



COLUMBIA PIKE – SPECIAL NEIGHBORHOODS REVITALIZATION DISTRICT FORM-BASED CODE ARLINGTON COUNTY, VIRGINIA

DRAFT

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How to Use this Code

I want to know what is allowed in my neighborhood:

1. Review the Columbia Pike Neighborhoods Area Plan and determine if your neighborhood is located within the “Columbia Pike Neighborhoods Special Revitalization District” as shown on the General Land Use Plan (GLUP). If not, this Code is not applicable.
2. Look at the adopted REGULATING PLAN for the appropriate subarea in *Part 3. Regulating Plans*. Find the neighborhood in question. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING ENVELOPE STANDARD (see the key located on the REGULATING PLAN). Note whether or not any neighborhood properties have been designated as a special circumstance (Conservation Area, Adjacent to Conservation Area, or Bonus Area) for the purposes of this Code.
3. Find all of the applicable BUILDING ENVELOPE STANDARDS in *Part 4. Building Envelope Standards*. (Note the General Standards in *Section 402*, which apply to all Neighborhood Special Revitalization District FBC properties.) The BUILDING ENVELOPE STANDARD will tell you the parameters for development on each site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces are found in *Part 5. Street-Space Standards*.

I want to modify a building or develop a new building:

1. Determine if the property in question is located within the “Columbia Pike Neighborhoods Special Revitalization District” as shown on the General Land Use Plan (GLUP). If not, this Code is not applicable.
2. Determine whether your intended changes would trigger a level of code compliance by looking at *Part 2. Administration* on non-conformities.
3. Look at the adopted REGULATING PLAN shown for the appropriate subarea in *Part 3. Regulating Plans*. Find the property in question. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING ENVELOPE STANDARD (see the key located on the REGULATING PLAN). Note whether or not the property has been designated as a special circumstance (FBC CONSERVATION AREA, ADJACENT TO CONSERVATION AREA, or BONUS AREA) for the purposes of this Code.
4. Find the appropriate BUILDING ENVELOPE STANDARD in *Part 4. Building Envelope Standards*. (Note the *General Standards* in *Section 402*, which apply to all Neighborhood Special Revitalization District FBC properties.) The BUILDING ENVELOPE STANDARD will tell you the parameters for development on the site in terms of height, siting, elements, and use.
5. Additional regulations regarding streets and other public spaces surrounding the property are found in
 - a. *Part 5. Street-Space Standards*: the general parameters and/or specifications for the STREET-SPACE including vehicular traffic lane widths, curb radii, sidewalk and street tree planting area dimensions, on-street parking configurations, and public and private open space standards.
 - b. *Part 6. General Architectural Standards* and *Part 7. Conservation Area Standards*: materials, configurations and techniques for the architectural elements of the building. (If the property in question has been designated on the REGULATING PLAN as a Conservation Area or Adjacent to Conservation Area for the purposes of this Code, refer to both *Part 6 and 7*.)
 - c. *Part 7. Parking and Loading Standards*.
6. See *Part 2. Administration* for information on the application and development review process.

I want to develop my property in phases:
(TBD)

I want to retain some existing buildings and remove others for new development following this Code:
(TBD)

I want to change the use/function in an existing building:

1. Find the property on the appropriate subarea REGULATING PLAN and determine the applicable BUILDING ENVELOPE STANDARD.
2. Determine whether the use is allowed by looking at the *Permitted Use Table* in *Part 9. Building Use Standards*. If the use is listed with a cross-reference in the right-hand column, refer to those standards.

I have a use, building or site that is nonconforming:

1. Existing uses, buildings and sites that met the rules when they were constructed, but do not comply with this development code are considered nonconforming.
2. See *Part 2. Administration* for further details

I want to change the regulating plan regarding my property:

1. See *Part 2. Administration* for Amendments to the Form Based Code.

I want to subdivide my property:

1. Property can be subdivided only in accordance with the procedures in *Chapter 23 of the Arlington County Code*.
2. Any such subdivision shall also meet the standards of this Code.

Contents

PART 1. GENERAL PROVISIONS	1
101. Title	1
102. Applicability	1
103. Purposes	1
104. Other Applicable Regulations	1
104. Minimum Requirements	1
106. Severability	1
107. Components of the Code	2
PART 2. ADMINISTRATION	3
201. Applicability	3
202. By-Right FBC Applications	3
203. Special Exception Use Permit FBC Applications	4
204. Special Circumstances	4
205. Modifications	5
206. Application Requirements & Review Processes	6
207. Administrative Adjustment Standards	8
208. FBC Administrative Review Team Duties & Procedures	9
PART 3. REGULATING PLANS	11
301. Rules for Regulating Plans	11
302. The Regulating Plans	15
PART 4. BUILDING ENVELOPE STANDARDS.....	21
401. Introduction	21
402. General Standards	21
403. Green Building Standards	27
404. Urban Mixed-Use Frontage	29
405. Urban Residential Frontage	33
406. Townhouse/Small Apartment Frontage	37
407. Detached Frontage	41
PART 5. STREET-SPACE & OPEN SPACE STANDARDS.....	45
501. Intent	45
502. Applicability	45
503. Street-Space Classifications	45
504. Street-Space Classification Distribution	53
505. Sidewalk and Landscape Standards	58
506. Plazas, Mini-Parks and Neighborhood Parks	64
PART 6. GENERAL ARCHITECTURAL STANDARDS	67
601. General Intent	67
602. Applicability	67
603. Building Wall Materials	68
604. Roofs	70
605. Shopfronts	72
606. Awnings and Canopies	74
607. Doors	76
608. Windows	76

