



## ***Text Amendment #2018-0008*** ***Continuum of Care Facility***

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<b>Issue:</b> A) Initiation of a text amendment and B) public hearing and consideration of a text amendment to the definitions; residential zones; commercial, office, and industrial zones; mixed use zones; special and overlay zones; and parking sections to define Continuum of care facility and allow it as a special use in various zones and establishing the regulations for such uses.	Planning Commission Hearing:	November 7, 2019
	City Council Hearing:	November 16, 2019
<b>Staff:</b> Rob Kerns, Development Division Chief, Planning & Zoning <a href="mailto:robert.kerns@alexandriava.gov">robert.kerns@alexandriava.gov</a> Tony LaColla, Land Use Services Division Chief, Planning & Zoning <a href="mailto:tony.lacolla@alexandriava.gov">tony.lacolla@alexandriava.gov</a> Nathan Imm, Principal Planner, Planning & Zoning <a href="mailto:nathan.imm@alexandriava.gov">nathan.imm@alexandriava.gov</a> Stephanie Free, Urban Planner III, Planning & Zoning <a href="mailto:stephanie.free@alexandriava.gov">stephanie.free@alexandriava.gov</a> Shaun Smith, Urban Planner III, Planning & Zoning <a href="mailto:shaun.smith@alexandriava.gov">shaun.smith@alexandriava.gov</a>		

**Staff recommendation:** Initiation and APPROVAL of the Text Amendment subject to compliance with all applicable codes and ordinances.

**PLANNING COMMISSION ACTION NOVEMBER 7, 2019:** On a motion by Commissioner Brown with a second by Commissioner McMahon the Planning Commission recommended initiation of TA#2018-0008. The motion carried a vote of 7-0.

On a motion by Commissioner Brown with a second by Commissioner McMahon the Planning Commission recommended approval of TA#2018-0008. The motion carried a vote of 7-0.

**Discussion:** Commissioner Lyle opened with a question for staff regarding the provision of open space in a Continuum Care Facility. Her question was related to use of enclosed indoor space being eligible to satisfy the twenty-five percent open space requirement. Staff responded with acknowledging that fully enclosed space inside of a building is not typically contributed to a development's open space requirement; however, due to the Special Use Permit review process associated with this use, a modification to the open space requirements may be supported on a case by case basis for Continuum of Care Facilities that provide enhanced recreational uses indoors. Chair Macek noted that such open space as Commissioner Lyle described is akin to the amenity spaces proposed in typical multifamily developments and it is not the standard to count those spaces toward a project's open space requirement. He noted support for reviewing a variation to the open space requirements on a case by case basis.

Commissioner McMahon noted that this text amendment is an example of “good clean zoning updates” and expressed some concern with the rationale for application of density, bulk, and area regulations proposed. She went on to note that these concerns were minor and do not prevent her support for the text amendment; however, that it will be interesting to see these regulations applied in future uses.

Commissioner Brown commended staff for their work on the text amendment and noted that he sent a copy of the staff report to the Planning Director in Montgomery County for reference and in hope that Montgomery County would emulate a similar regulation for facilities that offer a continuum of care. Chair Macek also commended staff for taking time to address the concerns of the Commission on Aging that were expressed approximately a year ago.

Speakers: None.

## **I. Issue**

The demand for senior housing in Alexandria is increasing as the population ages. Analyses of the American Community Survey (ACS) 5-year 2015 Estimates<sup>1</sup> show that the City's population aged 65 and older increased from 9.2% in 2010 to 9.8% in 2015. While the City's senior population is growing at a slower rate than in other areas of the country, this age group is expected to continue to grow in Alexandria over the next twenty years as the "baby boomer" generation enters this age group in greater numbers and Alexandria continues to be a desirable location for retirement and aging in place.

Currently, there are three uses defined in the Zoning Ordinance which relate to age-restricted senior housing. Such facilities that are located or plan to locate in Alexandria would be classified under the following Zoning Ordinance definitions:

### **2-142 - Elder care home.**

A private family home which offers care, protection and supervision to no more than a total of nine adults over 55 years of age at any time during a 24 hour period and then only for part of the 24 hour day.

### **2-156 - Home for the elderly.**

A building or group of buildings specifically designed for domiciliary use and/or care of persons 55 years of age or over, which home may include but is not limited to the following: infirmary, central dining room and kitchen, medical staff and facilities, safety features and accessory buildings and uses.

### **2-179 - Nursing or convalescent home or hospice.**

An establishment which provides 24-hour convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No intensive medical care or surgical or obstetrical services shall be provided in such an establishment. This definition shall include an establishment or dwelling, also known as a "hospice," which provides full-time palliative and supportive care for terminally ill individuals and their families but shall not include a hospital. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this ordinance wherever such use is allowed in the zones.

Although each use and definition are distinct and characterize differing levels of senior care, a definition does not currently exist for the continuum of care frequently provided by senior living facilities who offer a range of care options from independent living to assisted living, with or without memory care services, within one facility.

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<sup>1</sup>[https://www.alexandriava.gov/uploadedFiles/planning/info/StatisticsDemographics/Demographic%20Update\\_Revised2015.pdf](https://www.alexandriava.gov/uploadedFiles/planning/info/StatisticsDemographics/Demographic%20Update_Revised2015.pdf)

A “continuum of care” facility does not currently fit within existing residential, commercial, and mixed use zones of the City and so it is not clear how to apply existing development standards, such as setbacks, open space, allowable density, and other standards, each of which vary considerably depending on whether the proposed development is residential or non-residential

To provide clear direction on the requirements and thereby encourage facilities that provide a full spectrum or continuum of care within the City, Staff proposes a text amendment that will replace the text and definition of “Home for the elderly” with the proposed text “Continuum of Care facility,” defined as:

*A facility specifically designed for domiciliary use and/or care of 4 or more aged, infirm, or disabled adults, which may provide for housing progressing from independent living, with or without kitchen facilities, and culminating in assisted living with or without provisions for memory care services, where all related uses are located on the same lot. Such facility shall include services integral to the maintenance or care of residents and be regulated as an assisted living facility under Code of Virginia, title 63.2, as amended. The facility shall be administered in such a manner as to restrict occupancy of independent living units only to persons 55 years of age or older. When an independent living unit is occupied by a family, only one of such person must satisfy the 55 years of age or older requirement. This term excludes nursing or convalescent homes or hospice, and medical facilities.*

Subsequently, replacement of the text “Home for the elderly” with “Continuum of care facility” will result in amendments to the following sections of text in the Zoning Ordinance:

- Deletion of Section 2-156,
- Addition of Sections 2-129.2, 3-608, 3-708, 3-808, 3-909 and
- Amendments to Sections 3-603, 3-703, 3-803, 3-903, 4-103, 4-105, 4-106, 4-203, 4-205, 4-206, 4-303, 4-305, 4-306, 4-403, 4-405, 4-406, 4-503, 4-505, 4-506, 4-603, 4-605, 4-606, 4-803, 4-805, 4-806, 4-903, 4-905, 4-1003, 4-1005, 4-1103, 4-1105, 4-1404, 4-1408, 5-103, 5-105, 5-107, 5-203, 5-205, 5-207, 5-303, 5-305, 5-307, 5-403, 5-406, 5-408, 5-503, 5-504, 5-508, 5-602, 6-702, 6-705, and 8-200.

## **II. Background**

### ***A. Current regulations***

The Zoning Ordinance currently permits Home for the Elderly pursuant to a Special Use Permit in all zones that Home for the Elderly is allowed. Further, there are currently three Coordinated Development Districts (CDD) which allow Home for the Elderly as a use with a CDD Special Use Permit. These CDDs include: CDD-17a; Cameron Park, CDD-23; Fillmore/Beauregard, and CDD-24; Oakville Triangle and Route 1 Corridor.

As previously mentioned, the unit typology and level of care within senior housing facilities can vary. Typical forms of senior housing include independent living, assisted living, memory care, and also nursing and convalescent care. Under current City zoning regulations, the more intensive the resident care and medical-related services that are offered, the more likely the

facility will be determined a nursing or convalescent home or hospice, as opposed to a Home for the Elderly, and therefore classified as institutional for the purposes of applying bulk, area, and open space regulations of the zone.

Precedent shows that assisted living facilities (with or without memory care services) within the City have been determined to be Home for the Elderly. However, the facility's definition and classification (residential vs. nonresidential) becomes unclear when the facility also includes independent living units that meet the definition of a residential dwelling unit per the Zoning Ordinance. Precedent also shows that determinations for such classifications are generally made on an individual project basis during the Development Special Use Permit (DSUP) process. This determination is significant in that the residential or nonresidential treatment of the facility has implications on the application of floor area, bulk and open space requirements within the zone that the facility is located.

Previous determinations as to the classification of the use and the application of such regulations have considered the factors such as: 1) the number of independent living units proposed and whether those units include full kitchen facilities, 2) the number of employees anticipated to staff the facility, 3) the accessory uses within the facility (i.e. medical exam rooms, personal care services), and 4) the amount of communal space in comparison to domiciliary/housing space. The following table provides a summary of previous approvals for senior housing facilities in the City and their various classifications:

**Table 1.**

<b>Project/Facility Name</b>	<b>Address</b>	<b>Approved Unit Typology</b>	<b>Zone</b>	<b>Approved Use</b>	<b>Classification</b>	<b>Case Number</b>
Alexandria Memory Care	2805-09 King Street	66 Memory Care Units	RB	Nursing Home	Institutional	DSP2012-0015
Annie B Rose House	399 Pendleton Street	90 Independent Living Units (w/kitchen)	RC	Housing for the Elderly	Residential	SUP1448
Brandywine	430-450 Pickett Street	120 Independent Living Units (w/o kitchen)	CDD17a	Home for the Elderly	Per CDD Regulations	CDD2015-0002
Envoy of Alexandria	900 Virginia Avenue	113 Beds (maximum)	R8	Nursing Home	Institutional	SUP2008-0064

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Goodwin House	4800 Fillmore Avenue	271 Independent Living Units, 53 Assisted Living Units, 90 Nursing Beds	CDD23	Home for the Elderly	Per CDD Regulations	DSUP2014-0012
Sunrise Senior Living	3520 Duke Street	77 Assisted Living Units	CRMU-H w/proffers	Home for the Elderly	Residential	SUP95-0140
Sunrise Senior Living	400 N. Washington Street	64 Assisted Living Units & 36 Memory Care Units	CD	Home for the Elderly	Non-residential	DSUP2016-0041
Silverstone Senior Living	2602 Mainline Blvd.	146 Independent Living Units, 186 Assisted Living or Memory Care Units	CDD#10	Home for the Elderly	Per CDD Regulations	DSUP2018-0002

As shown in the table above, Home for the Elderly is the approved use for various types of senior living facilities in the City. Home for the Elderly has also been classified as residential and non-residential for the application of bulk, area, and open space regulations of the zone. Further, these previous approvals and the current zoning regulations do not address the treatment of senior housing facilities that offer various levels of care and wish to convert units from one typology to another in order to facilitate aging in place.

***B. Outreach***

Staff conducted a number of outreach sessions to present the changes proposed with the text amendment. On September 13, 2018 Staff presented to the Commission on Aging who shared concerns with the replacement of the Home for the Elderly and definition with the proposed Continuum of Care Facility, its definition, and its application. Staff also met with the Commission on Aging Housing Committee on September 17, 2018 who was agreeable with the text amendment; however, voiced some concern regarding use of the name “Life Care Facility.” Their concern stemmed from a former definition by the state which coined the term “Life Care Facility” which is no longer applied. These concerns were collectively shared by the Commission on Aging

in a memo to the Department of Planning & Zoning on October 19, 2018 (see attachment). As a result, the text amendment was deferred to allow additional time for staff to provide clarifications to the Commission's concerns.

Staff revisited the Commission on Aging Housing Committee on September 16, 2019 with a presentation that addressed each of the concerns presented in the October 2018 memo. The Commission was satisfied with the clarifications provided regarding the text amendment and offered only one comment regarding the name of the use, which was to add the word, "of" to the term for a title, "Continuum of Care Facility."

