

Proposed FBC Amendments/Interpretations

Form Based Code

Neighborhoods Form Based Code

Map Amendment _____

Text Amendment

Topic: Ground Story Uses

Issue:

1. Special exception use permit requirements were identified as a barrier for business attraction when triggered within new buildings approved under the Form Based Code. Some desired uses are currently prohibited in the FBC while others require a special exception use permit, but could possibly be permitted by-right within the Ground Story of mixed-use buildings.

Purpose of this study:

1. To evaluate the list of allowable ground floor uses in the FBC and N-FBC and consider appropriate adjustments to some of the regulatory restrictions currently in place.
2. Support more active use of the Columbia Pike commercial nodes by a variety of consumers at different times of day and week.
3. Continue to embrace the unique culture and diversity of the Columbia Pike commercial corridor and its nodes.

FBC References:

Commercial Centers Form Based Code

III. Regulating Plan 5. Ground Story Uses (pgs 3.6-3.7):

C. [Ground Story Use Table](#)

1. Use Categories and Specific Use Types All of the use categories listed in the first column of the table below are described in ACZO §12.2. The second column lists the specific use types included within the respective use categories.
2. Permitted or Use Permit
 - a. A “P” indicates that a use is permitted by-right and may be approved administratively, provided that redevelopment conforms to the Form Based Code as adopted by the County Board (see ACZO §11.1.3).
 - b. A “U” indicates a special exception use that may be established subject to obtaining a use permit as provided in ACZO §15.4, use permits, for each such use, and provided that the property has been redeveloped pursuant to the Form Based Code. The Zoning Administrator may require a use permit for such use, whether the use is located in a building approved administratively or whether located in a building controlled by a use permit.
 - c. A blank cell (one without a “P” or “U”) in the use table indicates that a use is not allowed in the respective district. Uses not specifically listed

may be allowed pursuant to the similar use determination procedure of ACZO §12.2.2.

3. Restricted on Principal Arterials per III.B.5.D
 - a. A “Yes” indicates that a use is subject to additional limitations when located on a Principal Arterial, as provided in III.B.5.D below.
 - b. A blank cell indicates that no additional limitations apply regardless of where the use is located.
4. ACZO Use Standards
Where applicable, the “ACZO Use Standards” column references specific use standards listed in ACZO §12, which always apply to the listed use.

Neighborhoods Form Based Code

Section 901. Building Use Table (see pgs. 9.1-9.5)

- A. Use Categories and Specific Use Types
All of the use categories listed in the first column of the table below are described in ACZO §12.2. The second column lists the specific use types included within the respective use categories.
- B. Permitted or Use Permit
 1. A “P” indicates that a use is permitted by-right and may be approved administratively, provided that redevelopment conforms to the Neighborhoods Form Based Code as adopted by the County Board (see ACZO §11.2).
 2. A “U” indicates a special except on use that may be established subject to obtaining a use permit as provided in ACZO §15.4, use permits, for each such use, and provided that the property has been redeveloped pursuant to the Neighborhoods Form Based Code. The Zoning Administrator may require a use permit for such use, whether the use is located in a building approved administratively or whether located in a building controlled by a use permit.
 3. A blank cell (one without a “P” or “U”) in the use table indicates that a use is not allowed in the respective location. Uses not specifically listed may be allowed pursuant to the similar use determination procedure of ACZO §12.2.2.
- C. ACZO and N-FBC Use Standards
Where applicable, the “ACZO and N-FBC Use Standards” column references specific use standards listed in either ACZO §12 or in the specified section of this Neighborhoods Form Based Code, which always apply to the listed use.

Staff Analysis:

The following uses were discussed in community engagement sessions and in prior feedback from Columbia Pike commercial and residential stakeholders. Staff has evaluated each use for its relevance to existing planning documents, market studies, the ACZO, and the FBC’s Purpose and Intent of achieving a high level of pedestrian activity adjacent to the public sidewalk, interesting design, and transparency into the building.

The following uses do not represent a complete list of the ground story uses study. In order to accommodate additional time for community engagement sessions, staff will present three use recommendations to the FBC AWG in June, and the remainder as part of the July FBC AWG meeting.

Use	Staff Analysis	Staff Recommendation
<p>Office and Co-working Spaces</p>	<p>Office, business, and professional uses are permitted in the majority of Commercial Districts in Arlington. In instances where projects were approved via a special exception site plan, conditions may regulate the use and characteristics of the ground story. Specifically, those conditions reference the 2015 Arlington County Retail Plan (“Retail Plan”). “Retail equivalents” were envisioned as a use along streets designated as “Gold” in the Retail Plan, and Columbia Pike is identified as such. Within this plan, office uses were contemplated as a retail equivalent: “Other innovative workspace elements that are critical to Arlington’s competitiveness in attracting office tenants include work cafes, enhanced lobbies, conferencing space, and other types of collaborative space.” Additionally, provisions in the Retail Plan included design guidelines, which do not, however, supersede the Form Based Code.</p> <p><i>Alignment with Form Based Code Purpose and Intent</i></p> <ul style="list-style-type: none"> Traditional office uses bring daytime activity that can support the local ecosystem of Columbia Pike businesses such as restaurants, dry cleaning, convenience stores, art galleries, health and wellness facilities, and personal services. 	<ol style="list-style-type: none"> Amend Form Based Code Use Tables and the Zoning Ordinance’s Columbia Pike Form Based Code district principal use tables to include certain office uses as a permitted use with no restriction on Principal Arterials. <ul style="list-style-type: none"> Permit “Office or clinic, medical or dental” as permitted use with no restriction. Permit “<u>Office, business and professional</u>” as permitted use with no restriction. Permit “<u>Office, federal, state and local</u>” a permitted use with no restriction. Amend Building Envelope Standards (Part IV.B.4.) Use Specifications to include “office” as a permitted use in Upper Stories when it is a continuation of the Ground Story use. Amend standard FBC Condition Language to permit non-transparent windows when required by medical office or daycare uses.