609. Garden Walls and Fences	78
610. Mechanical Equipment	78
611. Signs	80
PART 7. CONSERVATION AREA STANDARDS	85
701. Introduction	85
702. Applicability	86
703. Conservation Standards	88
PART 8. PARKING STANDARDS.....	101
801. Purposes	101
802. General Standards	101
803. Parking Incentives for Affordable Housing	103
PART 9. BUILDING USE STANDARDS	105
901. Building Use Table	105
902. Affordable Housing Requirements	109
903. Additional Incentives for Affordable Housing	1
PART 10. DEFINITIONS.....	111
1001. Defined Terms	111

Part 1. General Provisions

101. Title

This Code is known as the Columbia Pike Neighborhoods Special Revitalization District Form Based Code (Form Based Code or Code).

102. Applicability

- A. The Code is in effect for that part of Arlington County, Virginia, designated as “*Columbia Pike Neighborhoods Special Revitalization District*” on the General Land Use Plan (GLUP).
- B. The Code is an optional zoning tool and property owners retain the zoning rights under the existing zoning. Use of the Form Based Code is selected through the filing of an application for development under the Form Based Code.

103. Purposes

- A. This Code is intended to implement the purpose and goals of the *Columbia Pike Neighborhoods Area Plan* as described in Chapter 1 of that Plan:
 - 1. Foster a healthy, diverse community with a high quality of life;
 - 2. Stabilize and strengthen residential neighborhoods and mixed-use commercial centers;
 - 3. Promote creation and preservation of affordable housing and expand housing options;
 - 4. Create a pedestrian-friendly and multi-modal corridor;
 - 5. Preserve neighborhood character, historic buildings and tree canopy;
 - 6. Enhance urban design and architecture; and
 - 7. Incorporate sustainable building design.
- B. The Code implements a primary element of the *Columbia Pike Neighborhoods Area Plan* vision to create transit- and pedestrian-oriented development, which is dependent on three factors: density, diversity of uses, and *design*. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood character

104. Other Applicable Regulations

Wherever there is a variation or conflict between the Columbia Pike Neighborhoods Special Revitalization District Form Based Code, and other sections of the *Arlington County Zoning Ordinance*, the requirements set forth in this Code shall prevail. For development standards not covered by this Code, applicable sections of the *Arlington County Zoning Ordinance* shall be used as the requirement. Similarly, all development must comply with all Federal, State or local regulations and ordinances including, but not limited to, Chesapeake Bay Ordinance and other environmental regulations.

105. Minimum Requirements

The provisions of the Code are the minimum requirements for development under this Code.

106. Severability

in the event a court of competent jurisdiction finds any provision of *Part 902 Affordable Housing Requirements* to be unconstitutional or otherwise invalid, then this entire Code shall be invalid. Should any other provision of this Code be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Code other than the part decided to be unconstitutional or invalid.

107. Components of the Code

The Code is comprised of the following sections.

A. Administration

Part 2. Administration covers the application and review process for development plan approval.

B. Regulating Plans

The REGULATING PLAN provides specific information on the development parameters for each parcel and shows how each lot or DEVELOPMENT PROJECT relates to the STREET-SPACE and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or special circumstances for specific locations. The Columbia Pike Neighborhood Special Revitalization District is divided into four subareas, each of which is covered by an individual REGULATING PLAN.

C. Building Envelope Standards

The BUILDING ENVELOPE STANDARDS (BES), establish basic parameters governing building form, including the envelop for building placement (in three dimensions) and certain permitted/required building elements as they frame the STREET-SPACE or public realm. The BUILDING ENVELOPE STANDARDS establish both the boundaries within which things may be done and specific things that must be done to ensure that the buildings relate to each other and form a functioning and consistent block structure. The applicable standard(s) for a DEVELOPMENT PROJECT is determined by the BES frontage type designated on the REGULATING PLAN.

D. Street-Space and Other Public Space Standards

The purpose of the Street-Space and Public Space Standards is to ensure coherent STREET-SPACE and to assist developers and owners with understanding the relationship between the public realm and their own DEVELOPMENT PROJECT or building. These standards set the parameters for the placement of street trees, sidewalks, and other amenities or furnishings within the STREET-SPACE as well as the basic configurations for other public spaces, including streets and sidewalks.