Further discussion was had regarding the relationship of this text amendment to the voluntary housing contributions associated with projects that may utilize this designation. Currently, the Affordable Housing Work Group is addressing voluntary housing contribution rates and will provide recommendations specific to this category of use.

Staff also presented to the development community representatives at two regular, monthly NAIOP meetings in September and October of 2018, and followed up in July 2019 to provide a summary of changes and clarifications per the input from the Commission on Aging Housing Committee. Staff provided the latest draft of the text amendment to NAIOP in September of 2019 for comments. Two comments were provided, related to the sewer tap fee calculation for Continuum of Care Facilities and the parking ratio of facilities with only independent living, which would be outside of the Continuum of Care Facilities regulation.

In regard to the sewer tap fee calculation, the current approach will be to classify Continuum of Care Facilities as commercial uses for the purpose of the fee. The Department of Transportation and Environmental Services is currently undertaking a Sanitary Sewer Master Plan Update which would examine whether these facilities require a separate category for the sewer tap fee calculations, and would address any regulatory changes necessary depending upon their findings.

The parking ratio for facilities that consist of only independent living units (or above the 70% allowed by SUP), such facilities would be regulated as multi-family residential and the parking ratios would apply based on that definition. The variety of establishments that are effectively age-restricted housing have diverse parking needs. Should a particular age-restricted facility require a lower parking ratio, they can pursue a reduction in required parking through a modification.

### **III. Discussion of Proposed Text Changes**

#### ***A. Definition***

The proposed definition for a Continuum of Care Facility is explained in further detail in the following paragraphs:

*"A facility specifically designed for domiciliary use and/or care of 4 or more aged, infirm, or disabled adults, which may provide for transitional housing progressing from independent living, with or without kitchen facilities, and culminating in*

*assisted living with or without provisions for memory care services, where all related uses are located on the same lot...”*

The proposed definition begins by setting forth the types of senior housing typologies which may operate within the facility. While the provision for independent living units is stated, such units are not a requirement; therefore, a solely assisted living facility may also operate as a Continuum of Care Facility under this definition. Additionally, memory care services may or may not be provided as an extension of the assisted living licensure/certification requirements.

*“...Such facility shall include services integral to the maintenance or care of residents and be regulated as an assisted living facility under Code of Virginia, title 63.2, as amended....”*

The proposed definition also references the State Code definition of Assisted Living. Reference to the State Code’s definition of Assisted Living is essential in the proposed definition to ensure consistency in the level of care across facilities. Additionally, this ensures that the facility is operated under the standards of care expected by state regulations.

*“...The facility shall be administered in such a manner as to restrict occupancy of independent living units only to persons 55 years of age or older. When an independent living unit is occupied by a family, only one of such person must satisfy the 55 years of age or older requirement...”*

The proposed definition restricts occupancy of the independent living units to an industry standard of 55 years of age or older and allows for a family to occupy the unit with only one such person to satisfy the age requirement. This age restriction applies only to the independent living units, if proposed, within the facility as the assisted living and/or memory care services will apply to any aged, infirm or disabled adults as defined by state regulations.

*“...This term excludes nursing or convalescent homes or hospice, and medical facilities.”*

Lastly, the definition concludes by stating that the current senior housing uses within the Zoning Ordinance that are excluded from operation within a Continuum of Care Facility. Nursing or convalescent homes or hospice, and medical facilities are stated as an exclusion from the definition of Continuum of Care Facility due to the intensive level of care required which exceeds the level of care provided by a licensed assisted living facility. Further, the proposed definition does not state the exclusion of an Elder Care Home, as the definition is of a small-scale level of care that limits the use in such a manner that it is not viable within a Continuum of Care Facility.

## ***B. Effect on Zoning Regulations***

Several of the proposed amendments to the Zoning Ordinance will directly replace the text “Home for the Elderly” with “Continuum of Care Facility.” This occurs in sections: 2-100, 3-603, 3-703, 3-803, 3-903, 4-103, 4-203, 4-303, 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1103, 4-1404, 5-103, 5-203, 5-303, 5-403, 5-406, 5-503, 5-508, 5-602, 6-702, and 8-200. As a direct replacement, a Continuum of Care Facility will only be permitted in zones that Home for the Elderly is currently



listed as a use. Furthermore, Home for the Elderly is permitted pursuant to approval of a Special Use Permit in all zones that it is allowed; therefore, the same regulation will apply to Continuum of Care Facility.

A primary goal of this text amendment is to create consistency in classification of the use and regulation of the bulk, area, density, and open space requirements as they are applied to a Continuum of Care Facility across various zones. Another goal of this amendment is to encourage Continuum of Care Facilities within the City and provide flexibility to convert independent living units to assisted living units and vice versa to address market demands and the changing needs of the aging population over time and promote aging in place. To achieve both of these goals, amendments to Article III. Residential Zone Regulations, Article IV. – Commercial, Office and Industrial Zones, Article V. – Mixed Use Zones, and Article VI. – Special and Overlay Zones are necessary to define and regulate the area, density, bulk and open space requirements associated with a Continuum of Care Facility within the zones which it will be allowed. The following paragraphs summarize the amendments to the text within each article and the classification and the regulation of a Continuum of Care Facility within these zones.

In all zones where the Continuum of Care Facility would apply, a Special Use Permit is required consistent with the current use standards for Home for the Elderly. Further, the quantity of the residential use (Independent Living) is limited to 50 percent of the total floor area of the facility, which may be increased to 70 percent of the total floor area with a Special Use Permit. These limitations have been placed on the independent living component of Continuum of Care Facilities as developments that are solely or primarily independent living are functionally multifamily developments with an age restriction. While some such developments may offer increased amenities, their core functionality is not dependent upon such amenities, whereas assisted living and memory care uses are dependent upon the provision of services. The amount of 50 percent was selected based on previous approvals and discussions with national development companies who specialize in senior facilities. These examples and discussions suggested that the requirements for communal facilities for the assisted living and memory care components necessitated a minimum amount of these uses which generally constituted half or more of the floor area. The greater amount of 70 percent allowed with a Special Use Permit was selected to represent a maximum amount where the communal facilities for the assisted living and memory care may be either infeasible to provide or represent such a small portion of the floor area to render it inconsequential.

Further, the percentage allowed for independent living (either 50 or 70 percent) is a maximum and allows flexibility of use below the maximum. This consideration is given so that residents of Continuum of Care Facilities may age in place, graduating from one level of care to the next as needed. For instance, a room that is occupied initially as independent living may be converted to assisted living or memory care to address the needs of the resident. Depending on the operation of the facility, the operator may convert other rooms to independent living to provide the desired level of a mix of uses - as long as the floor area of independent living units does not exceed the maximum, the individual room uses may change more or less continually.

*Article III. – Residential Zone Regulations*

Within Article III. - Residential Zone Regulations, the amended text will occur within Section 3-600 – RA/Multifamily Zone, Section 3-700 – RB/Townhouse zone, Section 3-800 – RCX/Medium density apartment zone, and Section 3-900 – RC/High density apartment zone. The amendments in this Article will be in the form of a new section added to the end of each of these zones.

In summary, this new section will describe the classification of Continuum of Care Facility (residential vs. nonresidential) based upon the amount of floor area dedicated to residential use; meaning the amount of floor area devoted to independent living units that meet the definition of a dwelling unit. Per this regulation, the maximum amount of floor area that may be devoted to residential use is 50 percent of the total floor area of the facility and may be increased to 70 percent with approval of a Special Use Permit.

Further, if less than 50 percent of the floor area is devoted to residential use, the non-residential density, lot, and bulk regulations will apply to the development. Conversely, the residential density, lot and bulk regulations will apply if the amount of residential floor area meets or exceeds 50 percent of the total floor area.

#### *Article IV. – Commercial, Office and Industrial Zones*

Within Article IV. – Commercial, Office and Industrial Zones, the amended text will occur within Section 4-100 – CL/Commercial low zone, Section 4-200 – CC/Commercial community zone, Section 4-300 – CSL/Commercial service low zone, Section 4-400 – CG/Commercial general zone, Section 4-500 – CD/Commercial downtown zone, Section 4-600 – CD-X/Commercial downtown zone (Old Town North), Section 4-800 – OC/Office commercial zone, Section 4-900 – OCM(50)/Office commercial medium (50) zone, Section 4-1000 OCM(100)/Office commercial medium (100) zone, Section 4-1100 – OCH/Office commercial high zone, and Section 4-1400 – NR/Neighborhood retail zone (Arlandria). These amendments will regulate the bulk and area regulations, including the floor area ratio, for a Continuum of Care Facility within these zones.

Overall, the amendments to the sections within Article IV will define the area and bulk regulations for a Continuum of Care Facility with the zones in which this use is permitted. The area regulations for each zone will be amended to define the lot and frontage requirements for a Continuum of Care Facility consistent with a nonresidential use. Additionally, the bulk regulations for these zones will be amended to define the yard requirements for a Continuum of Care Facility in the same manner as a nonresidential use and will also define the open space requirements. Finally, the floor area ratio subsection of the bulk regulations will be amended to be consistent with the maximum permitted floor area within each zone. The amended text also includes the provision that the maximum amount of floor area that may be devoted to residential use is 50 percent of the total floor area of the facility and may be increased to 70 percent with approval of a Special Use Permit.

Staff finds the approach to regulate the floor area ratio for Continuum of Care Facility consistent with the maximum floor area permitted within these zones and the area and bulk regulations consistent with the nonresidential regulations in acknowledgement that the higher floor area permitted for is appropriate for a Continuum of Care Facility as these facilities often include common area amenities such as cafeterias, medical rooms, salons, and other personal services

exclusive for use by the residents of the facility. Further, the regulations of the lot, frontage, and yard requirements consistent with the nonresidential uses is balanced by the proposed on-site open space requirements and acknowledges the nonresidential aspects of the facility.

The only section amended differently than the other amendments within Article IV is Section 4-1400 NR/Neighborhood retail zone (Arlandria) because the current structure of the NR zone differs from the other sections listed within Article IV. The greatest difference is that an open space requirement does not exist, regardless of use, and the floor area regulations apply to all buildings regardless of use. Therefore, for Continuum of Care Facility, the amendments to this section will define the floor area ratio consistent with the overall zone regulations and outline the maximum percentage of floor area within a Continuum of Care Facility that may be utilized for residential use alike the other zones within Article IV which are to be amended, but does not require a minimum amount of on-site open space.

#### *Article V. – Mixed Use Zones*

Article V. - Mixed Use Zones will be amended within Section 5-100 – CRMU-L/Commercial residential mixed use (low), Section 5-200 – CRMU-M/Commercial residential mixed use (medium), Section 5-300 – CRMU-H/Commercial residential mixed use (high), Section 5-400 – CRMU-X/Commercial residential mixed use (Old Town North) zone, Section 5-500 – W-1/Waterfront mixed use zone, and Section 5-600 – CD/Coordinated development district. These amendments will regulate the floor area ratio and open space requirements within the mixed use zones.

In summary, the amendments to Sections 5-100, -200, -300, -400, and -500 will define the floor area ratio for Continuum of Care Facility consistent with the mixed use floor area regulations of the zone. Further, the floor area regulations for Continuum of Care Facility will include the provision that the maximum amount of floor area that may be devoted to residential use is 50 percent of the total floor area of the facility and may be increased to 70 percent with approval of a Special Use Permit. Secondly, the open space requirements within these zones will be amended to list the open space requirements specific to a Continuum of Care Facility.

Table 1. Coordinated Development Districts will be amended in Section 5-602 to replace the text “Home for the Elderly” with “Continuum of Care Facility” in the 3 CDDs which list Home for the Elderly as a use. No changes are proposed to the regulations of the use within these CDDs.

