documents outside of the Zoning Ordinance as "ADs."
15.6.9	The title, "Affordable dwelling units for increased height and density above General Land Use Plan" is probably a carryover meant to distinguish this from 15.6.8 (bonuses within the GLUP). But the distinction made in the title isn't as sharp in the following text, which discusses affordable housing bonuses in general terms and doesn't explicitly reference the GLUP. This whole topic merits a rewrite; in the short term, maybe you can modify the title.	"increased" has been removed from the title to be consistent with the original text. Substantive changes could be reviewed in a future study.
16.1.1	"where a lot has less width and less area": Should "and" be "or" or "and/or"?	This is directly from the current Ordinance. As such a change would be substantive, this could be reviewed during the next phase of the update
16.2.5.D	Should "shall be moved" read "shall not be moved"?	Yes. This correction has been made.

ATTACHMENT B (DRAFT)

Zoning Committee of the Planning Commission (ZOCO) Comments: Prior to draft (10-2012)

Comment	Staff Response
Use tables should be repeated in each district rather than in consolidated use tables for multiple zoning districts.	Consolidated use tables allow uses to be compared across zoning districts. This facilitates both use and administration of the Ordinance. Consolidated use tables also help ensure consistency in phrasing of uses and in allowing/prohibiting uses across zoning districts with future amendments.
Prefer no references in the Ordinance – all standards should be provided in all places where they are applicable (e.g. to parking standards, or other site development standards that will be found in Article 12).	It is a good practice not to repeat provisions that apply to multiple districts or uses. This facilitates both use and administration of the Ordinance, and ensures that repeated standards do not become out of sync with future updates. Examples of uses standards that apply across zoning districts: <ul style="list-style-type: none"> ▪ Bed & Breakfast (Section 31) ▪ Open Air Markets (3, 4, 18A, 20, 22, 25, 26A, 27) Examples of site development standards that apply across zoning districts <ul style="list-style-type: none"> ▪ Parking requirements ▪ Landscaping requirements
We should make use of a “how to use this ordinance” section	Staff concurs. A “how to use this ordinance” has been included in the Request to Advertise draft. Additionally, supplemental materials could be developed, and posted online, and/or available at the Zoning Counter, with information about how to find provisions for commonly requested uses and requirements.
Every change should be shown with underline/strikethrough.	Staff concurs. All changes are shown with underline strikethrough, with the exception of text moved into tables. Additionally, two cross reference documents are provided to map all current provisions to the draft Ordinance, and all draft Ordinance provisions to the current Ordinance, so that the origin of all provisions is identified.

Comments and requests related to the next phase of the update or would require a future study

Article	Comment
n/a	The term “site plan” is confusing to people outside of Arlington as in other areas it is confused with an engineering site plan. Could this term be changed.
n/a	Could a future change to the Ordinance include standardizing height in stories vs. feet vs. above sea level; and density in unit/acre vs. FAR?
n/a	The use tables are great and very helpful. In the next phase, I hope that staff will consider reviewing the uses in terms of current uses. Links to standards in the right column of the use table are very helpful — and my impression is that they usually refer to the relevant portion of the standard that applies to the use listed in the row.
Through-out	More specific references would be helpful
n/a	Clarify penthouse regulations (e.g. height; when above vs. within the height limit)
n/a	Will the ordinance address court cases?
n/a	The definition of building height and how calculated in each zoning district should be clarified.

ATTACHMENT B (DRAFT)

Article	Comment
n/a	Consistent treatment of penthouses and architectural embellishments above the main roofline.
C Principal Use Table	“Hotel or Tourist Home” — See the table in 8.2.3.A. Does the Hotel column include Tourist Homes? (I previously mentioned that I could not tell the difference between a tourist home and a B&B, which is for phase 2.)
	“Restaurant, including outdoor café ...” — Is this being updated?
C-O district	Confused about the height in C-O districts
9.1.1.B.7	Is the text about a coordinated sign plan still relevant, especially Standards for signs shall be those set forth in the adopted “Special Revitalization District” plan for the area. I searched the remainder Article 9 and did not find the word “sign” used.
10.3.7.B	The use of parentheses makes me think what’s in the parentheses is a definition of coverage, which is somewhat different from 3.1.3. I think it should be reworded. In searching for what’s included in coverage, I see lots of references to 3.2 — but in some cases, such as “towers” in CO, there isn’t much. Perhaps this is work for the next phase.
12.3.6.A.2	The chart in question made me want to know what the rules for penthouses were, which I could not find. We’ve previously discussed that an additional standard — or an additional topic within the various districts — would be great so that people can easily determine when the penthouse is part of the height limit, when it is not, what the penthouse limit is (which varies somewhat), and ideally information about allowable penthouse use.
12.5.3	Perhaps in the next phase? A section that covers B&Bs, boardinghouses, rooming houses, and tourist homes — since now there are standards only for B&Bs.
Article 13	Refinements to the Sign Ordinance (Section 34) to further clarify the treatment of previously approved comprehensive sign plans.
14.3.7	“Retail and service uses” “Greenhouses and nurseries” “...as set for the above” — I could not figure out where to look.
18	“half-story” needs a very clear definition
18	Definitions for medical terminology should look to state regulations for such uses.

