

Town of Vienna

Assessment of Regulatory Options for Maple Avenue Commercial Area Feasibility Study

**Prepared for
The Town of Vienna, Virginia**

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duncan
associates

and

Ferrell-Madden Associates

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INTRODUCTION

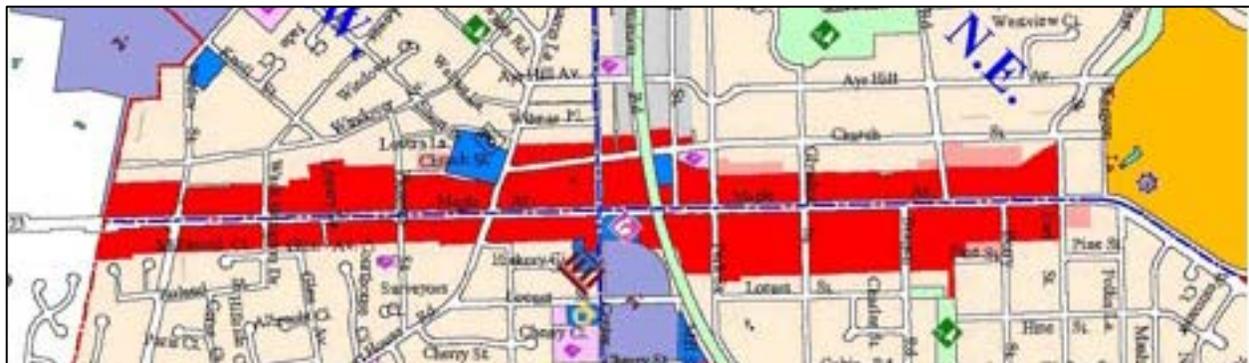
PROJECT DESCRIPTION

The Town of Vienna has retained the services of Duncan Associates and Ferrell-Madden Associates to explore the regulatory options available to guide growth and redevelopment along the portions of Maple Avenue that form the Town's 'central business district.' This report describes key findings made by the consulting teams following a series of workshops and discussions with staff, elected and appointed officials, residents, business leaders, and other important stakeholders. This report also presents an analysis of different regulatory alternatives that are available to the Town as it considers the most appropriate path to follow in its evolution. Specifically, the consulting team has been asked to consider four different regulatory options. They are listed below and described in more detail later in the report:

1. The current Town Zoning Ordinance;
2. New Mixed-Use Zoning District(s);
3. New Overlay Zoning District(s); or
4. Form-Based Codes.

For the purposes of this study, the central business district has been defined as the blocks along Maple Avenue between Beulah Road and Lawyers Road.

Figure 1 Maple Avenue Land Use Map



Although the geographic scope of the project is limited to these blocks, it is intended that the findings and recommendations presented in this report are applicable to commercial areas that are substantially similar but outside of the specific study area.

KEY CONCEPTS

Based on information presented in the Town's Scope of Services, discussions with elected and appointed officials, input received from local interest groups, and comments from Town staff, the consultant team believes there is consensus on the following key concepts:

- Present a range of options available to the community;
- Make Maple Avenue more pedestrian-friendly;
- Protect the character of existing residential neighborhoods- building design is important;
- Address parking issue (parking generally is a problem, although it is not as bad at the northern end (Giant) and worse towards the middle and southern end);
- Allow redevelopment and infill that protects the Town's character;
- Allow some increased intensity in certain areas, provided it is well designed and transitions well to the surrounding residential neighborhoods; and
- Encourage high-quality development throughout the community.

During these same discussions, it became clear that there are a number of key policy considerations that require further consideration before any final direction can be selected. These considerations are generally summarized below:

- Should new regulations promote/allow change and redevelopment, or preserve existing development?
- Is mixed-use (or increased residential) development desired in the target area?
- How much of an increase in building height and intensity is appropriate?

- What constitutes a “successful” Maple Avenue:
 - Pedestrian friendly?
 - Free-flowing traffic?
 - More housing options?
 - More shopping alternatives?
 - Better building design?
 - It is already successful- don't change anything!

BASIS OF OBSERVATIONS AND RECOMMENDATIONS

The authors of this report view development regulations as a tool for implementing a community's collective planning vision. This vision flows from the substantial and on-going citizen-based planning work that has come to define Vienna. During the early phases of this project the consultant team conducted in-depth reviews of various plans and policy documents and held numerous interviews and workshops with elected officials, City staff, and concerned citizens representing a variety of interests throughout the community.

The recommendations and observations included in the report are based on:

- Comments and input from a wide array of individuals and interest groups;
- Analysis of the Town's plans and policy documents related to land development;
- Informal surveys of development patterns that exist throughout the Town; and
- The consultant team's experience with and knowledge of the best practices of Vienna's peer communities.

THE MAPLE AVENUE CENTRAL BUSINESS AREA

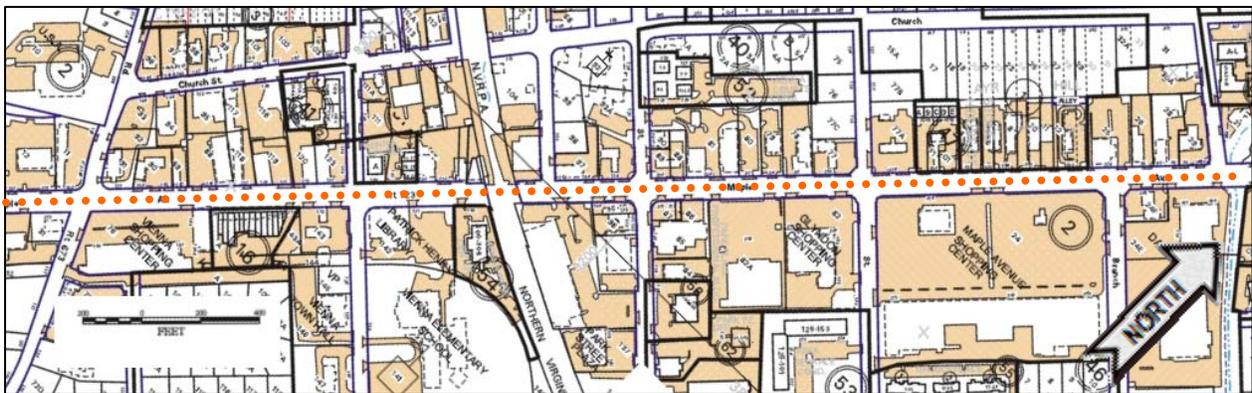
Maple Avenue is the historic center of the Town of Vienna as well as its most important arterial roadway, connecting the Town with Tyson's Corner at one end and Interstate 66 with access to Washington, D.C. at the other. A typical weekend afternoon might find a healthy mix of pedestrian and vehicle traffic moving up and down Maple Avenue; while the road assumes the role of a major commuter route during the week. Not only does Maple Avenue provide a crucial transportation function, it is also the commercial axis for Vienna.