#### *Article VI. – Special and Overlay Zones*

Section 6-702 – KR/King Street urban retail zone is the only section within Article VI that lists Home for the Elderly as a use. Therefore, Section 6-702 is the only section to be amended in this Article. This amendment will define the floor area ratio for Continuum of Care Facility consistent with the residential floor area regulations of the zone. This floor area regulation will also include the provision that the maximum amount of floor area that may be devoted to residential use is 50 percent of the total floor area of the facility and may be increased to 70 percent with approval of a Special Use Permit, consistent with the amendments to Articles II, III and IV.

### *Open Space*

In all zones where Continuum of Care Facility is permitted, with the exception of KR/King Street urban retail zone and NR/Neighborhood retail zone (Arlandria), the open space requirement is designated as a minimum of 25 percent of land area provided as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Staff finds a 25 percent open space requirement as outlined above a reasonable amount of open space for a Continuum of Care Facility in recognition the quasi residential/nonresidential nature of these facilities. The open space requirement does not apply to Continuum of Care Facility with the KR/King Street urban retail zone and NR/Neighborhood retail zone (Arlandria) for consistency with current open space regulations of the zone and the primarily urban, nonresidential nature of these zones. However, outdoor amenities are often common elements included with such facilities to enable those under the care of the facility to participate in outdoor activities on-site as it is often difficult for such residents to enjoy outdoor experiences off-site and it is anticipated that open space will be a component of Continuum of Care Facilities in all zones.

### *Article VIII - Off-Street Parking and Loading*

In Section 8-200(A) of the Zoning Ordinance parking regulations for Home for the Elderly require one space per each two units plus one space for each two guest rooms, except for homes for the low income elderly, one space per each four units plus one space for each four guest rooms only with a special use permit. Staff proposes to only revise the text “Home for the Elderly” to “Continuum of Care Facility” within this section and no change to the regulation of the parking for this use.

Staff finds the current parking standards an appropriate regulation for Continuum of Care Facility. In review of these parking standards applied to previous projects designated a Home for the Elderly, issues such as staffing, and the amount of care/assistance needed for the residents was considered. In some cases, a Special Use Permit for a parking reduction was requested and approved; however, in these cases independent living units were the minority of units provided. Since the mix of unit typologies is expected to vary within each facility, Staff will continue to review these proposals in comparison to the existing regulations and consider requests for parking reductions as needed.

## **IV. Recommendation**

Staff recommends initiation and approval of the text amendment.

Staff: Rob Kerns, Division Chief, [robert.kerns@alexandriava.gov](mailto:robert.kerns@alexandriava.gov)  
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**Attachment #1**



**City of Alexandria, Virginia  
Commission on Aging**

Division of Aging and Adult Services  
Department of Community and Human Services  
4401 Ford Avenue  
Alexandria, Virginia 22302  
703-746-5999



**TO:** Karl Moritz, Director, Department of Planning and Zoning  
Nathan Imm, Urban Planner

**FROM:** Bob Eiffert, Chair, Alexandria Commission on Aging

**SUBJECT:** Commission on Aging Response to Proposed Zoning Text Amendment Regarding Life Care Communities

**DATE:** October 19, 2018

The Commission on Aging and its Housing Committee have considered the proposed zoning text amendment regarding Life Care Communities and have concluded that the amendment should not go forward at this time, for the following reasons.

1. The name of the amendment, Life Care Facility, is misleading. It is used as a term of art for communities that include independent living, assisted living and skilled nursing care. It implies that the full spectrum of care is available. That is not the case in the proposed amendment, which only includes independent and assisted living.
2. The distinction between residential and commercial uses is unclear and needs to be defined. In a normal assisted living facility (ALF) the entire building, apartments and area for meals, activities, care, etc., is considered residential.
3. The ratio of independent to assisted living units seems arbitrary.
4. The age limit of 55 also seems arbitrary and does not allow for housing for individuals with disabilities under the age of 55.
5. The amendment is too restrictive and does not allow for creative new service models and uses that developers might propose.
6. The process did not include sufficient input from a variety of stakeholders.
7. The proposed Silverstone development can move forward without this text amendment.

We hope that you will reconsider and withdraw the proposed amendment from the November Planning Commission meeting. Thank you for your consideration.

cc: Helen McIlvaine, Director, Office of Housing  
Eric Keeler, Deputy Director, Office of Housing  
Terri Lynch, Director, Division on Aging and Adult Services  
Members of the Commission on Aging

## V. Proposed Text Changes

Note: **New text is bold and underlined**

~~Deleted text is shown with a strikethrough~~

Article II. - Definitions

Section 2-100 – Definitions.

~~2-156 Home for the elderly~~ **2-129.2 Continuum of care facility.**

**A facility specifically designed for domiciliary use and/or care of 4 or more aged, infirm, or disabled adults, which may provide for housing progressing from independent living, with or without kitchen facilities, and culminating in assisted living with or without provisions for memory care services, where all related uses are located on the same lot. Such facility shall include services integral to the maintenance or care of residents and be regulated as an assisted living facility under Code of Virginia, title 63.2, as amended. The facility shall be administered in such a manner as to restrict occupancy of independent living units only to persons 55 years of age or older. When an independent living unit is occupied by a family, only one of such person must satisfy the 55 years of age or older requirement. This term excludes nursing or convalescent homes or hospice, and medical facilities.**

~~A building or group of buildings specifically designed for domiciliary use and/or care of persons 55 years of age or over, which home may include but is not limited to the following: infirmary, central dining room and kitchen, medical staff and facilities, safety features and accessory buildings and uses.~~

Article III. – Residential Zone Regulations

Division B. – Townhouse and Multifamily Zones

Section 3-600 – RA/Multifamily zone.

3-603 – Special uses.

The following uses may be allowed in the RA zone pursuant to a special use permit:

- (A) Cemetery;
- (A.1) Day care center.
- (B) Reserved;
- (C) ~~Home for the elderly~~ **Continuum of care facility;**
- (D) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;
- (E) Nursery school;

- (F) Nursing or convalescent home or hospice;
- (F.1) Outdoor food and crafts market;
- (G) Private school;
- (H) Rooming house;
- (I) Seminary, convent and monastery;
- (J) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

**3-608 – Continuum of care facilities.**

**(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.**

**(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 3-700 – RB/Townhouse zone.

3-703 Special uses.

The following uses may be allowed in the RB zone pursuant to a special use permit:

- (A) Cemetery;
- (B) Day care center;
- (C) ~~Home for the elderly~~ **Continuum of care facility**;
- (D) Reserved;
- (E) Nursing or convalescent home or hospice;
- (F) Private school;
- (G) Rooming house;
- (H) Seminary, convent and monastery;



- (I) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

**3-708 – Continuum of care facilities.**

**(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.**

**(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 3-800 RCX/Medium density apartment zone.

3-803 Special uses.

The following uses may be allowed in the RCX zone pursuant to a special use permit:

- (A) Apartment hotel;
- (B) Cemetery;
- (C) Day care center;
- (D) ~~Home for the elderly~~ **Continuum of care facility**;
- (E) Nursery school;
- (F) Nursing or convalescent home or hospice;
- (F.1) Outdoor food and crafts market;
- (G) Private school;
- (H) Rooming house;
- (I) Seminary, convent and monastery;
- (J) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:
  - (1) Bank, saving and loan bank or association, and similar financial institution;
  - (2) Barber shop or beauty shop;

- (3) Cleaning, laundry or pressing agency with no actual operations on premises;
  - (4) Convenience store;
  - (4.1) Day care center;
  - (5) Drugstore;
  - (6) Gift shop;
  - (7) Grocery store, where products are not prepared or consumed on premises;
  - (8) Health and athletic club;
  - (9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours;
  - (10) Restaurant.
- (K) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

**3-808 – Continuum of care facilities.**

**(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.**

**(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 3-900 – RC/High density apartment zone.

3-903 – Special uses.

The following uses may be allowed in the RC zone pursuant to a special use permit:

- (A) Apartment hotel;
- (B) Cemetery;
- (C) Day care center;

- (D) Freestanding commercial buildings for office or retail use where clearly designed as part of and to serve a residential development of at least 2,000 dwelling units and where no such building exceeds 10,000 square feet;
- (E) ~~Home for the elderly~~ **Continuum of care facility**;
- (F) Reserved;
- (G) Nursing or convalescent home or hospice;
- (G.1) Outdoor food and crafts market;
- (H) Private school;
- (I) Rooming house;
- (J) Seminary, convent and monastery;
- (K) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:
  - (1) Bank, saving and loan bank or association, and similar financial institution;
  - (2) Barber shop or beauty shop;
  - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
  - (4) Convenience store;
  - (4.1) Day care center;
  - (5) Drugstore;
  - (6) Gift shop;
  - (7) Grocery store, where products are not prepared or consumed on premises;
  - (8) Health and athletic club;
  - (9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and
  - (10) Restaurants and, in the case of a building which is seven or more stories, the restaurant may be located on the top floor or the roof of the building.
- (L) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

**3-909 – Continuum of care facilities.**

**(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.**

**(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 3-1400 RMF/Residential multifamily zone.

3-1403 – Special uses.

The following uses may be allowed in the RMF zone pursuant to a special use permit:

- (A) Townhouse, up to 30% of the total number of units.
- (B) ~~Home for the elderly~~ **Continuum of care facility**.
- (C) The following uses shall be permitted with a special use permit within a multifamily building on the ground floor:
  - (1) Restaurant;
  - (2) Private school; academic with more than 20 students;
  - (3) Health and athletic club;
  - (4) Convenience store.

3-1405 – Bulk and open space regulations.

- (A) Yard Requirements
  - (1) Front Yard. No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 or the yard standards of the governing small area plan.
  - (2) Side Yards. Each end lot in a group of townhouses shall provide a side yard based on a minimum setback size of eight feet. Each other use shall provide two side yards setbacks of eight feet.
  - (3) Rear Yards. Each use shall provide a rear yard based on a setback minimum size of 8 feet.

(B) Open Space. The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space. Provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by city council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

**(C) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

3-1406 – Floor area ratio.

The permitted floor area ratio of a development in the RMF zone shall be as follows:

- (A) Permitted. The maximum permitted FAR shall not exceed .75.
- (B) Special use permit. The floor area ratio may be increased to an amount not to exceed 3.0 if the applicant commits to providing committed affordable housing in the building or project which is the subject of the permit application in compliance with the following requirements:
  - (1) The committed affordable housing shall be equivalent to at least one third of the increase in the floor area ratio above the maximum permitted in Section 3-1405(A).
  - (2) An Affordable Housing Plan and a Relocation Plan shall be submitted consistent with published City standards for such plans.
  - (3) Rents payable by households for the committed affordable units shall not, on average, exceed the maximum rents allowed under the Federal Low-Income

Housing Tax Credit program for households with incomes at 40 percent of the area median income for the Washington D.C. Metropolitan Statistical Area. Average rents payable by households for the committed affordable units may be increased up to the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 50 percent of the area median income for the Washington D.C. Metropolitan Statistical Area subject to the submission of a revised Affordable Housing Plan. Any existing Housing Assistance Payment contract in effect as of <effective date of the ordinance> and any extension thereof or new contract which maintains the material aspects of the existing contract shall be deemed to be in compliance with this subsection.

**(C) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved pursuant to the provisions of 3-1406 (B), the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

#### Article IV. – Commercial, Office and Industrial Zones

##### Section 4-100 – CL/Commercial low zone.

##### 4-103 – Special uses.

The following uses may be allowed in the CL zone pursuant to a special use permit:

- (A) Animal care facility with overnight accommodation, other than pursuant to section 4-102.1;
- (A.1) Bus shelter on private property;
- (B) Congregate housing facility;
- (C.1) Day labor agency;
- (D) Reserved;
- (E) Fraternal or private club;
- (F.1) Health and athletic club, other than pursuant to section 4-102.1(A.1);
- (F) Funeral home;
- (G) ~~Home for the elderly~~ **Continuum of care facility**;
- (H) Motor vehicle parking or storage for more than 20 vehicles;

- (I) Reserved;
- (J) Nursing or convalescent home or hospice;
- (J.1) Outdoor food and crafts market, other than pursuant to section 4-102.1;
- (J.2) Outdoor garden center, other than pursuant to section 4-102.1;
- (K) Private school, academic, with more than 20 students on the premises at any one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;
- (M.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (N) Rooming house;
- (O) Social service use.