E. General Architectural Standards

The General Architectural Standards are used to achieve a coherent and high-quality building design. The General Architectural Standards govern a building's exterior elements and set the parameters for allowable materials, configurations, and techniques

F. Conservation Area Standards

The Conservation Area Standards provide additional rules for properties designated on the REGULATING PLAN as CONSERVATION AREAS and areas ADJACENT TO CONSERVATION AREAS.

G. Parking and Loading Standards

Parking and Loading Standards establish the specific vehicular and bicycle parking ratios required throughout the *Columbia Pike Neighborhoods Special Revitalization District*. Some standards in the *Arlington County Zoning Ordinance* may govern where standards are not included in this Code.

H. Building Use Standards

Building Use Standards establish the uses allowed and/or required in the Columbia Pike Neighborhoods Special Revitalization District Form Based Code. Affordable housing requirements are also set forth in the Building Use Standards.

I. Definitions

Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in ALL CAPITALS format, consult *Part 10. Definitions* for its specific and limited meaning within this Code. Words used in the Code, but not defined by the Code, but that are defined in the *Arlington County Zoning Ordinance*, shall have the meanings set forth therein.

Part 2. Administration

201. Applicability

Development proposals for properties located within R, RA or C Districts of the Arlington County Zoning Ordinance in the “Columbia Pike Special Neighborhoods Revitalization District” as shown on the General Land Use Plan (GLUP) may develop using this Code. If this Code is used, development proposals shall comply with all provisions of this Code, unless otherwise modified by the County Board in accordance with *Sections 203 and 205*.

- A. In areas not identified as CONSERVATION AREAS on the REGULATING PLAN:
 - 1. The Zoning Administrator may approve existing structures to remain as part of an interim condition in a phased development as part of a DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code, if such DEVELOPMENT PROJECT meets all standards in *Section 202.B* below for infill development.
 - 2. In areas not identified as CONSERVATION AREAS on the REGULATING PLAN, existing buildings and additions to existing buildings may be approved by the County Board to remain as part of a DEVELOPMENT PROJECT if they are 1) included in an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code, and 2) AFFORDABLE HOUSING meeting the standards in *Part 902* is provided within the existing buildings.
- B. In areas identified as CONSERVATION AREAS on the REGULATING PLAN, existing structures may be approved by the County Board to remain as part of a DEVELOPMENT PROJECT if they are 1) included in an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code, or 2) preserved through a transfer of density from an approved DEVELOPMENT PROJECT that is otherwise in compliance with all provisions of this Code in another location; and in either case, such existing structures are renovated in compliance with the renovation standards in *Part 7 Conservation Area Standards*.

202. By-Right FBC Applications

The Zoning Administrator is authorized to review and approve:

- A. Applications for DEVELOPMENT PROJECTS consisting only of new structures that are fully compliant with this Code, where no modifications are requested under *Section 205*; and
- B. Applications for DEVELOPMENT PROJECTS that include existing buildings approved administratively prior to [date of FBC adoption], to be retained as an interim condition as part of a phased DEVELOPMENT PROJECT, provided that:
 - 1. All new development complies with all provisions of this Code;
 - 2. Existing buildings remain in existing residential use;
 - 3. The number of dwelling units in the existing buildings shall not be increased above that legally existing on the site at the time of application;
 - 4. No additions to, or enlargements of, existing buildings shall be approved, and no additional height or gross floor area shall be approved for an existing building beyond that legally existing on the site on [date of FBC adoption].
 - 5. Parking [TBD]: .
 - 6. The application shall show all proposed phasing, including but not limited to, how all portions of the property are proposed to redevelop in compliance with all provisions of this Code, and how the phases will be designed to ultimately meet the STREET-SPACE requirements for any new streets and open spaces shown on the REGULATING PLAN.

203. Special Exception Use Permit FBC Applications

The Special Exception Use Permit process will be required for DEVELOPMENT PROJECTS that meet any of the following circumstances:

- A. Request for approval of Special Circumstances (Bonus Stories; development in CONSERVATION AREAS; development in areas ADJACENT TO CONSERVATION AREAS), as set forth in *Section 204*;
- B. Request for approval of modifications, as set forth in *Section 205*.

204. Special Circumstances

When a DEVELOPMENT PROJECT involves bonus stories, property located in an CONSERVATION AREA, or property located in an area ADJACENT TO A CONSERVATION AREA, then the DEVELOPMENT PROJECT shall be deemed to involve Special Circumstances.

