

Elder Care Uses

Proposed Zoning Ordinance Amendment



- What's elder care?
- Background
 - Determination request
 - Institutional homes
 - Case studies
 - 2013 ACZO reformat
- Importance and relevance
- Scope
 - Use table review
 - Density methodology
 - Parking
 - Definitions
- Initial phase
- Community engagement
- Anticipated schedule

- Assisted living facilities
- Nursing homes
- Continuing care retirement communities
- Mixtures of these

Zoning Determination

- Requested determination on whether assisted living facilities were a permitted use in RA8-18
 - Household living?
 - Group living?
 - Both?
- Determination:
 - Assisted living facilities only permitted in S-D: Special Development District
 - Not permitted in RA8-18 (not listed in the RA districts use table)
- Issues
 - Low number of districts permitting the use
 - Lack of clarity in Article 12 (Use Standards)
 - Complexity in Article 18 (Definitions)

- Mentioned in the 1938 ACZO; defined in 1950 ACZO
- Definition (2013)
 - “A place for the care, including day care, of dependent children and persons needing assistance in the activities of normal daily living because of age or disability.”
- Permitted in R-20 by Use Permit

Institutional Homes

lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

YARD, SIDE:

A yard between a main building and the side lot line, extending from the front yard, or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

SECTION 3

"R-20": One Family Dwelling Districts

The following regulations shall apply in all "R-20" Districts:

NOTE: For Supplemental Regulations See Section 18.

A. Uses Permitted:

1. One-family dwelling.
2. Farming, dairy farming, live stock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to the operation of such vehicles or machinery as are incident to such uses, and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure, or yard for the raising, housing, or sale of live stock or poultry shall be located not less than one hundred (100) feet from any street or lot line. Provided, further, that poultry shall be kept in approved enclosures and shall not be allowed to roam at large.
3. Churches and other places of worship, including parish houses and Sunday Schools, but excluding rescue missions or temporary revivals.
4. TRANSITIONAL USES: The following uses shall be permitted on a lot in the "R-20" Districts where side or rear of such lot abuts upon a lot in a "C" or "M" District, provided such transitional use does not exceed two hundred

(200) feet from the boundary of the less restricted district which it adjoins, and provided further that such transitional use shall not extend into the required front yard setbacks of property on adjacent streets, as follows:

- a. The principal office of a physician, surgeon, or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.
 - b. Public parking area if a Use Permit is secured as provided for in Section 24, and said area is located and developed as required in Section 20.
5. CONDITIONAL USES: The following uses may also be permitted subject to securing a Use Permit secured as provided for in Section 24, Use Permits.
- a. Schools. (Private, Elementary and High), kindergartens and day nurseries.
 - b. Public libraries, museums and art galleries.
 - c. Clubs and grounds for games or sports, provided any such use is not operated primarily for commercial gain, nor for which any mechanical amusement equipment is operated incidental to such games or sports.
 - d. Publicly operated recreation buildings, playgrounds, parks and athletic fields.
 - e. Community buildings.
 - f. Hospitals or sanitariums, except animal hospitals, clinics, and hospitals or sanitariums for contagious, mental, or drug or liquor-addict cases, provided, that any building so used shall be set back not less than one hundred (100) feet from any lot line or street line.
 - g. Institutional homes and Institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.
 - h. Private clubs, lodges, fraternities, sororities, and dormitories, provided any such use is not operated primarily for commercial gain.
 - i. Buildings used exclusively by the Federal, State and County Government for public purposes, except penal

The Jefferson (900 N. Taylor St.)

- Zoning: C-O-A
- GLUP: Coordinated Mixed-Use Development District
- Lot Size: 1.48 acres
- FAR: 7.63 (494,570 square feet)
- Height: 20 floors
- Parking: 328 spaces

- County Board Approval: 1987 (amended in 1988)
- Approved use: “lifecare facility”
 - 325 independent living apartments
 - 75 assisted living rooms
 - 39 nursing beds



- Zoning: R-6
- GLUP: Semi-Public
- Lot Size: 3.65 acres
- FAR: 0.86 (135,942 square feet)
- Height: 3 floors
- Parking: 60 spaces



- County Board Approval: 1988
- Approved use: Institutional home (“personal care facility”)
 - 50 assisted living rooms (The James)
 - 57 ind. living apartments (The Potomac)
 - 71 ind. living apartments (The Shenandoah)



SECTION 4. "S-D" SPECIAL DEVELOPMENT DISTRICTS

The following regulations shall apply in all "S-D" Districts:

A. Uses Permitted.

1. One-family dwelling as permitted and regulated in "R-6" Districts.
2. Church and other places of worship and Sunday school buildings, but excluding temporary revivals.
3. Public parks, playgrounds, recreational and community center buildings and grounds.
4. Public buildings and properties of a cultural, recreational or administrative type, including libraries, museums and art galleries, but not including repair garages, storage or repair yards or warehouses.
5. Conditional uses: The following uses may also be permitted subject to securing a use permit and site plan approval as provided for in Section 36, under "Use Permits" and "Site Plan Approval":
 - a. Institutional homes. 
 - b. Hospitals and hospital-related medical and health care facilities.
 - c. Nursing homes, convalescent homes and intermediate care facilities, and related housing facilities for the elderly. 
 - d. Schools and colleges and other public and private educational institutions for academic instructions. A transportation demand management plan shall be submitted with use permit applications for elementary, middle and high schools. (Ord. No. 13-01, 2-23-2013)
 - e. Public buildings and properties of a service type use other than those uses permitted in paragraphs 3. and 4.
 - f. Accessory buildings, including a private garage, provided that a detached accessory building shall be located as required in Section 32, herein.
 - g. Open-air markets are permitted subject to obtaining a use permit, and subject to all conditions placed on the use permit by the County Board at the time of approval including but not limited to conditions governing customer and vendor parking, landscaping, maintenance, impact on neighboring residential areas, management of trash, management

2013 ACZO Reformat

PUBLIC (P) DISTRICTS PRINCIPAL USE TABLE						
Use Category	Specific Use Types	S-3A	S-D	P-S	Use Standards	
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted						
Residential Use Categories (See §12.2.3)						
Household Living (See §12.2.3.A)	Dwelling, one-family	P	P	P		
Group Living (See §12.2.3.B)	Assisted living centers, and nursing homes		U	S		
	Group homes	U	U	S	U	

- Institutional homes removed
- New terms:
 - Assisted living facilities
 - Nursing homes
 - Group homes

- Approx. 35,000 residents above age 60
 - 14% of County population; expected to increase in percentage share
- 2030: 1 in 5 Americans will be 65+ years in age
- Existing elder care capacity in Arlington:
 - 443 beds in assisted living (6 facilities)
 - 602 beds in nursing (4 facilities)
- No new facilities constructed since 1999 (Brookdale)

Use Table Review

- Additional zoning districts
 - Multiple family
 - Commercial/Mixed-use
- Recommendations for by-right, use permit, site plan, or combination
- Evaluate use standards for by-right development

- Zoning districts do not regulate development uniformly
 - Dwelling units per acre (du/ac)
 - Floor area ratio (FAR)
- Living quarters typically do not have kitchens with cooking provisions
 - Not dwelling units per definition in Article 18
- Higher percentage of gross floor area devoted to amenities, shared space, common areas, and caregiving

- Parking standard dates back to 1969 ACZO
 - 1 space for each four beds
 - 1 space per two employees other than staff doctors, and
 - 1 space per 1 doctor assigned to the staff
- Negligible residential parking demand
- Greatest demand and utilization
 - Employees
 - Visitors
 - Caregivers
 - First responders
 - Loading/unloading

- Identify and eliminate barriers which prevent continuum of care
 - Assisted living, coupled with other companion uses
- Alignment with definitions in Code of Virginia
- Update to use categories in Article 12 (Use Standards) to reflect present day development trends

- Permit assisted living facilities and nursing homes in RA8-18
 - Use standards for minimum lot size, maximum height, and maximum FAR
 - FAR range advertised of 1.0-1.5
- Permit assisted living facilities in C-O-1.0, C-O-1.5, C-O-2.5
- Update to *assisted living facility* definition in Article 18 (Definitions)

- Stakeholder interviews
- Site visits
- Community forum
- Survey (tentative)

- Boards/Commissions:
 - Commission on Aging
 - Housing Commission
 - Disability Advisory Commission

- Email/web content

- Initial Phase
 - Zoning Committee: July 2019
 - Planning Commission: September 2019
 - County Board: September 2019
- Community Forum: September 2019
- Broader Study
 - Zoning Committee (text review): October 2019
 - Presentations to Boards/Commissions: October/November 2019
 - Request to Advertise: November 2019
 - Planning Commission: December 2019
 - County Board: December 2019

2019

Zoning Ordinance

Arlington County, Virginia



Effective July 1, 2019