#### 4-105 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.
  - (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

#### 4-106 Bulk regulations.

- (A) Yards and open space.
  - (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and

setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

- (2) Residential. For residential uses the following yard and open space requirements apply:

(a) Yards. Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) Open space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

**(B) Floor area ratio.**

- (1) Nonresidential. For lots of 5,500 square feet or less, the maximum permitted floor area ratio for nonresidential uses is .75. For lots larger than 5,500 square feet, the maximum permitted floor area ratio is .5 except that the floor area ratio may be increased to an amount not to exceed .75 with a special use permit.

- (2) Residential. The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

**(3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed .75 and a maximum of 50 percent of the floor space of the proposed**



**development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted height of a building is 35 feet except that the height may be increased with a special use permit, provided:
- (1) The gross height may not exceed 45 feet; and
  - (2) The roof shall be sloped with the ridge line of the roof running parallel to the street.

Section 4-200 – CC/Commercial community zone.

4-203 – Special uses.

The following uses may be allowed in the CC zone pursuant to a special use permit:

- (A) Animal care facility with overnight accommodation, other than pursuant to section 4-202.1;
- (A.1) Automobile service station;
- (B) Bus shelter on private property;
- (C) Congregate housing facility;
- (D) Convenience store;
- (E) Reserved;
- (F) Reserved;
- (G) Drive through facility;
- (H) Fraternal or private club;
- (I) Funeral home;
- (I.1) Health and athletic club, other than pursuant to section 4-202.1(A.1);
- (J) ~~Home for the elderly~~ **Continuum of care facility**;
- (K) Light automobile repair;
- (L) Motor vehicle parking or storage for more than 20 vehicles;
- (M) Reserved;
- (N) Nursing or convalescent home or hospice;
- (N.1) Outdoor food and crafts market, other than pursuant to section 4-202.1;
- (N.2) Outdoor garden center, other than pursuant to section 4-202.1;
- (O) Reserved;
- (P) Private school, academic, with more than 20 students at any one time;

- (Q) Public building;
- (R) Restaurant, other than pursuant to section 4-202(I.1) or 4-202.1;
- (R.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (S) Rooming house;
- (T) Social service use.

#### 4-205 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.
  - (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

#### 4-206 – Bulk regulations.

- (A) Yards and open space.
  - (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
  - (2) Residential. For residential uses the following yard and open space requirements apply:
    - (a) Yards. Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum

of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

- (b) Open space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

**(B) Floor area ratio.**

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is .5.
- (2) Residential. The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units per acre for multifamily or 22 units per acre for townhouse development.

**(3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted height of a building is 35 feet except that the height may be increased to an amount not to exceed 45 feet with a special use permit.

Section 4-300 – CSL/Commercial service low zone.

4-303 – Special uses.

The following uses may be allowed in the CSL zone pursuant to a special use permit:

- (A) Animal care facility with overnight accommodation, other than pursuant to 4-302.1;
- (A.1) Automobile service station;
- (B) Automobile and trailer rental or sales area;
- (B.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Building materials storage and sales;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Glass shop;
- (M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);
- (N) ~~Home for the elderly~~ **Continuum of care facility**;
- (O) Laundry, dry cleaning operation;
- (O.1) Light assembly, service and crafts;
- (P) Light automobile repair;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Reserved;
- (S) Nursing or convalescent home or hospice;
- (S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;
- (S.2) Outdoor garden center, other than pursuant to section 4-302.1;
- (T) Parcel delivery;

- (U) Reserved;
- (V) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (W) Public building;
- (X) Research and testing laboratory;
- (Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;
- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use;
- (BB) Storage buildings and warehouses, not to include freight distribution centers;
- (CC) Wholesale business.

#### 4-305 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.
  - (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

#### 4-306 – Bulk regulations.

- (A) Yards and open space.

- (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplement yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) Residential. For residential uses the following yard and open space requirements apply:
  - (a) Yards. Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.
  - (b) Open space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

**(B) Floor area ratio.**

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential use is .5.
- (2) Residential. The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

**(3) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

(C) Height. The maximum permitted height of a building is 50 feet.

Section 4-400 – CG/Commercial general zone

4-403 – Special uses.

The following uses may be allowed in the CG zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (B) Animal care facility with overnight accommodation, other than pursuant to section 4-402.1;
- (B.1) Apartment hotel;
- (C) Automobile service station;
- (D) Automobile and trailer rental or sales area;
- (D.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-402(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-402(E.3) or 4-402.1(A.2);
- (N) ~~Home for the elderly~~ **Continuum of care facility**;
- (O) Hospital;
- (P) Hotel;
- (Q) Laundry, dry cleaning operation;
- (R) Light automobile repair;

- (S) Medical care facility;
- (T) Motor vehicle parking or storage for more than 20 vehicles;
- (U) Reserved;
- (V) Nursing or convalescent home or hospice;
- (V.1) Outdoor food and crafts market, other than pursuant to section 4-402.1;
- (V.2) Outdoor garden center, other than pursuant to section 4-402.1;
- (W) Private school, academic, with more than 20 students on the premises at any one time;
- (X) Public building;
- (Y) Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1;
- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use.

4-405 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.
  - (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

4-406 – Bulk regulations.



(A) Yards and open space.

- (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) Residential. For residential uses the following yard and open space requirements apply:
  - (a) Yards. Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.
  - (b) Open space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

(B) Floor area ratio.

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is .5.

- (2) Residential. The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

**(3) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted height of a building is 50 feet.

Section 4-500 – CD/Commercial downtown zone.

4-503 – Special uses.

The following uses may be allowed in the CD zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-502.1;
- (B) Apartment hotel;
- (B.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Bed and breakfast accommodation, as permitted by section 7-400;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Reserved;
- (G.1) Day labor agency;
- (H) Reserved;
- (H.1) Drive through facility, limited to banks, savings and loan institutions and credit unions on Washington Street; provided, that access to the drive through facility is solely provided on the exclusive property of the bank, savings and loan institution or credit union offering the drive through facility;
- (I) Fraternal or private club;
- (J) Funeral home;
- (K) Health and athletic club, other than pursuant to section 4-502.1(A.1);
- (L) ~~Home for the elderly~~ **Continuum of care facility**;

- (M) Homeless shelter;
- (N) Hospital;
- (O) Hotel;
- (P) Medical care facility;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Newspaper office, including printing and publishing facilities;
- (S) Reserved; (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-502.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-502.1;
- (U) Private school, academic, with more than 20 students on the premises at any one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to section 4-502.1;
- (W.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (X) Rooming house;
- (Y) Social service use;
- (Z) Tourist home;
- (AA) Wholesale business.

#### 4-505 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each multifamily structure shall provide a minimum land area of 1,245 square feet per dwelling unit except that the minimum land area for each dwelling unit may be reduced to an amount no lower than 800 square feet with a special use permit. Each single-family, two-family and townhouse dwelling shall provide a minimum land area of 1,452 square feet.
  - (2) Frontage.
    - (a) When measured at both the front lot line and the front building line, each multifamily dwelling requires a minimum of 50 feet of frontage.
    - (b) For single-family and two-family duplex dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

- (c) For townhouse dwellings, the minimum lot width at the front building line and the front lot line shall be 18 feet for interior lots; provided however that the planning commission may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:
  - (1) Three or more townhouses are being developed contemporaneously; and
  - (2) The average lot width and lot frontage in the development is at least 18 feet.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development, provided the residential component consists of three or more dwelling units.

**(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

4-506 – Bulk regulations.

(A) Yards and open space.

- (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) Residential. For residential uses, the following yard and open space requirements apply:
  - (a) Front yard. The front building line shall be the same as the front lot line unless a majority of the existing buildings with frontage on the same side of the block as the proposed building have a greater setback, in which case the front building line shall be the average distance of the existing buildings from the front lot line. If there are no existing buildings, the front building line shall be the front lot line. It is the intent of this provision that in the CD zone residential buildings shall abut the sidewalk unless a greater setback has been established by the existing buildings on the same side of the block.
  - (b) Side yards.
    - (1) Each single and two-family dwelling shall provide two side yards of a minimum size of five feet. Each interior end unit in a group of townhouses shall provide one side yard of a minimum size of five feet.
    - (2) Each multifamily dwelling shall provide two side yards based on a 1:3 setback ratio and of a minimum of 25 feet each.

(c) Rear yard.

- (1) Each single-family, two-family and townhouse dwelling shall provide a rear yard based on a setback ratio of 1:2 and a minimum size of 16 feet.
- (2) Each multifamily dwelling shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(d) Multifamily open space. Multifamily residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(e) Single-family, two-family and townhouse open and usable space.

- (1) Each single-family, two-family and townhouse dwelling shall provide open and usable space in an amount equal to the lesser of the following:
    - (a) 35 percent of the lot area, or
    - (b) The amount existing on June 24, 1992.
  - (2) No additions to any new or existing dwelling and no accessory structure which will reduce the open and usable space below that required under section 4-506(A)(2)(e)(1) above shall be allowed to be built in back or side yards.
  - (3) Driveways and alleys shall not be considered open space for the purpose of this section 4-506(A)(2)(e). Where two or more parking spaces are provided, one parking space may be considered open space.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space**

**functions as open space for residents to the same extent that ground level open space would.**

(B) Floor area ratio.

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 1.5 except that the floor area ratio may be increased to an amount not to exceed 2.5 with a special use permit.
- (2) Residential. The maximum permitted floor area ratio for multifamily residential uses is 1.25, not to exceed 35 units per acre except that the number of dwelling units per acre may be increased to a number not to exceed 54.45 with a special use permit. The maximum permitted floor area ratio for single-family, two-family and townhouses dwellings is 1.50.

**(3) Continuum of care facility. The maximum permitted floor area ratio is 1.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, a maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted height of a building is 50 feet, except that the maximum permitted height of a single-family, two-family or townhouse dwelling is 35 feet, provided however that such maximum height may be increased to an amount not to exceed 45 feet if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings.

Section 4-600 – CD-X/Commercial downtown zone (Old Town North).

4-603 – Special uses.

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-602.1;
- (B) Apartment hotel;
- (B.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Catering operation;
- (E) Congregate housing facility;
- (F) Reserved;
- (F.1) Day labor agency;
- (G) Reserved;

- (H) Fraternal or private club;
- (I) Funeral home;
- (J) Health and athletic club, other than pursuant to section 4-602.1(A.1);
- (K) ~~Home for the elderly~~ **Continuum of care facility**;
- (L) Homeless shelter;
- (M) Hospital;
- (N) Hotel;
- (O) Medical care facility;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Newspaper office, including printing and publishing facilities;
- (Q) Reserved;
- (R) Nursing or convalescent home or hospice;
- (R.1) Outdoor food and crafts market, other than pursuant to section 4-602.1;
- (R.2) Outdoor garden center, other than pursuant to section 4-602.1;
- (S) Private school, academic, with more than 20 students on the premises at any one time;
- (T) Public building;
- (U) Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1;
- (U.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (V) Rooming house;
- (W) Social service use;
- (X) Tourist home;
- (Y) Wholesale business.

#### 4-605 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. Each multifamily and townhouse dwelling shall provide a minimum land area of 1,245 square feet per dwelling unit except that the minimum land area per dwelling unit may be reduced to 436 square feet with a special use permit.

- (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit. When measured at both the front lot line and the front building line, each townhouse dwelling requires a minimum of 18 feet of frontage; provided, however that the planning commission may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:
  - (a) Three or more townhouses are being developed contemporaneously; and
  - (b) The average lot width and lot frontage in the development is at least 18 feet.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

4-606 – Bulk regulations.