A. Bonus Stories

The County Board may, by use permit approval, allow up to two or up to six additional bonus STORIES as shown on the REGULATING PLAN, and increase the ULTIMATE BUILDING HEIGHT in accordance with *Section 402.M* for each bonus STORY, for buildings within areas designated as BONUS AREAS on the REGULATING PLAN, when it finds that:

1. The proposal complies with this Code; and
2. Either committed AFFORDABLE HOUSING UNITS beyond the minimum required in *SECTION 902* or PUBLIC SPACE is provided as set forth below:
 - a. Committed AFFORDABLE HOUSING UNITS :
 - (i) Preservation of existing buildings and affordable units therein within a CONSERVATION AREA shown on the REGULATING PLAN. In considering the approval of transferred density from a CONSERVATION AREA, the County Board shall determine that a specified number of units within the CONSERVATION AREA will be renovated consistent with *Part 7. Conservation Area Standards* and preserved as committed AFFORDABLE HOUSING UNITS as set forth in *Section 902*; and/or
 - (ii) Including on-site AFFORDABLE HOUSING UNITS in the DEVELOPMENT PROJECT; and/or
 - (iii) Provision of AFFORDABLE HOUSING UNITS at an off-site location within the Columbia Pike Neighborhoods Special Revitalization District.
 - b. A NEIGHBORHOOD PARK dedicated to the County, and together with a contribution of funding for the master planning of that park. Such NEIGHBORHOOD PARK shall be shown on the REGULATING PLAN either for the subject site or elsewhere within the Neighborhoods Special Revitalization District.

B. Conservation Areas

In CONSERVATION AREAS shown on the REGULATING PLAN, the County Board may, after review by the HALRB as provided in *Section 206.D*, and by use permit approval as provided in *Section 206.C.2*, allow:

1. Existing buildings to remain and additions to existing buildings within CONSERVATION AREAS, so long as:
 - a. Existing main buildings remain, and building renovations and new construction meet the standards set forth in the *Part 7. Conservation Area Standards*, and the applicant proposes one of the following:
 - (i) The provision of AFFORDABLE HOUSING UNITS in accordance with *Section 902*, in existing buildings within a CONSERVATION AREA designated on the REGULATING PLAN as part of the DEVELOPMENT PROJECT; or
 - (ii) Transfer of unused by-right density to another site or other bonus density subject to such conditions as the Board may approve, to be transferred from a CONSERVATION AREA to another property.
 - b. All new construction included in the DEVELOPMENT PROJECT complies with this Code.

2. Modification of existing regulations as described in *Section 205.B.2*.

C. Development Adjacent to Conservation Areas

1. Applications for new construction within areas shown as ADJACENT TO CONSERVATION AREAS on the REGULATING PLAN shall, in addition to other applicable requirements of this Code, comply with the standards set forth in *Part 7. Conservation Area Standards*, excepting Sections 601-604 and 606-608; and shall be consistent with the policies of the *Columbia Pike Neighborhoods Area Plan*.
2. The County Board may approve modification of existing regulations described in section 205.B.2 for applications for new construction within areas labeled as “ADJACENT TO CONSERVATION AREAS” on the REGULATING PLAN.
3. In approving the applications for new construction, the County Board shall consider comments from the Historical Affairs and Landmark Review Board pursuant to the process set forth in *Section 206.D* below.

205. Modifications

A. Purpose:

The County Board may, through approval of a use permit, modify the provisions of this Code as set forth in *Section 205.B* upon a finding that, after the proposed modification, the subject development and where applicable, existing buildings and structures to be retained, will better accomplish the purposes and intent of this Code and the goals of the Columbia Pike Neighborhoods Area Plan than would the development without those modifications and that the proposed uses will neither: 1) adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use; nor 2) be detrimental to the public welfare or injurious to the property or improvements in the neighborhood; nor 3) be in conflict with the purposes of the master plans of the County.

B. Allowable Modifications

1. In approving a new building as part of a use permit application, the County Board may modify the following requirements of this Code:
 - a. Deviations related to topography or street grade, such as height of first floor relative to fronting sidewalk elevation, spacing of entry doors;
 - b. Locations of RBLs for new streets where shown on the REGULATING PLAN, or amend the REGULATING PLAN to add a new street with associated RBLs;
 - c. Breaks between buildings;
 - d. STREET-SPACE standards; and
 - e. Design elements as called for by *Part 7. Conservation Area Standards* to achieve compatibility with existing buildings in CONSERVATION AREAS or retention of mature trees.
2. Where an existing building is included in an application for use permit approval, the County Board may approve modifications to setback, yard, coverage, parking, lot width, and lot area regulations as they are applicable to the retained existing buildings, including additions to or enlargements of such existing building when the County Board finds that:
 - a. New development on any portion of the DEVELOPMENT PROJECT complies with this Code, or as otherwise modified by *Section 205.B.1* above.
 - b. The applicant is retaining the existing buildings in order to either 1) meet the AFFORDABLE HOUSING requirements of *Section 902* within those buildings; and/or 2) comply with the requirements in *Section 208.B* below and with the renovation standards set forth in the *Part 7. Conservation Area Standards* for buildings in areas identified as CONSERVATION AREAS on the REGULATING PLAN;
 - c. Residential and associated accessory use is retained within the existing buildings;

- d. No additional density is proposed beyond the number of units legally existing in existing buildings at the time of application;
- e. The height of the existing buildings is not increased beyond the greater of either 1) the height permitted by-right in the underlying zoning district; or 2) the height legally existing on the site at the time of application;
- f. No new building within the DEVELOPMENT PROJECT developed under this Code will be closer than 30 feet to existing buildings being retained.
- g. Parking: TBD.