Maple Avenue is lined with a very robust mix of thriving commercial uses that have maintained a general respect for the traditional pattern of development, with some exceptions. A large number of moderately-sized local or regional businesses are intermingled with a few larger "anchor" businesses such as the four grocery stores (Magruder's, Whole Foods, Giant, and Safeway). Buildings are generally modest in height- primarily one or two stories with a few three or four story structures. There is a mix of free-standing structures occupied by only one use or tenant and larger buildings

with multiple occupants. Buildings on the northwest side of Maple Avenue are typically smaller and set closer to the roadway, while buildings on the southeast side of the road are more varied. All of the “shopping center”-type development is on the southeast side of Maple Avenue, and most of the buildings between Beulah Road, NE and Park Street are separated from the roadway by parking lots while there are more buildings constructed adjacent to the roadway with side or rear parking between Park Street and Lawyer’s Road.

The figure below shows building outlines and property boundaries for the lots along Maple Avenue between Lawyers Road and Beulah Road. As shown in the figure, the lot distribution along the corridor is varied, with a number of small, narrow lots and a few larger deep lots. Generally, the larger lots are located on the northeastern blocks of Maple Avenue (bottom right of the picture). The lots along the western side of Maple Avenue (upper side in the picture) are generally smaller and more uniform in width and depth, although many of the lots along the northwestern portions of Maple Avenue (upper right side) are very narrow.

Figure 2 Maple Avenue Parcel Map



Source: Adapted from Fairfax County GIS Property Maps (sheets 38-2 and 38-4).

The large number of individual lots along Maple Avenue and the corresponding curb cuts and driveways for each lot results in significant traffic impacts because vehicles waiting to enter a particular establishment must wait for opposing traffic to disperse before turning. Similarly, vehicles waiting to exit a particular site must wait for traffic to wane before being exiting. It is likely that many accidents are caused by drivers either hurrying or not noticing oncoming traffic when exiting or entering. Many of these issues could be mitigated somewhat by requiring cross-access

connections between adjoining properties so that patrons would be able to take access from a cross street where street signals make entering or exiting Maple Avenue a much safer prospect. The fact that Maple Avenue is two lanes in each direction with a center turning lane creates an uncomfortable pedestrian environment for those trying to cross.

A more pedestrian-friendly solution might be to install a landscaped median down the length of the corridor and install pedestrian “safety zones” at crosswalks to provide a refuge for those trying to cross.



Figure 3 Divided Median with Pedestrian Safety Zone

Source: Pedestrian and Bicycle Information Center, www.pedbikeinfo.org

It should be noted that both of these approaches (limiting driveways and installing a divided median) would likely reduce the direct vehicle access that currently exists to many properties. However, this may be a worthwhile compromise if the net result is increased pedestrian and driver safety as well as a more efficient traffic flow.

It is important to point out that there are very few (if any) vacant lots or vacant buildings along Maple Avenue. Most areas that are not occupied by buildings are still being used for surface parking, pedestrian areas, or some other active use. Therefore, almost any new development along the corridor will involve the replacement of an existing building or conversion of a parking area into new construction. Frequently, this development pattern is called “infill.” A brief overview of infill development is provided later in this section.

It is obvious that the Town has invested a substantial amount of public funds for streetscape improvements and parkland acquisition along Maple Avenue. The community has also made a substantial investment of volunteer and staff time in developing a general vision for the area. The Committee's charge has been to articulate a vision that provides a balance between maintaining the traditional character of the Corridor while allowing for investment and redevelopment compatible with changing times and models of development.

ADDRESSING THE CHARACTER OF MAPLE AVENUE

Commercial (nonresidential) zoning should have two basic functions. It should work to meet the needs of the market by accommodating modern retail, service, and other commercial uses. In addition to this market function, commercial district regulations should help to create inviting and vibrant places that enhance our overall quality of life.

The land development tools to be included in Vienna's new zoning regulations need to address the physical character of the City's commercial areas. They should also recognize the proximity and interconnected nature of the commercial development along Maple Avenue with the adjoining residential neighborhoods to the north and south. New district regulations should build on past zoning and non-zoning successes.

For example, the Church Street Overlay zone development regulations may be a useful model for creation of a new neighborhood commercial zoning classification that could have broader applicability. At the same time, the process of crafting new regulatory tools should provide a candid assessment of shortcomings of the current regulatory structure.

For example, under the current regulatory paradigm, there are a number of nonconforming lots or nonconforming buildings. This may be due to substandard parcel sizes, numbers of parking spaces, setbacks, landscaping, or any of a host of issues. Because of this nonconforming status, a number of property owners may refrain from making substantial investments in their property due to either (real or perceived) costs or practicality of compliance with the current regulations.

During the stakeholder interview meetings, one participant stated that up to 80% of all lots in the study area are nonconforming! However, staff has confirmed that the actual percentage of nonconforming lots is far less.
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In additions to problems with nonconformities, the limitations imposed by the current zoning regulations, combined with the substantial costs of property acquisition in the current real estate market may make it infeasible or undesirable to make substantial investments in improvements or redevelopment of property. In other words, there may be a perception that the returns on investment may not justify the expense of redevelopment or improvement.

In a recent zoning assignment outside Vienna, one commentator opined that commercial streets are display windows for the treasured neighborhoods they border. If this is true, then care must be taken to ensure that those windows present a positive image. As with the residential districts, commercial character is all about how an area looks and functions. Of course, not all of our commercial areas are the same, and a one-size-fits-all strategy will not work.

One way of thinking about new zoning regulations is to first identify an area's typology or classification. In turn, this classification will help form the necessary criteria to guide development and redevelopment. Our experience suggests there are three basic types of commercial places:

1. Pedestrian-oriented shopping streets [Old-Town Alexandria];
2. Auto-dominated commercial streets [Tyson's Corner]; and
3. Transitional streets, or the many streets that fall somewhere between the two extremes [Maple Avenue].

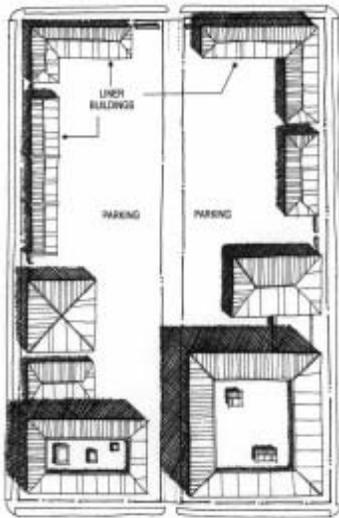
Pedestrian Streets

Pedestrian streets are typically characterized by narrow roadways, wide sidewalks, numerous small storefronts, and lots of pedestrians. Many of the older streets in Old-Town Alexandria are characteristic of pedestrian streets. Whether we think about it or not as we walk down these streets, the things that appeal to us are fairly simple.

They are built up to the sidewalk. There are few, if any, places where this "streetwall" is broken up by parking lots, vacant parcels, or buildings set back far from the street. Large window areas line the sidewalk, providing views into the stores or to display areas inside the windows. Shop entrances are next to the sidewalk, and the sidewalks themselves are fairly wide (often eight feet or more).