- (A) Yards and open space.
  - (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
  - (2) Residential. For residential uses the following yard and open space requirements apply:
    - (a) Yards. Each single-family and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each townhouse dwelling shall provide a rear yard based on a 1:2 setback ratio and a minimum of 16 feet, and each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet. Each multifamily dwelling shall comply with these townhouse yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.
    - (b) Open space. Multifamily residential development shall provide 25 percent and single-family and two-family residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such



open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

**(B) Floor area ratio.**

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 1.5, except that (1) the floor area ratio may be increased to an amount not to exceed 2.5 with a special use permit and (2) in the case of a lot or parcel developed under common ownership or control, which is 12,000 square feet or less in area and located in a retail focus area, the floor area ratio may be increased to 2.5 without a special use permit if underground parking is provided consistent with section 6-504.
- (2) Residential. The maximum permitted floor area ratio for residential uses is 1.25, not to exceed 35 units per acre except that for properties within the area bounded by First, Third, North Royal and North Fairfax Streets the floor area ratio may be increased to 2.0, not to exceed 100 units per acre with a special use permit subject to the following standards:
- (a) A minimum of five percent affordable housing shall be provided, or the proposal shall meet the requirements of the city wide affordable housing policy in effect at the time the application is submitted, whichever requirement is greater. The location of the affordable housing (on or off site) shall be determined by the city.
- (b) No parking reductions for residential and office uses shall be granted, and all such parking shall be located below grade.
- (c) All overhead utilities (existing and proposed) on all public street frontages shall be located underground.

- (d) Notwithstanding the provisions of subsection (C) of this section 4-606, the maximum height shall not exceed 50 feet, with portions of the buildings and/or townhouses providing significant variation in building heights less than 50 feet.
- (e) All units shall orient their facades with main entries toward a public street, and mews units are discouraged.
- (f) The buildings or townhouses shall be consistent with traditional architectural style, scale and treatment. Exterior materials shall be limited to masonry (brick, stone or precast), wood and comparable high quality materials.
- (g) Notwithstanding the provisions of subsection (A)(2)(b) of this section 4-606, a minimum of 25 percent ground level open and usable space shall be provided. Such space shall be visually and physically accessible from a public street. A portion of such space shall be subject to a public access and use easement. Public art and/or sculpture shall be provided within such space. (h) Pedestrian and streetscape improvements shall be provided, including but not limited to the provision of continuous brick sidewalks, street trees and public connections to the waterfront or existing parkland, to the extent possible.
- (i) Green and sustainable building technologies shall be incorporated as part of the building and building systems.
- (j) The development shall comply with the Old Town North Urban Design Guidelines.
- (k) The retail requirement within a retail focus area shall be a minimum of 10 percent of the area of each lot in the retail focus area, and subject to the provisions of section 6-500 of this ordinance.

**(3) Continuum of care facility. The maximum permitted floor area ratio is 1.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted height of a building is that height indicated in the Old Town North Small Area Plan.

Section 4-800 – OC/Office commercial zone.

4-803 – Special uses.

The following uses may be allowed in the OC zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-802.1;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store other than pursuant to section 4-802(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-802(E.3) or 4-802.1(A.1);
- (N) ~~Home for the elderly~~ **Continuum of care facility**;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market other than pursuant to section 4-802.1;
- (W.2) Outdoor garden center other than pursuant to section 4-802.1;
- (X) Private school, academic, with more than 20 students on the premises at one time;
- (Y) Public building;
- (Z) Research and testing laboratory;

- (AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

#### 4-805 – Area regulations.

- (A) Nonresidential. For nonresidential uses there are no lot size or frontage requirements.
- (B) Residential.
  - (1) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. Each multifamily or townhouse use shall provide a minimum land area of 800 square feet for each multifamily dwelling unit or 1,600 square feet for each townhouse unit.
  - (2) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.
- (C) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.
- (D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.**

#### 4-806 – Bulk regulations.

- (A) Yards and open space.
  - (1) Nonresidential. For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations pursuant to section 7-1000 and the zone transition requirements of section 7-900.
  - (2) Residential. For residential uses the following yard and open space requirements apply:

- (a) Yards. Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each townhouse dwelling shall provide a rear yard based on a 1:1 setback ratio and a minimum of 25 feet, and each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet. Each multifamily dwelling shall comply with these townhouse yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.
- (b) Open space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:**

**(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

**(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

**(B) Floor area ratio.**

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 1.00.
- (2) Residential. The maximum permitted floor area ratio for residential uses is 1.25, not to exceed 54.45 units per acre for multifamily or 22 units per acre for townhouse development.
- (3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is**

**approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

(C) Height. The maximum permitted height of a building is 50 feet.

Section 4-900 – OCM(50)/Office commercial medium (50) zone.

4-903 – Special uses.

The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-902.1;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation, other than pursuant to [section] 4-902.1(H);
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-902(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-902(E.3) or 4-902.1(A.1);
- (N) ~~Home for the elderly~~ **Continuum of care facility**;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (R.1) Light assembly, service, and crafts, other than pursuant to [section] 4-902.1(I);
- (S) Light automobile repair;

- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-902.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-902.1;
- (X) Private school, academic, with more than 20 students on the premises at any one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

4-905 – Area and bulk regulations.

(A) Yards.

- (1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.

**(4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

(B) Open space.

- (1)** Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other

persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

**(2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

(C) Floor area ratio.

(1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 1.50.

(2) Residential. The maximum permitted floor area ratio for residential uses is 1.50, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units for each acre.

**(3) Continuum of care facility. The maximum permitted floor area ratio is 1.50 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

(D) Height. The maximum permitted height of a building is 50 feet, except that additional height up to a maximum of 77 feet may be approved with a special use permit.

(E) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(F) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(G) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

Section 4-1000 – OCM(100)/Office commercial medium (100) zone.

4-1003 – Special uses.

The following uses may be allowed in the OCM (100) zone pursuant to a special use permit:



- (A) Amusement enterprise;
- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1002.1;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation, other than pursuant to section 4-1002.1;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-1002(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- M) Health and athletic club, other than pursuant to section 4-1002(E.3) or 4-1002.1(A.1);
- (N) ~~Home for the elderly~~ **Continuum of care facility**;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (R.1) Light assembly, service, and crafts, other than pursuant to [section] 4-1002.1(H.I);
- (S) Light automobile repair, other than pursuant to section 4-1002.1;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-1002.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-1002.1;

- (X) Private school, academic;
- (Y) Public building;
- (Z) Research and testing;
- (AA) Restaurant, other than pursuant to sections 4-1002(K.1) and 4-1002.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

4-1005 – Area and bulk regulations.

(A) Yards.

- (1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.
- (3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.
- (4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

(B) Open space.

- (1) Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**
- (2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on**

**landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

(C) Floor area ratio.

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 1.50.
- (2) Residential. The maximum permitted floor area ratio for residential uses is 1.50, not to exceed one dwelling unit for 800 square feet of lot area or 54.45 units for each acre.

**(3) Continuum of care facility. The maximum permitted floor area ratio is 1.50 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (D) Height. The maximum permitted height of a building is 100 feet, except that additional height up to a maximum of 150 feet may be approved with a special use permit.
- (E) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.
- (F) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
- (G) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

Section 4-1100 – OCH/Office commercial high zone.

4-1103 – Special uses.

The following uses may be allowed in the OCH zone pursuant to a special use permit:

- (A) Amusement enterprise;
  - (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
  - (A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1102.1;

- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Congregate housing facility;
- (F) Convenience store, other than pursuant to section 4-1102(E.1);
- (G) Reserved;
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Drive through facility;
- (J) Fraternal or private club;
- (K) Funeral home;
- (L) Health and athletic club other than pursuant to section 4-1102(E.3) or 4-1102.1(A.1);
- (M) ~~Home for the elderly~~ **Continuum of care facility**;
- (N) Homeless shelter;
- (O) Hotel;
- (P) Interstate bus station;
- (Q) Light automobile repair;
- (R) Motor vehicle parking or storage for more than 20 vehicles;
- (S) Reserved;
- (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-1102.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-1102.1;
- (U) Private school, academic, with more than 20 students on the premises at one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1;
- (X) Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;
- (X.1) Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;
- (Y) Rooming house;

- (Z) Social service use;
- (AA) Wholesale business.

4-1105- Area and bulk regulations.

(A) Yards.

- (1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.
- (3) Mixed use. When development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.
- (4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.**

(B) Open space.

**(1)** Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

**(2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

(C) Floor area ratio.

- (1) Nonresidential. The maximum permitted floor area ratio for nonresidential uses is 2.0, except:

- (a) The maximum permitted floor area ratio may be increased to an amount not to exceed 3.0 with a special use permit; or
- (b) The maximum permitted floor area ratio is 3.0 for a lot of record existing on June 24, 1992 that contains less than 15,000 square feet all or a portion of which is within 1,000 feet of the King Street Metro Station; provided however that this subparagraph shall not apply to lots abutting King Street, nor to lots west of Daingerfield Road.

(2) Residential.

- (a) For residential uses other than those specified by section 4-1105(C)(2)(b) below, the maximum permitted floor area ratio is 1.25, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units an acre.
  - (b) For residential uses located within 1,000 feet of a metrorail station the maximum permitted floor area ratio is 2.0, except that the maximum floor area ratio may be increased to an amount not to exceed 3.0 with a special use permit.
- (3) Transition special use permits. For land within the boundaries of a project approved by a transition special use permit which was valid as of November 1, 1994 and is located within 1,000 feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

**(4) Continuum of care facility.**

**(a) The maximum permitted floor area ratio is 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

**(b) For continuum of care facilities located with 1,000 feet of a metrorail station, the maximum permitted floor area ratio is 2.0 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (D) Height. The maximum permitted height of a building is 100 feet, provided that additional height up to a maximum of 150 feet may be approved with a special use permit.
- (E) Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.
- (F) Frontage. When measured at both the front lot line and the front building line, each single-family dwelling, and two-family duplex dwelling requires a minimum

of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

- (G) Mixed use. When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

Section 4-1400 – NR/Neighborhood retail zone (Arlandria).

4-1404 – Special uses.

The following uses may be allowed with a special use permit:

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1;
- (B) Banks, business and professional offices, medical offices and laundromats, other than pursuant section 4-1403(A)(3);
- (C) Convenience store;
- (D) Public parking lot;
- (E) Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1(H);
- (H) Bus shelter on private property;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1(C);
- (K) Private school, academic, with more than 20 students on the premises at one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1);
- (N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.
- (O) Congregate housing facility;
- (P) Health and athletic club, other than pursuant to sections 4-1403(A)(8) or 4-1403.1(I)
- (Q) ~~Home for the elderly~~ **Continuum of care facility**;
- (R) Outdoor garden center, other than pursuant to section 4-1403.1(B);

- (S) Public building;
- (U) Social service use.

#### 4-1408 – Bulk regulations.

The following bulk regulations shall apply:

(A) Build-to line.

- (1) Build-to line. Each building shall meet a build-to line of 10 feet as measured from the front property line. In cases of exceptional design, desired restaurant use with outdoor seating or other public benefit where it is desirable to have an increased setback, the build-to line may be increased to a maximum of 20 feet as measured from the front property line, subject to the review and approval of the director of planning and zoning. Except as specifically approved by the director of planning and zoning to accommodate a desired urban form or where there is no other means of access to the rear of the site, the facade of buildings shall be constructed along the full length of the property facing the street. This requirement may be modified where the lot has frontage on more than one street.

(B) FAR.

(1) The maximum permitted floor area ratio is 0.5.

(2) For a mixed use project that includes ground floor retail uses, the maximum floor area ratio is 1.5 with a special use permit.

**(3) The maximum permitted floor area ratio is 0.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 1.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (C) Height. The maximum permitted building height along the street is 35 feet, except that the maximum permitted building height may be increased to an amount not to exceed 50 feet with a building step back of 15 feet from the facade of the building, and where it is found to be compatible with surrounding development. The minimum building height shall be 25 feet.

#### Article V. – Mixed Use Zones

##### Section 5-100 – CRMU-L/Commercial residential mixed use (low).

##### 5-103 – Special uses.



The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-109 below:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-102(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-102(C.3) or 5-102.1(A);
- (I) ~~Home for the elderly~~ **Continuum of care facility**;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (K.1) Outdoor food and crafts market, other than pursuant to section 5-102.1;
- (K.2) Outdoor garden center, other than pursuant to section 5-102.1;
- (L) Nursing or convalescent home or hospice;
- (M) Private school, academic, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

#### 5-105 – Floor area ratio.

The permitted floor area ratio of a development in the CRMU-L zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:
  - (1) Commercial: .75, or
  - (2) Residential: 1.0.
- (B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0.