206. Application Requirements & Review Processes

A. Submission Requirements

Each preliminary and final application shall include all materials identified in Administrative Regulations 4.1.2x, including by way of illustration, and not limitation, the following:

1. DEVELOPMENT PROJECTS that include renovation of existing buildings shall submit plans and documentation indicating the location and condition of existing buildings and proposed renovation and/or other improvements.
2. A LEED scorecard, or equivalent scorecard for another green building standard system identified in *Section 403*.
3. A Housing Plan comprised of the following information:
 - a. Number of total housing units provided in the DEVELOPMENT PROJECT;
 - b. Number of total housing units existing on the property;
 - c. Number of total units permitted with the underlying zoning;
 - d. Number of net new units and the proportional percentage total units to existing units;
 - e. Number of AFFORDABLE HOUSING UNITS provided to meet requirements set forth in *Section 902.A*;
 - f. Income levels of targeted families / households for AFFORDABLE HOUSING UNITS;
 - g. The proposed rents and guarantee of limits on future rent increases or sales prices and the proposed affordability thereof for AFFORDABLE HOUSING UNITS;
 - h. Marketing plan for AFFORDABLE HOUSING UNITS;
 - i. Location of AFFORDABLE HOUSING UNITS;
 - j. Sizes of AFFORDABLE HOUSING UNITS;
 - k. Bedroom counts of AFFORDABLE HOUSING UNITS;
 - l. Amenities provided for AFFORDABLE HOUSING UNITS; and
 - m. Any other information needed to demonstrate compliance with Section 902.
4. A Phasing Plan consistent with TBD , if the DEVELOPMENT PROJECT is proposed to be developed in phases.

B. Preliminary FBC Applications

1. Preliminary Applications shall be submitted for review by the Administrative Review Team for all proposals.
2. When a preliminary application has been determined by the Administrative Review Team to be compliant with the regulations set forth in this Code, except to the extent modifications are being requested through use permit approval:

- a. The Administrative Review Team will forward the application to the Form Based Code Advisory Working Group (AWG). The AWG will review the proposal and advise the Administrative Review Team as to whether it finds the preliminary application to be in compliance with this Code.
 - b. When an application includes a request for a modification (s) to the REGULATING PLAN requirements, including the placement or alignment of a new street that differs from regulations set forth in *Section 301.C.1* or the addition of a new street not shown on the REGULATING PLAN, a meeting of a committee of the Planning Commission shall occur to review the proposed modification during the preliminary application phase in order to provide comment as to whether the proposed modification is consistent with the purposes and intent of this Code and the goals of the Columbia Pike Neighborhoods Area Plan.
3. When the application has been reviewed by the AWG and when necessary, a committee of the Planning Commission, the applicant may submit a Final Application.

C. Final FBC Applications

1. By-Right FBC Applications:
 - a. Final By-Right FBC applications will be reviewed administratively for conformance with this Code within thirty (30) days of a Final Application Submission. Upon completion of such review, applicants will be notified in writing by the Zoning Administrator as to whether the submission is in compliance with the Form Based Code.
 - b. At the time of, or prior to filing, applicants shall provide a copy of the application to the Columbia Pike Revitalization Organization (CPRO) and to the civic association (s) in which the subject property is located, and to any immediately adjacent civic associations.
 - c. Once an application is approved by the Zoning Administrator, the applicant may apply for construction permits consistent with the approved application. Applications that the Zoning Administrator determines do not comply with the requirements of this Code may be resubmitted for review as a revised application, or may request approval of a use permit, as set forth in Article 15.5 of the Arlington County Zoning Ordinance.
2. Special Exception Use Permit FBC Applications:
 - a. Applications shall perform property owner notification as required by the Code of Virginia.
 - b. At the time of, or prior to filing, applicants shall provide a copy of the application to the Columbia Pike Revitalization Organization (CPRO) and to the civic association (s) in which the subject property is located and to any immediately adjacent civic associations.
 - c. Unless the Zoning Administrator determines that it is in the public interest to accept a later application, a Form Based Code application shall be filed by the Final Deadline set by the Zoning Administrator, and no less than fifty-five (55 days) before the public hearing.
 - d. The County Board shall approve the Development Project if it finds that the DEVELOPMENT PROJECT meets the standards of this Code as modified by the County Board in accordance with this Code, and meets the standards set forth in Article 15.5.3 of the Arlington County Zoning Ordinance.

D. Review by Historical Affairs and Landmarks Review Board (HALRB)

DEVELOPMENT PROJECTS within areas designated as CONSERVATION AREAS and areas designated ADJACENT TO CONSERVATION AREAS on the REGULATING PLAN shall be subject to review by the HALRB, as follows:

1. As part of the preliminary application phase, an applicant shall submit its DEVELOPMENT PROJECT to the HALRB two times (or more, if necessary) for review and comment. The HALRB, and/or its Design Review Committee (DRC), shall review the proposed architectural design to assess whether the application complies with *Part 7. Conservation Area Standards* of this Code.