The sum effect is that we feel safe and involved as we walk along these pedestrian-oriented streets. We are protected from cars (since they are not crossing the sidewalk into parking lots) and we have easy access between stores. This is the same model that shopping center developers are now trying to recreate as so-called “lifestyle centers,” where stores line a newly created “main street.”

Enhancing the character of the Town’s pedestrian-oriented streets would require regulations which would be geared toward preserving the qualities that make areas attractive to pedestrians, should:



Liner buildings are wide, shallow buildings that can be used to hide ugly parking lots or blank building walls

- ensure preservation of a continuous street wall by requiring that new buildings be built at or very close to the sidewalk, with special emphasis on corner buildings;
- mandate that a major portion of walls at street level contain display windows or other transparent elements to enliven the street-level pedestrian experience;
- require building entries that open onto the sidewalk;
- control the location of driveways and off-street parking areas;
- increase on-street and reduce off-street parking requirements;
- require and maintain quality sidewalks of adequate width to

accommodate pedestrian travel, removing pedestrian barriers and providing pedestrian amenities.

Figure 4 Pedestrian Oriented Streets

Pedestrian-Oriented Streets

The **pedestrian-oriented street** typically has a fairly intact street wall and is home to small stores and businesses. They are characterized by narrow rights-of-way, numerous storefronts, and on-street parking.

Auto-Dominated Streets

In contrast to their pedestrian-oriented cousins, auto-dominated commercial streets are characterized by wide rights-of-way, buildings that are set back far from the street, numerous driveways, off-street parking spaces and automobile traffic. The roads around Tyson's Corner are representative of the auto dominated pattern.

Commercial development along such streets is geared almost exclusively toward attracting auto traffic. This emphasis can come at the expense of a commercial street's appearance and the safety of the pedestrians that do walk along these streets, particularly near transit stops, schools, and other pedestrian-oriented attractions. Rarely are there pedestrian safety refuges in large parking lots, which forces those who are walking—either from parked cars or from the adjacent public sidewalk—to share driving aisles with moving cars. Too many closely-spaced driveways can cause traffic to slow on the adjacent street and make it difficult for pedestrians to walk safely down the sidewalk.

Parking lots along auto-dominated streets are typically located in front of the commercial buildings they serve. Unfortunately, many have minimal or nonexistent landscaping. This not only makes them unattractive, it also provides no relief from heat buildup, which occurs as the sun beats down on a sea of unbroken asphalt pavement. Adding trees and shrubbery along the street and within parking lots makes good sense from the standpoint of the customer and the environment.

Figure 5 Auto Dominated Streets



Auto-Dominated Streets
Auto-dominated streets are characterized by wide rights-of-way, parking lots, numerous driveways, buildings set back from the street—and traffic.

Transitional Commercial Streets

Auto-dominated and pedestrian-oriented streets constitute the most recognizable street types, but they probably constitute the minority. Most streets, including Maple Avenue, do not fit neatly into either of these classes, but rather fall somewhere in between. For example, the Maple Avenue Shopping Center in the northern part of the corridor (anchored by Giant Supermarket), with its deep parking area and numerous driveways, is more representative of an auto-oriented commercial development. Conversely, the small shops around the Vienna Inn are more representative of a pedestrian-oriented development (although there is a parking lot adjoining the Vienna Inn) because their front doors are located on the sidewalk and the parking areas are located to the side or rear of the building.

Figure 6 Transitional Streets



The commercial development anchored by the Magruder's grocery store could be considered a hybrid or transition between the two development patterns. While the grocery store itself and many of the other stores are located around the front parking lot, a number of establishments open directly onto Maple Avenue and parking for these stores is located to the rear.

INFILL DEVELOPMENT EXPLAINED

Infill Defined

As mentioned in the previous section, almost all construction along the corridor will be in the form of infill development. Broadly speaking, infill development can be described as "...development [or redevelopment] on vacant, bypassed, and underutilized land within built-up areas of existing communities, where infrastructure is already in place." While infill development clearly includes non-residential uses, this chapter will focus on the construction of new residential buildings and large additions in predominantly residential settings.

Infill development projects can vary dramatically in scale. The manner in which communities address the various components of the project must vary correspondingly. Many of the issues surrounding the construction of a new house on a vacant lot in a residential neighborhood are different than the issues that must be considered in the redevelopment of a twenty-acre industrial site. Furthermore, the goals of one community regarding infill development may be very different than in another or may vary greatly within a given community. It is apparent from discussions with Vienna citizens and public officials that there is general support for infill development of the commercial areas along Maple Avenue. However, there is not consensus on the degree of change that is appropriate.

It would be incorrect to imply that all infill development is bad, or even unwanted. To the contrary, many communities around the country are exploring different alternatives for facilitating infill and expanding investment in older areas. The simple fact that Vienna is undertaking this study is a testimony to the Town's general support for accommodating reinvestment along Maple Avenue. After all, this area has the existing infrastructure in place to support a vibrant and diverse range of uses that rely on proximity to a major roadway, and because of the nature of their operations are most appropriately sited in this area. Shortened commute times to jobs and shopping can improve quality of life and reduce vehicle emissions. Additional investment and development along the corridor can increase the Town's commercial tax base and reduce the burden on residential property owners. More shopping, employment, and personal service choices could be an amenity to Town residents by reducing the need to travel. In short, infill development, per se, is not the issue under discussion. Rather, the focus here is on alternative regulatory approaches to ensure that new

development compliments the existing community to the extent possible, so as to further encourage and facilitate compatible infill development.

Public Domain

The concept of a public domain is pivotal when dealing with infill development because this is the area where individual property rights intersect with community interests. The public domain can be considered the portions of a development site exposed to public rights-of-way. Typically, this includes the front façade of a structure as well as portions of the side façades, the front yard or street yard of a project, sidewalks, and other features accessible to or visible by the general public. In residential development, this is typically the front of the house and in the yard(s) abutting the street. In larger non-residential projects, this public domain can be expanded to include courtyards, parking areas, open spaces, and other areas accessible to the general public. This list can also include utilities, drainageways, and other infrastructure improvements that are readily accessible by the general public.

Elements of a development within the public domain contribute to the overall atmosphere experienced by the public. These elements may include building design, parking areas, landscaping, seating areas, or any other parts that are seen, and perhaps used by the public, even if a person doesn't even enter the development. Taken together, these elements can create an environment that welcomes the passing traveler and invites them to explore the area or, conversely, can create an unpleasant setting that discourages interest in the area and may even accelerate decline.

STATUTORY CONSIDERATIONS

This section provides an overview of some of the key statutory provisions that may have bearing on the approach the Town elects to pursue. This is not meant to be an in-depth analysis and legal treatise; rather it is merely an introduction into fundamental concepts where a basic understanding is warranted.

Virginia is a “Dillon-rule” state, a term that comes from an 1868 written decision by Judge John F. Dillon of Iowa that maintains that “a political subdivision of a state is connected to the state as a child is connected to a parent.” In Dillon-rule states, localities only have authority that is expressly given to them by the legislature. Conversely, any regulations that require authority that has not been expressly delegated by the legislature may be found illegitimate.