- (C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and a special use permit is approved, the maximum permitted floor area ratio may be increased to an amount not to exceed 1.5.
- (D) **Continuum of care facility. The maximum permitted floor area ratio is 1.0 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 1.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

5-107 - Open space requirements.

**(A)** Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

**(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 5-200 – CRMU-M/Commercial residential mixed use (medium).

5-203 – Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-209 below:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-202(C.1);

- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-202(C.3) or 5-202.1(A);
- (I) ~~Home for the elderly~~ **Continuum of care facility**;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-202.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-202.1;
- (M) Private school, academic, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-202(G.1) or 5-202.1(A.1);
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

#### 5-205 Floor area ratio.

The permitted floor area ratio of a development in the CRMU-M zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

- (1) Commercial: .75 FAR, or
- (2) Residential: 1.0 FAR.

In the case of either (1) or (2), an additional .25 of retail use is permitted.

- (B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.
- (C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

- (D) Continuum of care facility. The maximum permitted floor area ratio is 1.25 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

5-207 - Open space requirements.

**(A)** Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

**(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 5-300 – CRMU-H/Commercial residential mixed use (high).

5-303 – Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-309 below:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-302(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-302(C.3) or 5-302.1(A);
- (I) ~~Home for the elderly~~ **Continuum of care facility;**
- (I.1) Homeless shelter;
- (J) Hotel;

- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-302.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-302.1;
- (M) Private school, academic, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-302(G.1) or 5-302.1(A.1);
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

#### 5-305 Floor area ratio.

The permitted floor area ratio of a development in the CRMU-H zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

- (1) Commercial: 1.25, or
- (2) Residential: 1.25.

In the case of either (1) or (2), an additional .25 of retail use is permitted.

- (B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.25 plus an additional .25 of retail use.
- (C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of 1.25, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.5.

- (D) Continuum of care facility. The maximum permitted floor area ratio is 1.5 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

#### 5-307 - Open space requirements.

- (A)** Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by

comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

**(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 5-400 – CRMU-X/Commercial residential mixed use (Old Town North) zone.

5-403 – Special uses.

The following uses may be approved, subject to the procedures and regulations for special use permits and subject to the limitations of section 5-609 below:

- (A) Multifamily dwelling;
- (B) Amusement enterprise;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Apartment hotel;
- (C.2) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Business and professional office;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (I) Fraternal or private club;
- (J) Health and athletic club, other than pursuant to section 5-402.1(A);
- (K) ~~Home for the elderly~~ **Continuum of care facility**;
- (L) Hotel;
- (M) Medical care facility;
- (N) Medical laboratory;

- (O) Medical office;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Nursing or convalescent home or hospice;
- (P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;
- (P.2) Outdoor garden center, other than pursuant to section 5-402.1;
- (Q) Reserved;
- (R) Reserved;
- (S) Private school, academic, with more than 20 students on the premises at one time;
- (T) Public building;
- (U) Radio or television broadcasting office and studio;
- (V) Restaurant, other than pursuant to section 5-402.1;
- (W) Retail shopping establishment, larger than 20,000 gross square feet;
- (X) Social service use.

#### 5-406 – Floor area ratio.

The permitted floor area ratio of a development in the CRMU-X zone depends on whether a townhouse development, an all residential development or a mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use/townhouses.* If no special use permit is sought, only townhouses at a maximum floor area ratio of 1.5 are permitted.

(B) *Mixed use, residential or commercial/SUP.* If a special use permit is approved, the floor area ratio may be increased to an amount not to exceed 2.5 and the following uses may be developed:

- (1) All residential;
- (2) Mixed use, provided that 41.8 percent of the floor area must be devoted to residential use unless (a) the CRMU-X site is within a retail focus area as provided in section 6-503, in which case the required residential floor area may be reduced to 33.33 percent, with 8.5 percent required for ground floor retail space; or (b) the residential component is devoted exclusively to townhouses and such townhouses and the parking therefor occupies one-third of the entire development site, in which case the required residential floor area may be reduced to 20 percent, or
- (3) All commercial, provided: (a) that the retail focus area requirements of section 6-503 shall apply to the entire project area regardless of whether or not the entire project area is designated as a retail focus area in the Old Town North Small Area Plan Chapter of the 1992 Master Plan of the City of Alexandria; (b) the required retail square footage for the project calculated pursuant to section 6-503(A) shall be increased by an amount

equal to 50 percent of the required retail square footage; and (c) the project incorporates along all major street frontages either (i) adequate retail space; (ii) adequate open and usable public space; (iii) substantial plantings; or (iv) appropriate architectural treatments to create a sense of vitality, activity and security attractive to pedestrians and enforcing the pedestrian oriented streetscape, as determined by city council.

(C) *Calculation of floor area ratio and uses.* For the purpose of calculating the mix of uses under this section 5-606, all uses other than townhouse and multifamily dwellings, ~~homes for the elderly~~ and congregate housing facilities are considered commercial.

**(D) Continuum of care facility. The maximum permitted floor area ratio is 1.5 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

5-408 – Open space requirements.

**(A)** The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

**(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

Section 5-500 – W-1/Waterfront mixed use zone.

5-503 – Special uses.

The following uses may be allowed in the W-1 zone pursuant to a special use permit:

- (A) Commercial outdoor recreation facility;
- (B) Commercial shipping and freight terminal;



- (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
- (D) Health and athletic club;
- (E) ~~Home for the elderly~~ **Continuum of care facility**;
- (F) Nursery school;
- (G) Outdoor food and crafts market;
- (H) Reserved;
- (I) Privately owned public use building such as civic auditorium or performing arts center;
- (J) Restaurant;
- (K) Retail shopping establishment, other than pursuant to section 5-502(F.1);
- (L) Reserved;
- (M) Reserved;
- (N) Utilities, as permitted by section 7-1200;
- (O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan;
- (P) Uses 5,000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

5-504 – Floor area ratio.

The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) Single use. If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:
  - (1) Commercial: .75, or
  - (2) Residential: 1.0In the case of either (1) or (2), an additional .25 of retail use is permitted.
- (B) Mixed use. If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.
- (C) Mixed use or residential/SUP. If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

- (D) Development sites in waterfront plan/SUP. For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property.

**(E) Continuum of care facility. The maximum permitted floor area ratio is 1.25 including .25 of retail use and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

#### 5-508 - Open and usable space.

**(A)** Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

**(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.**

#### Section 5-600 – CDD/Coordinated development district.

5-602 - Coordinated development districts created, consistency with master plan, required approvals.

- (A) The CDD districts, as shown on Table 1, are as follows:

Table 1. Coordinated Development Districts

	CDD Name		With a CDD Special Use Permit

CDD No.		Without a CDD Special Use Permit	Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
1	Duke Street	OC Zone Regulations apply except that: - maximum F.A.R. is 1.25 within 1,000 linear feet of the King Street Metro Station kiosk and 1.0 elsewhere - maximum heights shall be 77 feet	2.62	200 feet, with an average height of 150 feet, except that: - heights on Duke Street limited to 77 feet or 82 feet with ground floor commercial - height up to 217 feet permitted for one building for the U.S. PTO - Federal Courthouse limited to 250 feet	Mix of uses, including office, retail, residential, hotel, active and passive recreation, daycare and other support facilities
2	Eisenhower Avenue Metro	OC zoning regulations apply except that: - maximum F.A.R. is 1.25, except 2.0 with an architectural design SUP as specified in the master plan - maximum heights shall be	The development controls for each development block including allowable gross floor area (AGFA), maximum building	The development controls for each development block including maximum building height, are delineated in Figure 4-9 of the Eisenhower	Mix of uses including office, residential and retail along with active and passive recreation opportunities.

		<p>100 feet, except on property known as the Hoffman Tract, where the maximum height shall not exceed 150 feet. Any project proposed for development under the OC Office Commercial zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan. Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel.</p>	<p>height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-9 of the Eisenhower East Small Area Plan. In addition, development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan.</p> <p>All proposed development shall be reviewed for compliance with the design guidelines by the Eisenhower East Design</p>	<p>East Small Area Plan.</p>	
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			Review Board.		
3	Cameron Center	<p>OC zoning regulations apply except that:</p> <ul style="list-style-type: none"> <li>- maximum of 1.5 F.A.R. allowed</li> <li>- maximum heights shall be 77 feet</li> </ul>	2.5	200 feet with a variety of building heights, or, if the use is predominately residential, 225 feet with a variety of building heights	Mix of uses including office, retail and either residential or hotel
4	Winkler Tract	<p>OC Zone regulations apply for the existing office and vacant areas, the CG zone regulations shall apply for the shopping center area and the RA zone regulations shall apply for the existing residential areas, with the following additional provisions:</p> <ul style="list-style-type: none"> <li>- the F.A.R. of the existing development shall not increase over the existing F.A.R.</li> <li>- the F.A.R. does</li> </ul>	<p>1.0 F.A.R. except that</p> <ul style="list-style-type: none"> <li>- the existing development in the CDD should be maintained at existing densities</li> </ul>	<p>150 feet except that</p> <ul style="list-style-type: none"> <li>- consideration will be given to two buildings of not more than 250 feet each</li> </ul>	Existing uses, office or mixed use including office, retail service, public schools, and residential

		<p>not exceed 1.0 on the vacant portion of the site</p> <ul style="list-style-type: none"> <li>- at least 43 acres shall be maintained in or adjacent to Botanical Preserve and not used for F.A.R.</li> <li>- in area bounded by Beauregard, Seminary, I-395 and Roanoke, heights may rise to 100 feet except:</li> <li>- no building shall be constructed within 50 feet of curb of Beauregard</li> <li>- building height may only exceed 50 feet by one foot for each foot set back beyond 50 feet from the curb of Beauregard, up to maximum height of 100 feet</li> </ul>			
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5	Stone Tract	RA zone regulations apply	1.5 F.A.R. for commercial 54.45 Dwelling Units/Acre for residential	150 feet	Residential and commercial
6	Mt. Vernon Village Center/Birchmere	NR zone regulations shall apply except that the FAR shall not exceed 0.5 for nonresidential and 0.75 for a mixed use project including residential and ground floor retail uses	Up to 3.0 gross floor area (GFA) including above-grade parking for the total mixed use development. (See CDD guidelines for definition of GFA Development shall be consistent with the CDD guidelines and the Arlandria Neighborhood Plans, as adopted in the Potomac West Small Area Plan	Maximum permitted building height along the street is 35 feet. Building height may be increased to 50 feet with a minimum building step back of 15 feet from the front facade of the building Additional building height may be allowed as outlined in the CDD guidelines	Retail, office residential Development of uses fronting on Mt. Vernon Avenue shall consist of pedestrian-oriented uses as listed in the NR zone with office and/or residential uses above the ground floor to create an integrated mixed use development.
7	Route 1 Properties	RB zone regulations apply along Reed Avenue, the RC zone regulations apply along Commonwealth	For the north side of East Reed Avenue, a maximum 27 dwelling units per acre, provided that	45 feet	Mix of uses including office, retail, residential, hotel and open space. On the north