2. Upon completion of its preliminary review, the HALRB will provide, in writing, its comments to the applicants stating how the project does or does not comply with *Part 7*.
3. The applicant shall address the HALRB comments and return to the HALRB for one additional meeting for final review and comment.
4. HALRB shall prepare a written recommendation as to whether the DEVELOPMENT PROJECT complies with *Part 7*, for consideration by the County Board. The County Board will consider the HALRB recommendation in approving a use permit pursuant to *Section 206.C.2.c*.

207. Administrative Adjustments to Approved Development Projects

A. Purpose

Once the Zoning Administrator or the County Board has approved a DEVELOPMENT PROJECT, unless expressly provided otherwise as part of the approval, the Administrative Adjustments outlined below may be approved by the Zoning Administrator. The purpose of these Administrative Adjustments is not to modify the design of a project but to provide relief for minor construction and survey errors identified after approval of a DEVELOPMENT PROJECT.

B. Administrative Adjustments

An applicant shall submit an Administrative Change application, with fees, for Administrative Adjustment to the Zoning Administrator. The Zoning Administrator is authorized to approve the following Administrative Adjustments in strict conformance with the following standards only to the extent required to correct minor construction and survey errors:

1. Height
 - a. Minimum and maximum height: up to five percent (5%) for any cumulative increase or decrease in ULTIMATE BUILDING HEIGHT.
 - b. STREET WALL/fence requirements: up to ten percent (10%).
 - c. Finished Floor Elevation: up to five percent (5%).
2. Siting
 - a. REQUIRED BUILDING LINE: move forward up to six (6) inches.
 - b. REQUIRED BUILDING LINE minimum percentage built-to: reduction of up to five percent (5%) of required length.
 - c. PARKING SETBACK LINE: move forward up to six (6) feet.
 - d. Mezzanine floor area: up to ten percent (10%) additional area.
 - e. STREET WALL requirements: up to ten percent (10%) of the height/FENESTRATION/access gate requirements.
 - f. Entrances (maximum average spacing): up to ten percent (10%) increase in spacing.
3. Elements
 - a. FENESTRATION (minimum and maximum percent): up to five percent (5%).
 - b. Elements (minimum and maximum projections): up to five percent (5%).
4. Streets, Blocks and Alleys
 - a. Street and alley center lines may be moved up to 5 feet in either direction, so long as: (i) no dead-end streets or cul-de-sacs are created; (ii) no street intersection occurs within 100 feet of another street intersection; (iii) the BLOCK configuration meets the standards defined in Section 301.C.2; and (iv) the Street-Space or alley is entirely contained within the subject DEVELOPMENT PROJECT.

208. FBC Administrative Review Team Duties & Procedures

1. The Administrative Review Team shall review both By-Right and Special Exception Use Permit FBC applications for compliance with this Code. The Administrative Review Team shall administer the Administrative Regulations 4.1.2x which describe the review processes and submission requirements in further detail. The Administrative Review Team shall forward its recommendations regarding compliance or noncompliance to the Zoning Administrator for By-Right applications or the County Board, for Special Exception Use Permit applications.
2. In addition, the Administrative Review Team may be called upon as set forth in this Code or as requested by the Zoning Administrator to provide recommendations on interpretation of this Code. However, the Zoning Administrator is responsible for any final action taken under this Code on By-Right applications.

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Part 3. Regulating Plans

301. Rules for Regulating Plans

A. Purpose

1. The REGULATING PLAN sets the basic parameters and the standards for the application of this Code to each property, lot, BES SITE, or DEVELOPMENT PROJECT and how each relates to its adjacent properties and STREET-SPACE.
2. The REGULATING PLAN designates the applicable BUILDING ENVELOPE STANDARD and delineates the public spaces. In addition, the REGULATING PLAN identifies: the boundaries for the Columbia Pike Neighborhoods Special Revitalization District Form Based Code; existing and planned new streets; the REQUIRED BUILDING LINE and PARKING SETBACK LINE; and the street-type specifications.
3. The REGULATING PLAN sets specific limitations or requirements for specific locations, and, where expressly stated, creates exceptions to the BES or other standards.

B. General Standards

1. DEVELOPMENT PROJECTS built under the Form Based Code shall be planned and constructed according to the STREET-SPACE design and land development indicated on the REGULATING PLAN.
2. The street grid and intersection alignments are regulated by this Code. Streets shown on the REGULATING PLAN shall be constructed in the locations shown as part of DEVELOPMENT PROJECTS. Where provided for under *Section 301.C.1.* below, alternative locations may be approved. Reconfigurations or adjustments to the street alignments may be allowed subject to the process and procedures in *Part 2. Administration* and the design standards in *Section C. Streets, Blocks and ALLEYS* and *v. Regulating Plan Changes* (below).
3. At the time of development, the developer is required to build streets within the DEVELOPMENT PROJECT where new streets, or portions of streets, are shown on the REGULATING PLAN. Where a phasing plan has been submitted and a DEVELOPMENT PROJECT occurs in phases, the developer is required to build all streets that abut buildings to be constructed during the same phase, as well as all other streets that provide access to and/or from existing streets and from and/or to new buildings. The Zoning Administrator shall determine whether such streets provide access as provided herein.