Sections 15.2-2280 through 15.2-2286 of the Code of Virginia grant local governments the authority to develop zoning regulations and create zoning maps that divide the jurisdiction into different zoning districts. The statutes discuss the purposes for which zoning may be used and permitted (or required) provisions in a zoning ordinance. The statutes also provide for the use of special use permits or special exceptions to allow certain uses that may not otherwise be allowed in a given zoning district. In Vienna, these are called “Conditional Uses” and a “use permit” is required.

Special exception permits are to be granted at the time of application for a zoning permit. The zoning ordinance must provide sufficient guidance to the applicant to provide expectations of what sorts of conditions are required.

Special exception permits are generally attached to the lot and the particular use. Generally, a special exception permit cannot be transferred to another lot or use. It is generally accepted that any use that is allowed by right may replace a use requiring a special exception permit.

Sections 15.2-2296 through 15.2-2303 of the Virginia Code address conditional zoning. These provisions have been written with an understanding that conventional zoning regulations relying solely on whether a use is or is not permitted may lack the flexibility needed in certain situations. These provisions have particular importance in the case of the Vienna project because of the very sensitive conditions existing on the ground. For example, commercial zoning that abuts a single-

family residential lot may be allowed if a screen wall is built, but would be unacceptable if the wall were not built.

Conditions must be proffered voluntarily by the applicant and cannot be a mandatory prerequisite to the rezoning. However, there is legal precedent for the establishment of ‘guidelines’ suggesting recommended proffers. The proffered conditions are attached to the zoning district and may be modified or removed only through the rezoning process. The conditions must be in addition to the zoning district requirements and cannot be used to reduce or waive limits. For instance, a proffered condition may not reduce the minimum required setback allowed in a certain district. However, a proffered condition which increases the minimum required setback would be allowed.

CURRENT ZONING REGULATIONS

Vienna’s current zoning regulations have served the Town well since their inception. The general intent of the regulations has been to provide for a viable commercial district while protecting the character and quality of life in the adjoining residential neighborhoods. Subsequently, the character and scale of development in the commercial district is relatively modest.

The majority of the Maple Avenue area under consideration is zoned either C-1- Local Commercial, C-1A- Special Commercial, or C-2- General Commercial. The C-1B, Pedestrian Commercial zone has limited application and is currently used only for properties along a four-block length of Church Street.

COMMERCIAL DISTRICTS DIMENSIONAL REQUIREMENTS

The following table contains the dimensional requirements in the four commercial districts that are found in the Maple Street study area. The C-1B district has been included because it has been mentioned by several stakeholders as a model to be considered for any modifications to the more conventional C-1, C-1A, and C-2 zoning districts.

	C-1	C-1A	C-1B	C-2
Minimum Lot Area	None	None	None	None
Minimum Front Yard Setback	15'	15'	15' ¹	15'
Minimum Side Yard Setback				
Without windows ²	0'	0'	0'	0'
With windows ²	5' ³	5'	5'	5'
Minimum Rear Yard Setback	25'	10'	10'	10'
Maximum Height	35' or 3 stories			
Notes:				
¹ In the C-1B Zoning district, setback requirements may be modified through the use of secondary regulations which contain additional design standards and guidelines.				
² The side yard setback standards require a minimum setback of five feet if the wall facing the property line has windows. The side yard must be a minimum of eight feet if the adjoining property is in a residential zoning district.				
³ In the C-1 zoning district, this side setback must be increased by one additional foot for every additional story of building height over one story.				

As the table reflects, there is little differentiation between the dimensional requirements in the various commercial districts. With the obvious exception of the modified standards provisions in

the C-1B district, the only real dimensional distinction is the deeper rear yard requirement in the C-1 zoning district.

Setbacks

The minimum front yard setback provision of 15 feet does result in a uniform building pattern along the street. However, this does not reflect the existing pattern in some of the older portions of the corridor. Many of the older buildings are built much closer to the street, and in some cases the front wall of the building is right on the sidewalk. Rather than causing these older buildings to be nonconforming, the ordinance waives the front yard requirements for buildings in existence before the adoption of the provision. The net effect is that, as old buildings are replaced, the new structures are located further back from the street edge. This can create a disjointed development pattern along a block.

Proponents of walkable communities argue that pushing buildings back from the street may actually deter people from walking. Often, an empty space between the sidewalk and the front of a building can give the feeling of a “no-man’s land” that is perceived to be less safe than if the sidewalk were bounded by the front of a building or store. Windows and doors give the feeling of “eyes on the street” and that the sidewalk area is being supervised by shoppers and employees working in the buildings. At the same time, a long blank wall, even though it may be drawn up to the edge of the sidewalk, conveys an unsafe feeling- leaving the pedestrian vulnerable and unprotected.

Drawing buildings up to the edge of the sidewalk may also create an unsafe feeling if the sidewalks are too narrow or cars are moving too quickly on the adjoining roadway. Therefore, standards should be crafted to require a minimum amount of transparency (generally at least 50% of the first floor wall) and generally prioritize the pedestrian experience.

Rather than incorporating a proscriptive approach to regulating building design and pedestrian orientation, standards could be in the form of incentives. For example, an incentive-based approach may allow an applicant to draw the building up towards the street in exchange for certain building design features that enhance the pedestrian experience. However, it is imperative that any incentive-driven approaches provide clear guidance to all involved in the process. The last thing anyone wants is a set of standards and guidelines that are either too complex to use, or too general to provide any real direction.

Design features may include: a minimum amount of façade transparency, awnings over the sidewalk (this may require coordination with VDOT if the awnings will be in the right-of-way), planters or benches, wider sidewalks, and other public amenities. By moving the front wall of the building toward the street, the applicant may be able to realize a substantial increase in floor area. For example, on a 50-foot wide lot, this reduction in setback could theoretically garner up to 7,500 extra feet of leaseable space on a one-story building. This figure is doubled on a two-story building. Obviously, other site constraints such as driveways or existing plantings must be factored into the final floor area calculation, but this could still provide a substantial inducement for a property owner who is considering renovating or redeveloping their property.

The Town should consider modifying the “one-size-fits-all” approach of the current regulatory structure. For example, there may be consensus that a 15-foot front yard setback is appropriate along Maple Avenue. However, a front yard setback this deep may be overkill for buildings that front on cross streets or smaller side streets that run parallel to Maple Avenue. Because the area under consideration in this report is relatively small, a more refined approach is possible that allows the community to tailor regulations to the street level. Some communities have adopted zoning regulations that provide variable standards based on the classification of roadway, or even roadway orientation. These provisions could be incorporated into the base zoning district provisions, into a separate overlay zoning district, or into a set of design guidelines that provide tailored tools for the various development areas.