		<p>Avenue to a depth of 100 feet except as provided below and the OC zone regulations apply on the remainder of the site provided that:</p> <ul style="list-style-type: none"> <li>- heights in the area along Commonwealth Avenue shall not exceed 45 feet;</li> </ul>	<p>a minimum of 10 percent of the total number of units are made affordable as defined in the city affordable housing policy. Development shall comply with the CDD guidelines adopted in the Potomac West Small Area Plan.</p>		<p>side of East Reed Avenue, the preferred land use is residential townhouse uses; however, stacked townhouse uses may be permitted, provided they are arranged on the site to create variety in the streetscape, minimize the number of curb cuts along East Reed Avenue, and provide ground-level, usable open space.</p>
		<ul style="list-style-type: none"> <li>- the use of automobile and trailer rental or sales be permitted with a special use permit on the portion of the site governed by the OC zone regulations and surface parking associated with the use of automobile and trailer rental or sales within 85 feet of Commonwealth Avenue and car lift parking</li> </ul>			



		within the remaining 15 feet be permitted with a special use permit.			
8	Trade Center	CG zone regulations apply			Mix of retail and residential uses with limited office
9	Cameron Station	R-8 zone regulations apply	Up to 2,510 residential units may be permitted*; up to 30,000 square feet of retail space; and up to 80,000 square feet for a public school; all on 97 acres * Actual number of units to be determined as part of CDD concept plan amendments submitted in conjunction with the unapproved phases (V and VI).	45 feet along Duke Street and First Street, except two buildings up to 55 feet at the entrance to the development from the park road, to 55 feet at the center of the area, and to 77 feet along the railroad tracks, with a limited number of buildings to 120 feet along the southern portion of the site	Residential, retail, open space and public school
10	Potomac Yards/Greens	The RB zone regulations shall apply to the area	Up to 1.747.346 <sup>2</sup> square feet of	Heights shall be as shown on the map	Pre-dominantly residential, with a mix of land

		<p>south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of Rte 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way (area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail mainline on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case</p>	<p>office space, except that office square footage may be converted to retail square footage through the special use permit process.</p> <p>Up to 325,000 square feet of <del>home for the elderly</del> <b><u>continuum of care</u></b> use, which may include up to 150 dwelling units.</p> <p>Up to 170 hotel rooms.</p> <p>Up to 163,817 square feet of retail space. <sup>2</sup></p> <p>Up to 2,239 residential units.</p> <p>Note 2: Office floor area may be converted to ground floor retail use through a special use permit.</p>	<p>entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan) as may be revised.</p>	<p>uses to include <del>home for the elderly</del> <b><u>continuum of care facility</u></b>, office, retail and service, hotel, parks and open spaces, and community facilities.</p>
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		<p>REZ #95-0004)</p> <p>may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard:</p> <ul style="list-style-type: none"> <li>- shall contain no more than 275 dwelling units;</li> <li>- shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office;</li> </ul>			
		<ul style="list-style-type: none"> <li>- shall be planned and developed pursuant to a special use permit;</li> <li>- shall have a maximum height of 50 feet;</li> <li>- shall generally be consistent with the goals and the guidelines of the small area plan.</li> </ul>			
11	South Carlyle	OCM(100) zoning regulations shall	The development controls for	The development controls for	Mix of uses including office,

		<p>apply except that:</p> <ul style="list-style-type: none"> <li>- maximum FAR without an SUP shall be 1.0</li> <li>- maximum height without an SUP for all property within the South Carlyle CDD shall not exceed 100 feet. Any project proposed for development under the OCM(100) Office Commercial Medium zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan.</li> </ul> <p>Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to</p>	<p>each development block including allowable gross floor area (AGFA), maximum building height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan. In addition development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan.</p> <p>All proposed development shall be reviewed for</p>	<p>each development block including maximum building height, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan.</p>	<p>residential and retail along with active and passive recreation opportunities.</p>
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		affect the amount of total development on the parcel.	compliance with the design guidelines by the Eisenhower East Design Review Board.		
12	Safeway-Datatel	NR zone regulations shall apply except that the FAR shall not to exceed 0.5 for nonresidential and 0.75 for a mixed use project including residential and ground floor retail uses.	Up to 3.0 gross floor area (GFA) including above-grade structured parking for the total mixed use development (see CDD guidelines for definition of GFA). Development shall be consistent with the CDD guidelines and the Arlandria Neighborhood plans, as adopted in the Potomac West Small Area Plan.	The overall height of buildings should be generally consistent with the heights depicted in the UPW Task Force Report Illustrative Plan.	A mixed use, neighborhood center that provides a retail anchor and supporting retail, office and live/work or residential uses with public and private parking. A minimum of 10 percent of the total number of residential units shall be affordable units.
13	Triangle sites	CL zone regulations shall apply, except	1.0 FAR, except that an increase to	Building height should be limited to 2½	A mix of uses, including some ground floor

		that single, two family, and townhouse dwellings are prohibited.	1.25 FAR may be allowed with the provision of affordable housing pursuant to section 7-700, except that the allowed density increase may be 25%. New development shall be in accordance with the guidelines in chapter 6 of the Mt. Vernon Avenue Business Area Plan, as adopted in the Potomac West Small Area Plan.	to 3 stories, with step downs in building mass along Commonwealth Avenue. Maximum building height is 45 feet.	retail, with residential or office use, and a large functional open space at the corner of Mt. Vernon Avenue and Commonwealth Avenue.
14	Giant-CVS	CL zone regulations shall apply.	1.0 FAR, except that an increase to 1.25 FAR may be allowed with the provision of affordable housing pursuant to	Building height should be limited to 2½ to 3 stories, with step downs in building mass to adjoining residential uses.	A mix of uses, including grocery store, pharmacy, and other ground floor retail uses, with residential or office use.

			<p>section 7-700, except that the allowed density increase may be 25%. New development shall be in accordance with the guidelines in chapter 6 of the Mt. Vernon Avenue Business Area Plan, as adopted in the Potomac West Small Area Plan.</p>	<p>Maximum building height is 45 feet.</p>	
15	Braddock Gateway	<p>CRMU-H zoning regulations apply to the one-acre portion of the site at First and Fayette Streets with a maximum floor area of 1.25 and OCM(50) zoning regulations apply to the remaining six acres of the site, with a maximum floor area of 1.5. The</p>	<p>The development controls for each Landbay(s) and/or building(s), including floor area, building height, amount of open space, parking, principal uses, ground floor retail shall be</p>		<p>Mix of uses including residential, live-work units, office, hotel and retail along with publicly accessible open space and trails.</p>

		<p>maximum height within the CRMU-H portion of the site shall be 77 feet and the maximum height within the OCM 50 shall be 50 feet.</p> <p>Buildings(s) shall comply with the Braddock Metro Neighborhood Plan Design Guidelines and other applicable requirements of the Braddock Metro Neighborhood Plan.</p>	<p>subject to the CDD-15 Concept Plan and all CDD Concept Plan conditions, in addition to the Braddock Metro Neighborhood Plan. The actual number of units, square footage and height shall be determined as part of development special use permit for each Landbay(s) and/or building(s). Any proposed development shall conform to the Braddock Metro Neighborhood Plan Design Guidelines.</p>		
16	James Bland	RB/Residential Townhouse Zone regulations shall apply	The development controls, including FAR and	The maximum heights shall conform to the	Mix of residential uses (townhouse &



			number of units for land within this CDD, as shown in the approved CDD-16 Concept Plan, in addition to the Braddock East Master Plan provisions in the Braddock Metro Neighborhood Plan. Any proposed development shall conform to the Braddock Metro Neighborhood Plan Design Guidelines.	CDD-16 Concept Plan.	multifamily) & open space
17	Landmark Gateway	CG/Commercial General and I/Industrial regulations shall apply (as distinguished on the Zoning Map)	The development controls for land within this CDD shall be as shown in the approved CDD Concept Plan. In addition, any proposed development	The maximum heights shall conform to the CDD Concept Plan.	Multifamily residential and retail

			for land within this CDD shall conform to the Landmark/Van Dorn Corridor Plan.		
17a	Cameron Park	CSL/Commercial Service Low Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-17a Concept Plan, in addition to the provisions in the Landmark Van Dorn Corridor Plan.	The maximum heights shall conform to the CDD-17a Concept Plan	Mix of residential (multifamily and/or townhouse), <del>home for the elderly</del> <b><u>continuum of care facility</u></b> for 120 units and retail uses
19	North Potomac Yard	The CSL zone regulations shall apply on the first 250 feet east of Route 1, and the I zone regulations shall apply on the remainder of the site. However, in no case shall the development	Maximum development levels will be as depicted in Table 5 of the CDD conditions. Conversion of square footage between uses may be permitted	Heights shall be as shown in the North Potomac Yard Design Standards dated May 24, 2010.	Mixed-use development to include office, residential, retail and personal service, hotel, parks and open spaces and community facilities.

		exceed 610,000 square feet.	through the development special use permit process. Refer to Table 3 of the CDD conditions for maximum parking ratios.		
20	Harris Teeter of Old Town North	CD/Commercial Downtown Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-20 Concept Plan, in addition to the provisions in the Old Town North Small Area Plan. Any proposed development shall conform to the Old Town North Design Guidelines.	The maximum heights shall conform to the CDD-20 Concept Plan	Mix of residential (multifamily and/or townhouse) and retail uses.
21	Beauregard	The RA zone shall apply to the	Maximum development	Maximum heights shall be	Mixed-use development to

		<p>existing residential portion of the Garden District, Greenway and Town Center neighborhoods. The CG zone regulations shall apply to the existing shopping center in the Town Center neighborhood. In addition to the requirements herein, in the Greenway, Garden District and Town Center neighborhoods, the following shall apply:</p> <ul style="list-style-type: none"> <li>- The FAR of the existing development shall not increase over the existing FAR.</li> <li>- No building shall be constructed within 50 feet of curb of North Beauregard Street</li> </ul>	<p>levels shall be as depicted in the Development Summary Table in the CDD Conditions.</p>	<p>as depicted in the Beauregard Urban Design Standards and Guidelines dated March 18, 2013.</p>	<p>include, office, residential, retail and personal service, hotel, parks and open spaces, public buildings and community facilities.</p>
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		<p>The OC zone regulations shall apply to the Adams Neighborhood.</p> <p>The R-12 zone regulations shall apply to the Upland Park Neighborhood.</p> <p>The RC zone regulations shall apply for the Southern Towers Neighborhood.</p> <p>The neighborhoods as referenced herein, shall be the boundaries depicted in the CDD Concept Plan.</p>			
22	Seminary Overlook	<p>The RC regulations shall apply for the portion of the property west of the existing Kenmore Avenue as configured as of the date of City Council's initial approval of CDD #22, and</p>	<p>Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.</p>	<p>Maximum heights shall be as depicted in the Beauregard Urban Design Standards and Guidelines dated March 18, 2013.</p>	<p>Residential, Multifamily Residential.</p>

		the RA zone regulations shall apply for the portion of the property east of Kenmore Avenue.			
23	Fillmore/Beauregard	<p>RC/High density and apartment zone</p> <p>RA/Multifamily zone regulations shall apply to the Goodwin House Property (T.M. 011.03-01-06).</p> <p>RA/Multi-family zone regulations shall apply to the Church of the Resurrection Property (T.M. 011.03-01-05) and as may be subdivided in the future.</p>	<p>Goodwin House Property: Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions. All other property: Maximum FAR: 2.5 Minimum Open Space: 25% that is usable and accessible. The open space can be provided on the ground level, as a rooftop amenity or combined, but with a maximum of</p>	<p>The maximum heights shall conform to the CDD Concept Plan with an overall maximum height of 150 for buildings not shown on the Concept Plan.</p>	<p>Senior housing, senior affordable housing, <del>home for the elderly</del> <b><u>continuum of care facility</u></b>, nursing care facility, multi-family housing, and churches.</p>

			<p>50% of the open space percentage shall be permitted to be rooftop open space. The remainder shall be located at grade level.</p> <p>This percentage of open space shall exclude public rights-of-way and streets with public access easements. All proposed development shall conform to the Beauregard Urban Design Standards and Guidelines, as may be amended.</p>		
24	Oakville Triangle and Route 1 Corridor	The CSL, I and R2-5 zone regulations shall apply to the properties as generally depicted within Figure 23 of the approved	The development controls for each block including Gross Floor Area (GFA), the size of public open	Heights and height transitions shall be as depicted in the approved Oakville Triangle and Route 1	1) Mixed-use development to include hotel, office, residential, <del>home for the elderly</del> <b><u>continuum of care facility</u></b> ,

		Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.	spaces, ground level open spaces, the land uses, and the ground floor uses shall comply with the Oakville Triangle and Route 1 Vision Plan and Urban Design Standards and Guidelines.  All streets, blocks, sidewalks, building forms, building volumes, building heights, land uses, screening of parking, retail design, signage, open space and associated elements shall comply with the Oakville-Route 1 Route 1 Vision Plan and Urban Design	Corridor Vision Plan and Urban Design Standards and Guidelines.	nursing home, parks and open spaces as defined in the zoning ordinance.  2) Primary retail, secondary retail, and maker uses as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.  3) Community Facilities as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.
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			Standards.  Any variation from the standards shall require approval by the City Council as part of the DSUP or associated approval application(s).		
25	ABC-Giant/Old Town North	CG/ Commercial Downtown regulations shall apply	Maximum FAR: 3.5. Properties in this zone are ineligible to request Special Use Permit approval for the affordable housing bonus density provisions of Section 7-700 of the Zoning Ordinance.  Minimum open space: Residential development shall provide 40 percent of the area of the lot as open	The maximum heights shall conform to the Old Town North Small Area Plan as may be amended.	Multifamily dwelling; day care center; health and athletic club; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining; pet supplies, grooming, training with no overnight accommodation ; private school, academic or commercial, with more than 20 students on the premises at any one time;

			<p>and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the Director determines that such space functions as open space for residents to the same extent that ground level open space would. When a development includes both residential and nonresidential</p>		<p>restaurant; retail shopping establishment; and valet parking.</p>
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			<p>uses, the residential yard and open space regulations shall be applicable to the residential component of the development.</p> <p>Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and setback regulations of Section 7-1000 and the zone transition requirements of Section 7-900.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p>		
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			<p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply.</p> <p>All proposed development shall conform to the Old Town North Design Guidelines as may be amended.</p>		
26	Public Storage/ Boat US	I/Industrial regulations shall apply	<p>Maximum FAR: 2.5</p> <p>Minimum open space: A minimum of 10% of the land area occupied by primarily non-residential uses shall be provided as publicly-accessible, ground-level useable open space. A minimum of 30% of the</p>	The maximum heights shall conform to the Eisenhower West Small Area Plan as may be amended.	<p>Multifamily dwelling; self-storage/warehouse; animal care facility with no overnight accommodation ; catering; glass shop; health and athletic club; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly,</p>

			<p>land area within the CDD area occupied by primarily residential uses shall be provided as useable open space, half of which must be publicly-accessible, ground-level useable open space.</p> <p>Publicly-accessible, ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-</p>		<p>service and crafts; machine shop; manufacturing; massage establishment; motor vehicle parking or storage; outdoor dining; personal service establishment; printing and publishing services; private school, academic or commercial, with more than 20 students on the premises at any one time; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; valet parking; and wholesale.</p>
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			<p>1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>		
27	Greenhill/West Alexandria Properties	CG/Commercial General zone regulations shall apply except that I/Industrial zone regulations shall apply for the property currently addressed 611 South Pickett Street (Tax Map Number: 057.04-05-05).	<p>Maximum FAR: 2.52, exclusive of:</p> <p>1) bonus density and height as may be approved by Special Use Permit pursuant to Section 7-700 of the Zoning Ordinance as it may be amended; and</p> <p>2) public school and</p>	The maximum heights shall conform to the Landmark-Van Dorn Small Area Plan as may be amended.	<p>Multifamily dwelling; amusement enterprise; active and/or congregate recreational facilities; animal care facility with no overnight accommodation ; automobile and trailer rental or sales area; business and</p>

			<p>public building uses.</p> <p>Minimum open space: A minimum of 25% of the land area within the CDD area shall be provided as ground-level, useable open space.</p> <p>Ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement. In addition to the 25% requirement, primarily residential buildings shall provide rooftop open spaces/terraces or other outdoor amenity spaces.</p> <p>Minimum</p>		<p>professional office;</p> <p>convenience store; day care center; health and athletic club; hotel; <del>home for the elderly</del></p> <p><b><u>continuum of care facility;</u></b></p> <p>improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; medical office; outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings,</p>
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			<p>yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>		<p>including enclosed and semi-enclosed shelters and pavilions; public school; restaurant; retail shopping establishment; and valet parking.</p>
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- (B) Additional districts may be created from time to time, by designation in the city's master plan and approval of a rezoning application according to the provisions of sections 11-800 and 11-900.



- (C) All proposed development within a CDD shall be consistent with the guidelines for the particular district expressed in the city's master plan, as the same may be amended from time to time.
- (D) All proposed development within a CDD shall be subject to the procedures for review and approval set forth in this section 5-600. Except as provided in section 5-608, any proposed development within a CDD constitutes a special use for which a special use permit is required pursuant to this section 5-600 and section 11-500. In case of a conflict between the special use permit provisions of this section 5-600 and those of section 11-500, this section 5-600 shall control.
- (E) Within each CDD, the following uses are permitted unless in specific conflict with the approved CDD concept plan or DSUP:
  - (1) Convenience store in an office complex.
  - (2) Health and athletic club in an office complex.
  - (3) Day care center.

## Article VI. – Special and Overlay Zones

### Section 6-700 – KR/King Street urban retail zone.

#### 6-702 – Uses.

Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

*Ground floor uses* : Retail and other active uses are emphasized in the ground floor uses category. The ground floor uses category applies to uses to be located in the space within the first 50 feet of a building, measured from the front building wall, and in a building that is set back no further than 30 feet from a front property and with a first floor of the building within four feet above the sidewalk grade.

*Upper floor uses* : The second category of uses is all space that is not located within the ground floor of a building, as that is defined above. Upper floor uses may be located on floors above the ground floor, in the space on the ground floor beyond the 50 feet threshold for ground floor uses, and in buildings not considered retail appropriate because they are elevated above grade or set back an excessive distance from the street as expressed above.

#### (A) *Ground floor uses*

##### (1) *Permitted uses.*

- (a) Animal care facility with no overnight accommodations;
- (a.1) Building lobby, with a frontage of less than 30 feet along King Street;
- (b) City sponsored farmers' market;
- (c) Personal service establishment, with a frontage of less than 30 feet along King Street;
- (d) Private school, commercial, with a maximum of 20 students on the premises at one time and with a frontage of less than 30 feet along King Street;
- (e) Retail shopping establishment, 10,000 square feet or less in size;
- (f) Utilities, as permitted by section 7-1200;
- (g) Accessory uses.

(2) *Special uses:*

- (a) Amusement enterprise;
- (b) Food and beverage production, exceeding 3,500 square feet, which includes a retail component;
- (c) Church;
- (d) Convenience store;
- (e) Health and athletic club;
- (f) Hotel;
- (g) Outdoor food and craft market;
- (h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.
- (i) Personal service establishment or building or hotel lobby, extending for more than 30 feet along King Street;
- (i.1) Private school, commercial, with a maximum of 20 students on the premises at one time and extending for more than 30 feet along King Street;
- (j) Public building;
- (k) Restaurant, other than pursuant to section 6-702(C);
- (l) Retail shopping establishment, over 10,000 square feet in size.

(B) *Upper floor uses.*

(1) *Permitted uses:*

- (a) Any use permitted as a ground floor use under section 6-702(A)(1);
- (b) Multifamily dwelling units or accessory apartments;

- (c) Business and professional office;
- (c.1) Day care center;
- (d) Medical office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (f.1) Private school, commercial, with a maximum of 20 students on the premises at one time;
- (g) Radio or television broadcasting office and studio.

(2) *Special uses:*

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;
- (c) Catering operation;
- (d) Congregate housing;
- (e) Reserved;
- (f) ~~Home for the elderly~~ **Continuum of care facility**;
- (g) Fraternal or private club;
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;
- (k) Private school, commercial or academic, with more than 20 students on the premises at one time;
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513 of this ordinance:

- (1) Valet parking;
- (2) Massage establishment;
- (3) Restaurant (ground floor only).

(D) *Noncomplying and nonconforming uses.*

- (1) *Noncomplying uses.* Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, any use within the King Street urban retail

zone that is legally existing on 6/21/05 (date of ordinance adoption) and inconsistent with the use provisions of this section 6-702, except for those uses listed under section 6-702(D)(2), shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.

- (2) *Nonconforming uses.* Any property which displays automobiles or other vehicles for the purpose of selling them as a business shall be deemed a nonconforming use and required to abate pursuant to section 12-214.

6-705 – Building and development requirements.

- (A) Frontage, lot and yard requirements. There shall be no frontage, lot or yard requirements, except for the supplemental yard and setback provisions of section 7-1000 and the zone transition requirements of section 7-900.
- (B) Open space. For residential uses, open space shall be provided in an amount equivalent to a minimum of 150 square feet per dwelling unit. The open space shall be composed of ground level space, and may also include space on balconies, terraces and rooftops. The ground level open space shall be a qualitatively significant component of the total open space. Open space shall be easily accessible and shall be proximate to dwellings.
- (C) Floor area ratio.
- (1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the following FAR limits apply:
- (a) Nonresidential. For nonresidential uses, the FAR shall not exceed 1.5, except that up to an FAR of 2.5 may be approved with an SUP.
- (b) Residential. For residential uses, the FAR shall not exceed 1.25, except that an FAR of up to 2.5 may be approved with an SUP.
- (2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the following FAR limits apply:
- (a) Nonresidential. For nonresidential uses, the FAR shall not exceed 2.0, except:
- (1) An FAR of up to 3.0 may be approved with an SUP.
- (2) The maximum permitted floor area ratio is 3.0 for a lot of record existing on June 24, 1992, that contains less than 15,000 square feet all or a portion of which is within 1,000 feet of the King Street Metro Station; provided however that this paragraph shall not apply to lots abutting King Street, nor to lots west of Daingerfield Road.
- (b) Residential.
- (1) For residential uses other than those specified by section 6-705(C)(2)(b)(2) below, the maximum permitted FAR is 1.25, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units an acre.

- (2) For residential uses located within 1,000 feet of a metrorail station the FAR shall not exceed 2.0, except that an FAR of up to 3.0 may be approved with a special use permit. (c) Transition special use permit. For land within the boundaries of a project approved by a transition special use permit which was valid as of November 1, 1994 and is located within 1,000 square feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

**(c) Continuum of care facility.**

- (1) The maximum permitted floor area ratio is 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.**

- (2) For continuum of care facilities located with 1,000 feet of a metrorail station the maximum permitted floor area ratio is 2.0 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.**

**(D) Height.**

- (1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the maximum permitted height of a building is 50 feet.
- (2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the maximum permitted height shall be consistent with the requirements of the King Street Metro Station Height district, section 6-405.

**(E) Building form. New development for which a site plan is required shall comply with the following requirements.**

- (1) Rear stepback. The building shall be contained within a building envelope described by a 1.5 (run) to 1.0 (rise) sloping plane beginning at a point five feet above grade at the common rear property line, when the property abuts residential use.
- (2) Ground floor retail space. In order to accommodate quality retail space, the ground floor of the building shall: (a) Be built to a floor to floor height of no less than 14 feet; and (b) Provide storefront or show windows along a minimum of 75 percent of the King Street frontage, except where preservation of an historic building would preclude meeting this criterion as determined by the BAR.

**(F) King Street retail strategy.**

- (1) A special use permit for increased floor area ratio or height under this section 6-705 shall be reviewed, in addition to other pertinent issues, for compliance with the King Street retail strategy, as adopted as part of the master plan.
- (2) The Storefront Guidelines of the King Street retail strategy shall be applied by the board of architectural review in considering exterior alterations on King Street, to the extent not inconsistent with BAR guidelines for redevelopment of building facades.

#### Article VIII. – Off-Street Parking and Loading

##### Section 8-200 – General parking regulations.

(A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in this section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of this section 8-200(A) may be reduced when special zoning allows parking reductions and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

- (15) ~~Homes for the elderly~~ **Continuum of care facilities**: one space per each two units plus one space for each two guest rooms, except for ~~homes for the low income elderly~~ **continuum of care facilities**, one space per each four units plus one space for each four guest rooms only with a special use permit.