ATTACHMENT B (DRAFT)

Article	Comment
Article 16	<p>I think you should consider an updated to Section 35 – Nonconforming Buildings and Uses. I believe that the 35.A-4 should include some provision for the Enlargement and/or Renovation of single family homes provided that they stay within their original footprint and conform to the current height restrictions. I also believe this should only apply to dwellings older than a certain date based on the accuracy of the placement of the homes on the building lots.</p> <p>The reason that I say that is I have had to apply for a Variance to perform a renovation on my home that I would normally have been able to do by right had the house not been mis-positioned on my property. The house was built in 1940 and at the time the house was placed on the lot 7’6” from the closest property line in a district zoned R8. Despite the fact that I was renovating within the existing footprint of the dwelling, I still had go through the Variance Process. While it was a minor inconvenience for me – submitting the application and attending a Zoning Board Hearing, it did cost the County some significant time and thus money in processing, documenting, verifying and adjudicating the application. I have attended other Zoning Board Hearings for other Variance Applications for properties here in the neighborhood. On each occasion, I was astounded by the fact that there were several applications for essentially the same issue – the dwelling had been slightly mis-positioned on the property leaving one wall a few inches too close to the property line for the respective district. It seems to me that the improvement of such a structure should either be by right and permitted by Section 35 or the application and approval should be pro-forma. This change would do nothing to change the character of our neighborhoods AND would potentially save the County a good sum of money.</p>

**Changes incorporated into the Proposed Draft
reformatted Zoning Ordinance (May 10, 2013)**
(since the Request to Advertise Draft dated March 8, 2013 and March 15, 2013)

Article/Page #	Change since public draft dated February 21, 2013
All use tables	Use standards that are included in Article 12 have been deleted from all use tables, and references included to the relevant standard(s).
	The legend has been included in the table header for all use tables so that it appears at the top of each page.
All zoning districts	Reference to “allowed uses” has been replaced with “uses” in paragraph titles.
1.5	Inserted missing provision from 31.C. 4 (In all R Districts, except in town house dwelling developments, there shall be no more than one (1) main residential building and its accessory buildings on one (1) lot).
3.1.8	Reference to 3.2.5.A.3 has been corrected to 3.2.6.A.3.
3.2.2.A and 3.2.2.A	Original text is shown with strikethrough to show change in phrasing.
3.2.4.A	Revised text to read “Minimum lot width is as specified in the respective district regulations” (reference to “allowed uses” has been removed).
3.2.5.A.	Original text (that was duplicative of the original table) has been shown with strikethrough.
3.2.6.A.4	The vision clearance graphic for residential uses has been corrected to reflect the numbers in the text.
3.2.6.A.1(a), 3.2.6.A.2(a), 3.2.6.A.4(b)	Inserted PS to setback, side and rear yard and vision clearance requirements per reference in the PS district that indicates bulk, coverage and placement are as required in the the M-1 district.
5.4.4.A	Table for townhouse, semidetached and existing one-family dwellings was corrected to reflect just one column for projects containing combination of the above housing types, as opposed to separate columns for each type. Floor area per dwelling unit was corrected to apply only to townhouse and semidetached units. Lot width was corrected to include “average.”
5.4.3-5.4.4 5.8.3-5.8.4	Reformatted these districts (R-10T and R15-30T) to be consistent with other districts, with density and dimensional table in 5.x.3, and in 5.8 (R15-30T), exception to average setbacks was moved to correctly be shown with site plan provisions only.
6.1 (RA principal use table)	“Mortuary or funeral homes, including a cremation unit within a mortuary or funeral home” was added as a site plan use in RA7-16. The RA7-16 district includes apartments as regulated in RA14-26, and allow such use within existing apartment buildings or in new buildings created for such use as long as they have the appearance of residential structures.
6.1.4 (RA accessory use table)	Commercial vehicle parking (accessory use table): struck through text that is included in the use standards in 12.8.3
6.3.5.A	By-right table: height for one-family dwelling was corrected to 35 feet and 3 stories.
6.5.6.D.1(c)	The public draft replaced a reference to the RA4.8 district with text indicating that height is inclusive of penthouses (from the RA4.8 district). However, this needs further research, and therefore the original text has been restored (the reference to RA4.8 has been restored, and the text indicating that the height is inclusive of penthouses has been removed).