Building Height

One of the biggest areas of concern amongst many stakeholders focused on building height. Local landowners and merchants expressed concern that the 35-foot height limit made expansion or new construction impractical and subsequently stifled investment in the community. At the same time, many local residents and community leaders felt that the modest scale of the buildings created a compelling atmosphere that was appropriate for a suburban residential neighborhood. Some suggested that taller buildings would not complement the character of the community. However, there does seem to be general support amongst the various stakeholders for an increase in height in certain areas where the added intensity would not compromise the surrounding residential areas. Just how much height increase remains to be determined, but there seemed to be general consensus that taller buildings might be appropriate in the portions of Maple Avenue where the commercial

district extends at least one block off of the Avenue itself (in contrast to those areas where the commercial properties abut residential properties).

It should be noted that a 35-foot height limit generally limits commercial buildings to two stories. In many cases, the first floor of a commercial building is at least 12 feet from floor to ceiling. Then there is a one to three foot space for heating and cooling ductwork, plumbing, and other utilities. The second story is generally a minimum of ten feet in height (although this may be reduced to eight or nine feet in the case of residential space). Buildings that attempt to fit three stories into the 35-foot height would likely be considered sub prime commercial space.

As a starting point for the discussion, the consultant team recommends an increased building height limit of perhaps four or five stories in limited areas. This recommendation is based on discussions with elected and appointed officials, staff, and citizens; as well the consultant's understanding of the key issues. The Town

Allow an increased building height of four or five stories in certain areas. Height credit could be an incentive for providing more amenities such as surplus parking. Develop design standards to promote Town character.

may consider using the increased height as an incentive for providing features that would benefit not only the property owner, but the larger community. For example, a builder might receive a height credit in exchange for surplus parking (that would be reserved for the general public) or deeper sidewalks. At the same time, the Town should craft building design standards and guidelines to ensure that these taller buildings are complimentary to the established character of Vienna. These standards and guidelines would not require a particular building architecture or style, but they would provide general guidance that promotes high quality design and construction.

Permitted Uses

During discussions with various stakeholders, there was little debate about the range of commercial (nonresidential) uses permitted in this area. Much time, however, was devoted to the discussion of allowing certain types of residential development along Maple Avenue. Currently, upper story residential uses are allowed "...in a building which is principally occupied and used for other commercial uses permitted..." in the district. It is not clear how the term "principally occupied and used" is interpreted, however it appears that the implication is that residential uses may not occupy more than 49% of a building. Given the value of the land under discussion, any residential development in the area on the properties abutting Maple Avenue would most likely be multifamily

(either rental apartments or condominium) or a mixture of residential and nonresidential development.

Nevertheless, it can be stated with certainty that purely residential structures would be prohibited under the current regulations. Furthermore, it appears that a larger project comprised of a mixture of residential and nonresidential uses in separate buildings would also be prohibited because of the requirement that all buildings must be principally occupied by commercial uses.

If the Town is interested in allowing increased residential and mixed-use development, it may consider modifying the provisions addressing the residential component of a project. For instance, some communities simply allow multifamily as a permitted use in most commercial districts. Or, the Town may consider increasing the percentage of residential that is allowed in a single building. Many communities seeking to promote mixed-use development allow residential on all upper floors of a project provided the ground floor is retail, office, or other commercial development.

REVISIONS TO THE BASE ZONING DISTRICTS

An important question to be answered by this study is, “what can be accomplished by revising the base zoning districts?” This section will provide recommendations and subsequent limitations of simply revising the base district standards with no other changes.

Contextual Standards

Generally, the provisions of a given zoning district apply equally to all properties within that district. For example, all properties zoned C-1 would be subject to the same set of dimensional requirements and standards. However, many communities are starting to develop provisions that allow (or require) new construction to modify certain requirements based on the surrounding context rather than relying on the general dimensional requirements of the underlying zoning district. These types of provisions are called “contextual standards.”

The current Town zoning ordinance actually contains a number of contextual standards that use the surrounding context to establish the requirements. For example, the Transitional District does not contain any explicit dimensional requirements. Rather, these dimensional requirements are based on the zoning of the surrounding residential properties. For example, side yard setbacks for a building

with Transitional Zoning must match the side yards for a building in the adjoining residential zoning district.

The Town could use a similar approach to allow for limited increases in development intensity (height, reduced setbacks). For example, properties that are located within a certain distance of a residential zoning district would be limited to 35 feet in height. However, properties that are separated from a residential district by a certain distance (or perhaps an intervening roadway) would be allowed to use an increased height limit. This approach could be used to address other elements such as minimum yard setbacks.

The drawback of the contextual approach is that it is fairly generic and does not provide much flexibility. Furthermore, crafting contextual standards to address the multiple site conditions existing along Maple Avenue would result in a very cumbersome and complicated set of regulations.

Bulk Plane

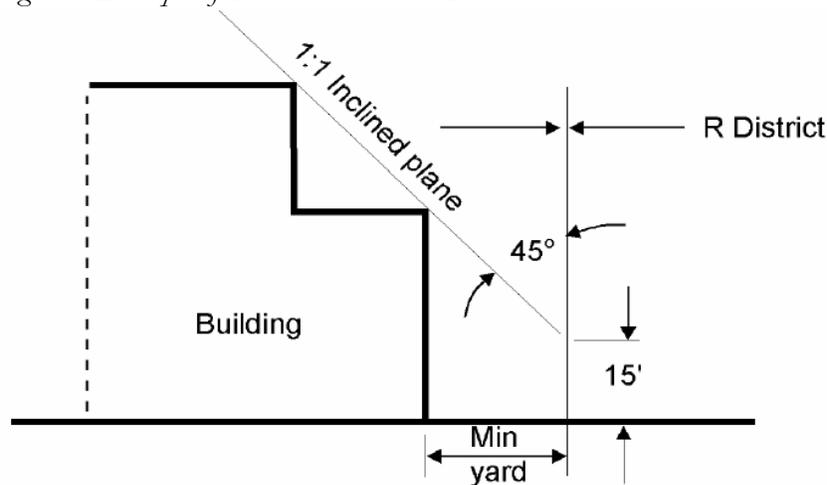
In some communities, maximum building height is controlled by a measurement called the “bulk plane,” which describes an imaginary plane originating at the lot line and extending inwards at a proscribed slope. This standard is often established as a given amount of vertical rise for every one foot of horizontal run or as an angle. This regulatory tool, also known as “sky exposure plane” or “daylight plane” is relatively uncommon in modern zoning ordinances, but is experiencing a resurgence in popularity. In the early 1900s, the design of the Empire State Building and many other early ziggurat-styled skyscrapers was linked to early permutations of the sky exposure plane, which was intended to ensure adequate light and air circulation for pedestrians and residents of large cities where these tall buildings were going up. It is easy to see from the tops of these older buildings the results of this regulation as the upper stories are stepped back from the main mass of the building to essentially form a cone on top of the rectangular body of the building. The City of Fairfax and Fairfax County both use bulk plane to address maximum building height in relation setbacks from adjoining lots.