C. Streets, Blocks, Alleys and Other Public Spaces

1. Streets

- a. Where new streets are shown on the REGULATING PLAN with a solid fill, the center line may be moved up to 25 feet in either direction, as long as:
 - (i) the street is entirely contained within one DEVELOPMENT PROJECT, and no new dead-end streets or off-set connections are created;
 - (ii) no street intersection occurs within 100 feet of another street intersection or planned street intersection;
 - (iii) the BLOCK configuration meets the standards defined in section *301.C.2. Blocks*, below; and,
 - (iv) the REQUIRED BUILDING LINES corresponding to the planned street also shift and provide the same overall STREET-SPACE dimension as the original alignment.
- b. Where new streets are shown with hatched fill and labeled as alternative street on the REGULATING PLAN, the alignment may be adjusted up to 25 feet in either direction, as long as:
 - (i) The alternative street-space alignment is a connected extension of the adjacent street;

- (ii) No new street intersection occurs within 100 feet of another street intersection or planned street intersection;
 - (iii) The block configuration meets the standards defined in *301.C.2* below; and
 - (iv) The RBLs or Lot Building Limit lines corresponding to the planned alternative street-space also shift and provide the same overall street-space dimension as the originally planned alignment.
- c. Where significant site constraints exist such as steep slopes in excess of 8 percent, the alternative street may be adjusted to only carry pedestrian and bicycle traffic. In addition, when an alternative street will carry bicycle and pedestrian traffic only:
- (i) The transition point from street to alternative street (i.e., from automobile to bicycle and pedestrian only) may be moved up to 50 feet in either direction along the street/alternative street alignment.
 - (ii) The alternative street-space shall be constructed according to *503.D*.
 - (iii) The adjacent street with vehicle traffic shall provide a turn-around to accommodate emergency vehicles (i.e. hammerhead or cul-de-sac) and, accordingly, the adjacent RBLs shall be adjusted to shift around this vehicle turn-around by the minimum distance required to meet the turn-around design and provide the STREET-SPACE details required behind the curb as set forth in *Part 5*.
- d. [TBD] Planned new streets shall be dedicated in fee to the County. Planned alternative streets shall be dedicated for public use and access easements to the County.
- e. Additional streets may be added to the REGULATING PLAN by a property owner during review process to create a smaller block pattern; however, no streets may be deleted without being replaced. All new streets shall meet the requirements of 301.C.1.a.i-iv above and all other requirements of this Code. No DEVELOPMENT PROJECT may be approved until amendment to this Code has been approved incorporating that street into the REGULATING PLAN.
- f. Each BES SITE shall share at least one frontage line with a STREET-SPACE.

2. Blocks

- a. BLOCKS shall be measured at the REQUIRED BUILDING LINE (or where there is no RBL, along public rights-of-way, other public, conservation and private lands).
- b. No BLOCK FACE shall have a length greater than 350 feet without an ALLEY or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY, or LOT BUILDING LIMIT. Individual DEVELOPMENT PROJECTS with less than 100 feet of STREET-SPACE FRONTAGE are exempt from the requirement to interrupt the BLOCK face; those DEVELOPMENT PROJECTS with over 200 feet of STREET FRONTAGE shall meet the requirement within their DEVELOPMENT PROJECTS, unless already satisfied within that BLOCK face.
- c. Unless otherwise expressly specified on the REGULATING PLAN, no curb cut is permitted within 75 feet of another curb cut, intersection, or driveway along the same BLOCK FACE. This requirement shall not apply to ALLEYS.
- d. If a street location is adjusted or added as permitted in *Section 301.C.1.a.* above, the average perimeter of the newly created BLOCKS shall not exceed 1,300 feet.

3. Alleys

- a. ALLEYS shall be constructed so that all BES SITES have rear access, except where a BES SITE is on a perimeter common to a PRESERVED NATURAL AREA or CONSERVATION AREA designated on the REGULATING PLAN, or where a BES SITE has streets on three sides and the absence of an ALLEY would not deprive any adjacent neighbor of rear access.
- b. For new ALLEYS or portions thereof, public access, public utility, and drainage easements shall be dedicated to the County in a form acceptable to the County Manager.

- c. ALLEYS may be incorporated into parking lots as standard drive aisles provided all requirements for ALLEYS are met for the subject drive aisle. Connections from ALLEYS to ALLEYS on all adjacent properties shall be maintained.
- d. Where an ALLEY does not exist and it is not feasible to construct the ALLEY or a portion thereof at the time of redevelopment of any property, the applicant is required to dedicate the ALLEY right-of-way, as provided in 3.a above, to the County (for future construction) and maintain the area within the rear setback by, at a minimum:
 - (i) Providing routine landscape maintenance to the area.
 - (ii) Keeping the area clear of debris, stored materials, and stored or parked vehicles.