	<ul style="list-style-type: none"> • As the Covid-19 global health pandemic drastically increased the trend of remote working, the market is preparing for smaller office footprints and anticipating the need for more co-working offices, which will increase pedestrian activity outside of traditional office hours. • While loosening window transparency requirements for medical offices and daycare uses does not comply with one of the FBC’s intents, it will increase flexibility for common ground story uses found elsewhere in the County and which are desired along this corridor. 	
<p>Kennels</p>	<p>Animal care facilities, veterinary clinics, and animal hospitals are a permitted use along Principal Arterials in the Commercial Centers of the FBC. However, in this zoning district, as well as all commercial zoning districts in Arlington, kennels are not permitted. The Zoning Ordinance defines a kennel as “any lot or premises on which four or more dogs, more than four months of age, are kept.” In practice, however, dog daycare uses where overnight boarding is not provided, have been approved in some commercial districts. Today, most business models for dog daycares include an overnight boarding component which, unless located in an industrial district, cannot operate in Arlington. Best practices for the build-out of these uses include 24-hour kennel attendants and mitigation strategies for noise, sound, and odor – collectively permitting operations in the ground stories of most mixed-use buildings.</p> <p><i>Alignment with Form Based Code Purpose and Intent</i></p> <ul style="list-style-type: none"> • Allowing animal boarding would provide a community service that is scarce around the County and would increase active sidewalks from visiting clients and staff walking dogs throughout the day and evening. 	<ol style="list-style-type: none"> 1. Amend Form Based Code Use Tables and Zoning Ordinance’s Columbia Pike Form Based Code district principal use tables to include kennels as a permitted use with no restrictions. 2. Amend ACZO Use Standard §12.5.2. to state that all activities associated with a kennel shall be conducted wholly within a completely enclosed building, employ 24-hour kennel attendance, and limit the maximum gross floor area (GFA) to be used for boarding to no more than 25% of the kennel’s GFA.

	<ul style="list-style-type: none"> • Storefronts for intake are poised for window transparency. 	
<p>Brewery, Distilleries, Creative Workshops</p>	<p>Craft brewing and craft distilling are types of uses increasingly found in downtowns and other commercial districts in the region and across the country. In Arlington, these uses may be permitted as an accessory to a restaurant – such as a brewpub concept – provided no alcoholic beverages are produced for distribution and sale outside of the restaurant. Accommodating craft breweries and distilleries, with appropriate parameters, provides additional flexibility in available uses within the ground stories of mixed-use buildings.</p> <p>Both across the county and locally, jurisdictions have introduced or, in many instances, re-introduced the concept of small-scale manufacturing. This use category is often defined by activities including the design, processing, fabrication, assembly, treatment, and/or packaging of products either by hand or with minimal automation with tools, machinery and 3-D printers. Such workshop manufacturing uses have been permitted, either by-right or via exception, in commercial districts with regulations including, but not limited to:</p> <ul style="list-style-type: none"> • Size limitations • Mitigation of objectional effects (e.g. noise, vibration and odor) • Location and management of loading and trash • Retail sales elements <p><i>Alignment with Form Based Code Purpose and Intent</i></p> <ul style="list-style-type: none"> • Breweries, distilleries, and creative workshops are increasingly popular uses that are poised to be destinations for neighbors and customers from outside the neighborhood. Due to the uniqueness of potentially being the only principal uses in the County, the uses 	<ol style="list-style-type: none"> 1. Amend Form Based Code Use Tables and Zoning Ordinance’s Columbia Pike Form Based Code district principal use tables, within the “Industrial Use Categories” section to permit “Manufacturing, Workshop” and “Manufacturing, Artisan Beverage” as permitted use via use permit. 2. Amend the ACZO to define “Manufacturing, Workshop and Artisan Beverage.” 3. Amend the ACZO to establish standards for “Manufacturing, Workshop and Artisan Beverage.”

	<p>have strong potential to achieve a high level of pedestrian activity adjacent to the public sidewalk.</p> <ul style="list-style-type: none">• Brewery, distilleries, and creative workshops are able to maintain transparency on the ground floors in order to draw public interest and advertise unique interior design.	
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FBC AWG Comments

ZOCO Comments

PC/CB Comments/Recommendation

Result: Interpretation ____ FBC Amendment ____