Conceptually, the bulk plane is a reasonable approach. The larger a lot is and the greater the separation is from adjacent buildings, the less impact the new building will have on surrounding properties. This provides owners of larger lots increased flexibility and opportunity. In practice however, this can be a difficult tool to implement, especially in areas where rectangular lots are not

the norm. It also requires an increased level of effort on the part of the project designer, as well as the person verifying that the design complies with the requirement. This is because the calculation is not as straightforward as a simple height or setback requirement. However, new technology such as computer aided design programs can assist designers and approval authorities to achieve reasonably quick results.

Theoretically, the Town could establish a bulk plane originating at the adjoining boundary between a residential and commercial zoning district. This would allow buildings located towards Maple Avenue (and away from residential neighborhoods) to add additional stories without adverse impacts on residential properties. The figure below illustrates how one community is using the bulk plane approach to mitigate the impact of taller buildings on adjacent single family residential developments. In this case, building height is limited by bulk plane of 45 degrees. If this approach were used in Vienna, the actual numerical standards would be developed following analysis of the existing development pattern and potential impacts of varying building heights.

Figure 7 Example of Bulk Plane between Residential and Commercial



Source: H High-Rise Overlay District: Huntington Beach, California Zoning Ordinance

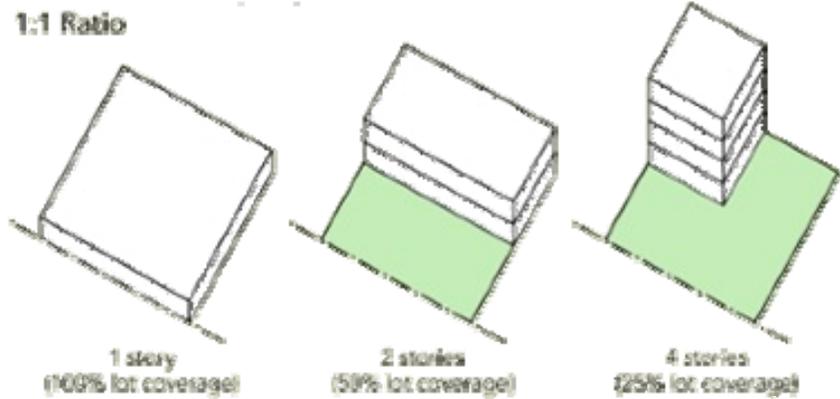
As mentioned in earlier, the bulk plane approach would add a level of complexity to the design and approval process as the maximum height is determined by separation from an adjoining residential district, and would subsequently be different for different lots depending on the distance. The use of Geographic Information Systems (GIS) and other computerized design programs could greatly simplify this process. However, the Town must first have staff trained in the use of GIS and the necessary software to take advantage of this approach.

Building Volume

The massing, or height, width, and overall size of a building is one of the most important factors in determining the compatibility of new construction with the surrounding neighborhood. This is also an area where communities are using many different approaches to regulate building mass and achieve some level of compatibility with existing homes.

Floor-to-area ratio (FAR) is a building area measurement that establishes the maximum floor area that is allowed for a given size lot. For example, a maximum FAR of 1:1 means that total floor area of building can equal the total surface area of the lot. This is a fairly common tool for nonresidential development and some communities are using FAR to control the size of residential construction as well. The following graphic illustrates three different designs that achieve an FAR of 1:1.

Figure 8 Floor-to-Area Ratio (FAR)



Source: Duncan Associates files

One area where there seems to be growing use of the FAR concept is using a FAR ratio to trigger additional standards or review. For example, a community may allow a building with an FAR below a certain threshold to be permitted by right. However, a building exceeding that threshold would be required to go through a more rigorous review process that may even include a special use permit. The presumed purpose being that, a smaller building (with a lower FAR) will have a lesser impact on the surrounding community than a bigger building (with a higher FAR). Therefore, only the bigger project is subject to the more rigorous design review process. This bifurcated approach can result in more streamlined approvals for the majority of applications because they can be handled administratively at the staff level, and only larger buildings with a potential for greater impact are subject to the more time-consuming and costly design review process.

Some have suggested that the Town could establish maximum FAR standards, and provide incentives that would allow an applicant to increase the maximum FAR in exchange for items such as provision of additional parking available to the public or widened sidewalks.

Design Review

Currently, the C-1B Commercial district allows an applicant to modify certain requirements such as yard setbacks in exchange for the incorporation of certain design features into the building. This process is commonly considered *design review*. The Town could expand this program to address other building elements, including increased building height or reduced setbacks in certain circumstances. This design review process may even include a requirement for a special exception permit because of the increased intensity and subsequent potential for external impacts, of the proposed project.

While this wouldn't expressly be a modification to the base zoning district standards, a design review process could be used to provide a two-track approval process. As with the current C-1B zoning district, the applicant would always have the ability to build under the base district standards, however they could go through an optional process that would allow increased development intensity in exchange for a more rigorous set of design guidelines or even a discretionary review process. The Town currently has a fairly general set of architectural design requirements, so adopting additional standards and guidelines is certainly not a new concept. However, provisions allowing increased development intensity or building should be more closely tied to the potential impacts. For example, provisions that allow an increase in building height might address issues such as setbacks from nearby residential properties (to protect homeowner privacy) or maximum height increases over nearby properties (to prevent incongruous development). A more detailed discussion of design standards and guidelines may be found on page 37.

Most communities using such a two-track approval process incorporate thresholds or triggers for determining when or where more intense development is appropriate. For example, the Town could consider allowing increased building heights at certain locations along Maple Avenue or where separated from single-family residential districts by a specified minimum distance. In other communities, the trigger may be a requirement that all projects exceeding a specified amount of enclosed floor area would be required to go through a separate review process. Whatever the trigger or threshold, it should be developed in such a way that it balances increased regulatory guidance

against the impacts on the surrounding area. Smaller projects or projects that, due to their location or design, would have minimal impacts on the character of the community should be subject to a more streamlined approval process to reduce the burden on both the applicant and staff.

Because the existing zoning remains in place, there are typically no legal constraints to using a two-track approach. Provided the conventional zoning process allows the applicant to make a reasonable use of their land, the design review track offers an incentive in the form of greater development potential in exchange for a more rigorous review process.

Parking

Parking is an area where all involved agree that an improved approach is warranted. Many commented on the problems of finding parking spaces in certain parts of the corridor. Much of the problem can be attributed to small lots that are simply unable to provide adequate on-site parking. This is compounded by the shortage of parking alternatives, including on-street parking or public parking. In certain areas, the Town may simply have to invest in public parking facilities. Alternatively, the Town may wish to consider other approaches to meeting the parking requirements for visitors and workers along Maple Avenue.

For instance, the Town could develop provisions allowing an applicant to satisfy their parking requirements through the approval of an alternative parking plan. Provisions could be crafted that would stipulate the parameters for an alternative parking plan. For instance, if off-site parking is to be allowed, the plan could clearly establish the proximity requirements, agreement requirements for shared parking, and other issues.