Article/Page #	Change since public draft dated February 21, 2013
7.1. (Commercial/ mixed-use principal use table)	Commercial uses as permitted in C-1-R districts: This was added as a site plan use in the RA4.8 district, and references the use standard in 12.5.5, which limits the use to 0.5 FAR and requires it to be located on the ground floor. In the RTA draft, the allowance for the C-1-R uses was addressed by including an “S” in the RA4.8 column for all commercial uses listed as permitted in the C-1-R district. However, in the RA4.8 district, such uses are limited to 0.5 FAR and must be located on the ground floor (as provided in 12.5.5), and the previous approach did not address this limitation. This issue can be further addressed in the next phase of the update in the context of considering a use classification system.
	“Grocery, convenience. Grocery, fruit or vegetable store limited to a gross floor area of 2,600 sf” (P) was struck through in the C-1, MU-VS, C-2, C-O-A, C-3 and C-R districts. This use comes from C-1-R and is superseded in subsequent districts by more permissive use in C-1 (“Grocery, fruit or vegetable stores without restriction or maximum gross floor area”) (P)
	“Health club” was corrected to be shown as “P” in the C-2 and C-O-A districts (it was previously shown as “U” and not permitted in the two districts, respectively)
	Open-air markets: should have a “U” in the C-O Rosslyn column, by reference to C-1-O.
	“plumbing or sheet metal shops” (without restriction) was deleted. This was included in the C principal use table in error.
7.1. (Commercial/ mixed-use principal use table)	“Public parking areas with or without improvements deferred” (U) has been struck through in the C-2, C-O-A, and C-3 districts. This use comes from C-1 and is superseded by uses from C-2 (by-right/use permit) (“public parking area of up to/more than 50 spaces”)
	“Restaurant including outdoor cafes...”: inserted a reference to the outdoor café standards into the reference column.
	“Vehicle service establishments, provided that any portion of the use except the sale of gasoline shall be conducted wholly within a building” has been struck through in C-O-A, C-2 and C-3. This use comes from C-1 and is superseded by the more permissive use from C-2 (“provided that any vehicle repairs and storage of merchandise and supplies shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven feet in height, is erected and maintained between such uses and any adjoining residential district” (P)).
7.3.4	Moved the special exception table into 7.3.3.B to be consistent with the format of other districts.
7.10.3.A	Height for institutional uses was corrected (the current ordinance does not specify height)
7.15.3.D(2)(d)	Moved this provision (from C-O Rosslyn district), prohibiting signs above a height of 50 feet on buildings in Central Place that are approved using provisions for additional density and height, to 13.7.1.G.3 (sign regulations), and edited to remove the provision that required a special exception for a sign above a height of 35 feet, as this provision was superseded by the sign regulations adopted on July 24, 2013 and should have been edited at that time.
7.18.8	Proffer provisions were moved to the administration Article (moved from the C-TH district regulations in 7.18.8). A reference to the administration section on proffers (15.4.4) was retained in the C-TH district.
7.18.3.A	Inserted two-family dwellings into the by-right density and dimensional table. The C-TH district allows “dwellings” by-right by 26A.A.16 and specifies density as that specified for R-5 districts in 26A.D.2.c.