4. Public Spaces

Where new PUBLIC SPACES are indicated on the REGULATING PLAN, the developer is required to meet the requirements for the identified type of public space as set forth in *Part 5. Street-Space Standards*.

D. Preserved Natural Areas

DEVELOPMENT PROJECTS with PRESERVED NATURAL AREAS shall:

1. Delineate the PRESERVED NATURAL AREAS through verified surveys completed by the applicant at the time of the FBC application. The survey shall delineate the PRESERVED NATURAL AREAS as shown on the Regulating Plan, with the boundaries terminating at half the length of the critical root zone of the outermost mature (having a caliper over 3 inches) trees. The resulting line will be treated as the limit of disturbance, protecting the natural areas during construction of the DEVELOPMENT PROJECT.
2. Retain the PRESERVED NATURAL AREAS as undeveloped and natural, conforming to the standards as defined in the Chesapeake Bay Preservation Ordinance and the Urban Forestry Master Plan.
3. In coordination with the County staff, the developer shall:
 - a. remove invasive plant species
 - b. design and construct PEDESTRIAN PATH or BIKEWAYS as shown on the REGULATING PLAN.
 - c. grant a public access easement to the County over any existing trail or proposed PEDESTRIAN PATH or BIKEWAY through the PRESERVED NATURAL AREA.

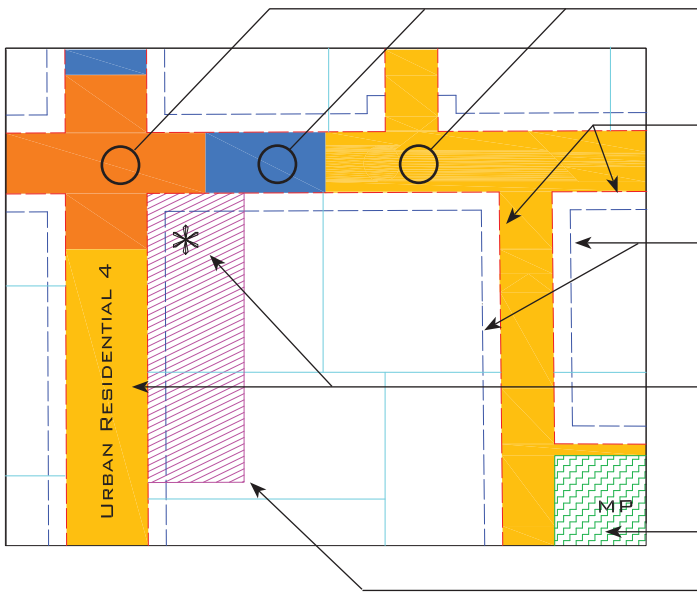
E. Regulating Plan Changes

Any amendment or change to the REGULATING PLAN, beyond those specified above, will require approval by the County Board of an amendment of this Code. See *Part 2. Administration*.

302. The Regulating Plans

The following pages include small scale REGULATING PLANS for the District subareas. REGULATING PLANS are available as AutoCAD files from the County to indicate the place-specific details with more precision. Property owners or others planning to develop property under this Code should not rely upon the small-scale REGULATING PLANS, but should obtain the AutoCAD files. Contact the Columbia Pike Initiative Coordinator for more details.

A. Regulating Plan Key



Building Envelope Standard Designation

This indicates the relevant BUILDING ENVELOPE STANDARD (BES).

Required Building Line (RBL)

This line indicates the RBL. The building shall be built-to the RBL.

Parking Setback Line

Vehicle parking (above ground) is not allowed forward of this line unless otherwise noted on the Regulating Plan.

Special BES Condition

Specific limitation or allowance regarding allowable height and or BES frontage standard. (Stories/Ultimate Building Height)

Plaza, Mini-Park, or Neighborhood Park

Potential Bonus Height Area

See Part 2. Administration for details.

BES Designations and Regulatory Elements

	Urban Mixed Use
	Urban Storefront (See Urban Mixed Use BES)
	Urban Residential
	Townhouse/Small Apartment
	Detached
	District Boundary Line
	Required Building Line (RBL)
	Lot Building Line (LBL)
	Alternative Street
	Alley
	Civic Structure
	Pedestrian Pathway/Bikeway
	Public Open Space
	Preserved Natural Areas

Special Circumstances

Bonus Areas

	Height Max 6 Stories Ultimate Building Height 92 ft Bonus Height Max up to 2 Stories
	Height Max 6 Stories Ultimate Building Height 92 ft Bonus Height Max up to 6 Stories
	Height Max 8 Stories Ultimate Building Height 120 ft Bonus Height Max up to 2 Stories
	Height Max 8 Stories Ultimate Building Height 120 ft Bonus Height Max up to 6 Stories

Conservation Area

Adjacent to Conservation Area



Additional Special

Circumstances Notes: See map for additional notes for specific areas.