Alternative Parking Plan Elements

- *Shared parking*
- *Off-site parking*
- *Bicycle parking*
- *Public parking*
- *Carpooling or staggered work hours*
- *Credit for on-street parking spaces*
- *Valet parking*
- *Land-banking of required spaces*

Alternatively a plan could provide more flexible parking requirements by allowing an applicant to change required parking ratios and accommodate parking in less-conventional ways. In order to change the required on-site parking ratios, the applicant would submit an alternative parking plan providing data from an established source such as the Institute of Transportation Engineers Manual justifying reduced (or increased) number of spaces.

Another option is to provide incentives for the provision of surplus parking spaces beyond those needed by the particular project. For instance, if an applicant is willing to provide a given number of

parking spaces that would be available to the general public (over the amount required for the use), then the project may benefit from some sort of bonus such as an increase in maximum height, or, if FAR ratios are developed, an increase in total permitted FAR. Obviously, enforcement could become an issue because the Town must ensure that the surplus spaces are indeed made available to the general public.

If the Town wishes, it may assume a facilitation and collaboration role in the interest of promoting shared parking amongst multiple individual property owners. By undertaking a downtown parking plan, the Town could identify areas where shared parking would be appropriate and provide incentives for property owners to consolidate multiple smaller properties or develop a shared parking facility. These incentives could take the form of fee reductions or waivers, development bonuses, or fast-track approval processes. Alternatively, the Town may wish to strategically purchase properties as locations for parking or participate in public-private partnerships with a goal of ameliorating parking issues specific areas.

MIXED USE ZONING

MIXING USES

Mixed-use development is simply development or a pattern of development that includes a mixture of residential and nonresidential land uses in close proximity to one another. Mixed-use development can be arranged vertically, as in the case of apartments located above retail shops along pedestrian streets or in the form of downtown high-rises that contain a combination of retail, entertainment, office and residential uses within a single building. Mixed-use development can also be horizontal, as in the case of a planned community that contains a mixture of housing, shopping and entertainment and employment uses that are integrated by a connected system of streets and pedestrian routes.

Locating living, shopping, employment, recreation and entertainment uses within a short walking distance may produce many benefits. Mixed-use development can help reduce reliance on private automobile use because of the options it affords people to walk, cycle or use transit as a means of reaching their destination. Reducing auto reliance allows independence of movement, which is particularly important for children and older persons. Lower rates of auto use can also help reduce traffic congestion and air pollution.

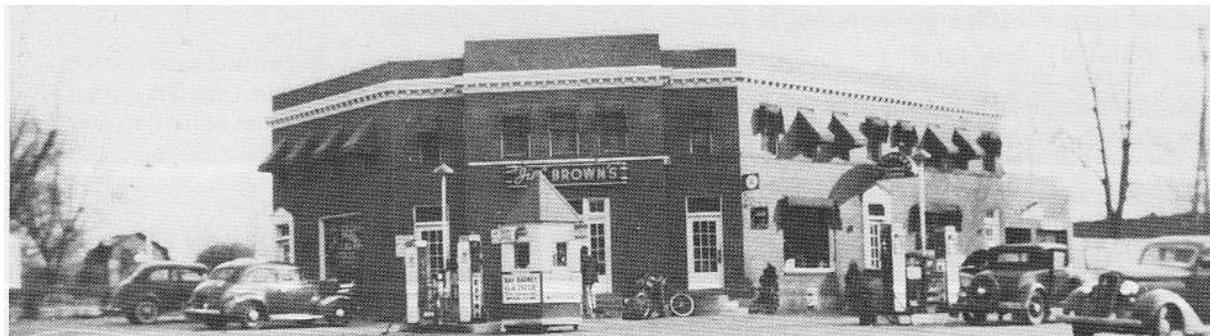
Mixed-use development can create excitement and vitality within neighborhoods. The presence of mixed-uses may promote pedestrian activity and interaction among community residents. More street life brings with it greater safety due to the presence of people and “eyes on the street” at all hours of the day.

Mixed-use often means more housing choice and variety than is commonly present in single-use residential or commercial developments. This choice can mean greater access to housing for people of different age groups, incomes and lifestyles.

There is nothing particularly exotic or unusual about mixed-use development patterns. Mixed-use patterns—typically in the form of shops at street level and apartments above or corner stores in residential neighborhoods—have been a common feature in cities and towns through history. Typically, this mixed use took the form of a street level lined with various retail shops and other commercial uses. Offices, apartments, and other uses were often located above. Unfortunately, in

the mid-20th century several forces conspired to render mixed-use development an endangered species.

Figure 9 Mixed Use Building at Intersection of Maple Ave and Park St.



Source: “This Was Vienna, Virginia” Connie P. and Mayo S. Stuntz, 1987.

The building shown in the figure above is typical of a 1930’s mixed-use building. According to the historic retrospective “This Was Vienna, Virginia” by local historians Connie P. Stuntz and Mayo S. Stuntz, the *Faulkner Building* as it was then known was designed as a “one stop service center – gas station, garage, grocery store, a drug store, a lunch room with soda fountain ... a barber shop, and a beauty parlor. On the second floor were three apartments” (Stuntz, 1987). So, the concept of mixed use development would not be new to Vienna. While most current planning professionals would argue that garages, gas stations, and apartments are not the ideal combination to have in a mixed use project, the roots of mixed-use development are there.

Critics are quick to pin the blame for the demise of mixed-use development patterns on ill-conceived zoning policies. In fact, local zoning policies did begin the shift away from supporting mixed-use development in the mid-1950s, but rising auto ownership patterns, declining financial support for public transit, highway building policies, population flight to the suburbs and urban renewal policies also share a good part of the blame.

Thanks to proponents of New Urbanism, population movement back to cities, and the readily apparent failings of exclusive-use zoning, mixed-use development may be on its way off the endangered species list. One of the tools used to help facilitates this rebirth is mixed-use zoning.

HOW WOULD MIXED USE ZONING BE IMPLEMENTED IN VIENNA?

Arguably, the Town already has mixed use zoning. Since residential is allowed in all commercial districts, little change is needed to meet definition of the term “mixed use zoning.” However, a number of modifications would be warranted if the Town wishes to develop a district that truly emphasizes pedestrian oriented development and a mixture of uses.

Typically, mixed use zoning districts only allow those uses that are compatible with residential development. Traditionally, the range of uses compatible with residential includes small to medium sized retail, personal services (such as a hair dresser or dry cleaner), studios or galleries, and office uses. Incompatible uses generally include large retail stores, auto-oriented uses (such as garages and gas stations), most uses with large outdoor storage requirements, and most industrial uses. One of the key elements of many mixed use zoning provisions is that they (attempt to) mandate a use mixture requirement. For instance, the zoning ordinance may require that a minimum amount of each project is occupied by residential uses, or may state that no single use type occupy more than 80% (or other proscribed amount) of the total project.

Mixed use district provisions often address many elements of building form. For instance, a mixed use district may require buildings to be drawn up to the edge of the sidewalk, or have awnings, arcades, or other features that act as pedestrian amenities. Additionally, many mixed use provisions contain requirements for public space, pedestrian connectivity, parking location, and other site design considerations that aim to promote the pedestrian experience over the automobile.