Article/Page #	Change since public draft dated February 21, 2013
7.19.5.B and 7.19.5.C.1	Updated reference for height exception and floor area requirements in C-3 districts to reflect the Clarendon Revitalization District site plan provisions (9.2.2.D) rather than the general site plan requirements (15.6), consistent with the current Ordinance.
8.1 (M principal use table)	<p>Formatting errors that made text not visible in the M-1 column have been corrected.</p> <p>The following uses are allowed by use permit (not by-right):</p> <ul style="list-style-type: none"> ▪ Kiosks, in CM by reference to C-1 (via C-2), and in M-1 and M-2 by reference to CM ▪ Open-air markets, in CM by reference to C-2 <p>“Book, stationary or card store” added (from C-2)</p> <p>“Carpet and rug cleaning establishment, excluding dyeing” (U) has been struck through. This use comes from C-2 and is superseded by the more permissive use from CM (“laundry, cleaning and dyeing works, and carpet and rug cleaning” (P))</p> <p>“Grocery, convenience. Grocery, fruit or vegetable store limited to a gross floor area of 2,600 sf” (P) was struck through. This use comes from C-1-R and is superseded in subsequent districts by more permissive use in C-1 (“Grocery, fruit or vegetable stores without restriction or maximum gross floor area”) (P)</p> <p>“Health club” was corrected to be shown as “P” in all industrial districts by reference to C-2</p> <p>“Hotel or tourist court” has been corrected to reflect that it is specifically prohibited in M-2 districts.</p> <p>“miniature golf course” corrected to (U) by reference to C-2</p> <p>“Offices of medical doctors” has been deleted. This was included in the M principal use table in error.</p> <p>“Restaurant including outdoor cafes...”: inserted a reference to the outdoor café standards into the reference column.</p> <p>“Private clubs, restaurants and similar commercial service compatible with high value apartment buildings” was deleted. This was included in the M principal use table in error.</p>
8.1 (M principal use table)	<p>“Public parking areas with or without improvements deferred” (U) has been struck through. This use comes from C-1 and is superseded by uses from C-2 (by-right/use permit) (“public parking area of up to/more than 50 spaces ...”)</p> <p>“Public utility service yard or electrical receiving or transforming station” corrected to (P) in the CM district.</p> <p>“Storage as a principal use” row has been deleted.</p> <p>“Towing and motor vehicle storage lots” was realphabetized under “vehicle storage lots...”</p> <p>“vehicle body shop, so long as activities are conducted wholly within a building” (U) has been struck through. This use comes from C-2 and is superseded by the more permissive use from CM (vehicle body shop, and automobile assembling, tire retreading or recapping, batter manufacturing and the like” (P))</p> <p>“vehicle dealership, sales or rental lot” rows were corrected to match those in the C principal use table and to reference the same use standard.</p> <p>“Vehicle service establishments, provided that any portion of the use except the sale of gasoline shall be conducted wholly within a building” has been struck through. This use comes from C-1 and is superseded by the more permissive use from C-2 (“provided that any vehicle repairs and storage of merchandise and supplies shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven feet in height, is erected and maintained between such uses and any adjoining residential district” (P)).</p>

ATTACHMENT C (DRAFT)

Article/Page #	Change since public draft dated February 21, 2013
9.3	Added “within the RA6-15 or RA8-18” district to the Fort Myer Heights North provisions to reflect the origin of these provisions from the aforementioned districts.
10.2.3	Clarified the title for “Unified Commercial/Mixed-use development” outside of Clarendon Revitalization district or the Cherrydale, Nauck and Columbia Pike special revitalization districts.
11.1	Allowed uses in the Columbia Pike Form Based Code (FBC) district still referenced uses permitted in the RA14-26, RA8-18, RA7-16 and RA6-15 districts in the advertised draft. Such uses have been listed out and included in a table in the final draft. Uses not consistent with the FBC are proposed to be deleted. Discussion is included in the staff report.
12.5.26	Inserted use standard prohibiting storage as a principal use from current Ordinance section 2.F. This provision was previously only addressed with a blank row in the appropriate principal use tables (R, RA, C, M). This row, in each use table, is now supplemented with a reference to the use standard in 12.5.26 including all the text from the original provision.
12.6.2	Indoor-only uses. This restriction was corrected to apply only in the CM district, as in the original text.
12.6.3	Indoor-only or screened uses. This restriction was corrected to apply only in the CM district, as in the original text.
12.6.9	These use standards, for vehicle dealership, sales or rental lots, were redundant of 12.5.25 (the same use in commercial districts), and references within them were circular, so they were deleted, and instances where these standards were used were updated to reflect the 12.5.25 reference.
12.6.10	
12.8.3.D	Text was corrected to accurately reflect the original text (from Section 5.A.8.e and 5.A.6(a)(12))
15.1.3	This paragraph had been shown as struck through to be deleted, and has been restored (this paragraph was duplicated several times in the current Ordinance for multiple application types, and was consolidated into one paragraph in the proposed amendment, and was intended to be shown once.
15.5.1	Inserted “the” before “County Board”
15.6.9	“increased” was removed from the title to reflect the title in the adopted Ordinance.
15.4.4	Proffer provisions were moved to the administration Article (moved from the C-TH district regulations in 7.18.8). A reference to the administration section on proffers (15.4.4) was retained in the C-TH district.
16.3.4	This provision regarding nonconforming duplex dwellings in the R-5 district was deleted. This language was advertised on March 1, 1986, however, was not included in the County Board minutes from the adoption of the amendment on July 12, 1986.