In order to develop a mixed-use zoning district for Vienna, agreement must be reached over the types of uses to be allowed in the district. The Town must also reach consensus on the appropriate levels of development intensity for the new district.

Because many of these project design and development intensity issues extend throughout the Maple Avenue business district, and are not solely limited to mixed-use development, the consultant team recommends that the Town consider one or more of the other alternatives presented in this discussion. It is the consultant team’s opinion that provisions addressing allowable use mixtures could be adequately incorporated through any of the other three approaches. However, if the Town decides that it would like to have mandatory use mixture requirements, as are found in many mixed

use zoning regulations, or if the Town would like to create a new district that prioritizes pedestrian oriented development- then a new mixed use district or districts may be appropriate.

OVERLAY ZONING DISTRICTS

WHAT ARE OVERLAY ZONING DISTRICTS?

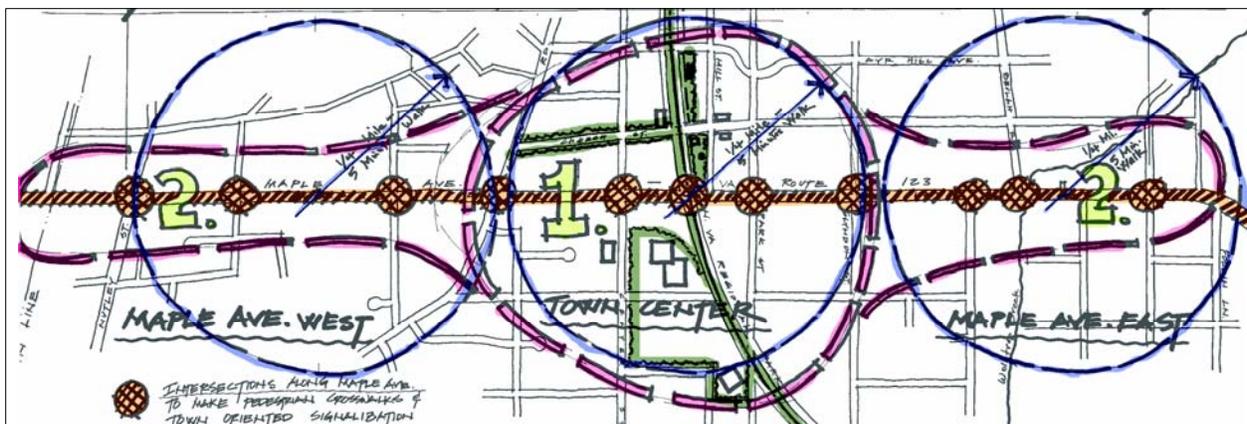
A zoning map divides a jurisdiction into separate “zones” or zoning districts. Each of these districts has a set of requirements that applies to all properties and projects within that zoning district. These are commonly referred to as “base districts” or “underlying zoning districts” because they provide the basic standards for development within the district. A given zoning district may be used in multiple parts of a city or town and do not necessarily need to be contiguous. For example, a city’s zoning map may show a given zoning district applied in many different parts of the city.

Overlay zoning districts are, as the name implies, additional zoning districts that are superimposed on top of a base district. Commonly referred to as “overlay districts,” they contain standards that are to be applied in addition to the standards contained in the base district. Overlay zoning districts are used to provide additional guidance for areas where an increased level of regulatory guidance is required. Overlay districts are frequently used for areas such as flood-prone areas, historic neighborhoods, economic redevelopment areas, scenic corridors, and other areas requiring localized regulatory refinement. It is possible to have a base district without an overlay district, but not an overlay district without an underlying zoning district. Generally, overlay districts should not be used in cases where the overlay modifies the standards of the base district to the point where the base district is irrelevant. For example, an overlay that modifies the range of allowed uses such that only one or two of the uses allowed in the underlying base district would be allowed in the overlay. In this case, a new base district is likely a more effective approach. However, if the overlay district addresses elements such as site and building design, access and connectivity, transitions to adjoining areas, or other factors that are dependent on the geographic location of the overlay, this approach is reasonable.

HOW WOULD OVERLAY ZONING BE IMPLEMENTED IN VIENNA?

Overlay zoning along Maple Avenue may make sense if the Town wishes to see varying development patterns along different portions of the corridor. For example, overlay zoning districts may be an appropriate method of implementing the three different development nodes proposed in the 2001 “Vision Vienna” workshop summary report. It appears from the report and subsequent discussions with stakeholders that there is general consensus on a moderate increase in development intensity in the “Town Center” development node as illustrated in the figure below.

Figure 10 'Vision Vienna' Development Nodes



Source: Vision Vienna: Report of the Vienna Town Workshop (November 1-3, 2001)

The Town could consider crafting an overlay district containing the pertinent standards and design guidelines for development in the Town Center development node. Because many of the permitted uses would likely not change, the overlay standards would likely address issues of building form and matters related to interfaces with the adjoining residential areas. Operational standards and guidelines are often included that address issues such as hours of operation (including loading and unloading), outdoor lighting or display, waste handling, and other elements that are important in certain situations but may be irrelevant in many areas of the base zoning district. Since an overlay lends itself to a more refined approach than a general base zoning district, provisions could be crafted that address issues down to the street or even block level.

Perhaps one of the most important aspects of overlay districts, is that they could be applied across a number of base zoning districts. Therefore, the underlying zoning may not need to change if the Town is satisfied with the general range of uses currently in place. The Town may even consider an

overlay as an alternative development pattern, whereby a property owner may petition for rezoning to an overlay zoning district in exchange for greater development potential. Because a rezoning would be required, the applicant might propose additional conditions on the rezoning due to extenuating circumstances of the site in question.

In many ways, overlay districts and form-based zoning districts can function in a similar fashion. In fact, a form based district can be considered a specialized overlay zoning district. The primary difference is that the form based approach places increased emphasis on the up-front planning the development pattern for a given geographic area, and contemplates a fairly specific build-out scenario. Standards and guidelines typically address development on a block-by-block, or even parcel-by-parcel basis. Simultaneously, form based codes typically offer greater use flexibility than conventional zoning.

Although overlay districts allow communities to tailor regulations to the unique conditions of an area, they have the potential to add complexity as well. Because the overlay district effectively modifies the requirements of the underlying base district, what is allowed in one part of the base district may not be allowed in another where the overlay is applied. This can add confusion for both applicants and review staff as they contend with two sets of regulations. Therefore, it is crucial that any newly developed overlay provisions reflect the general format, language, and organization of the base zoning regulations. This becomes even more important in cases where multiple overlays are developed. Care should be taken to avoid multiple overlays on a single property or area, as the potential for inconsistency or confusion is only compounded.

FORM BASED CODES

WHAT ARE FORM BASED CODES?

Form-Based Codes are (another) one of the land development regulatory tools under consideration for the Maple Avenue corridor. While these codes are receiving a lot of positive attention, there are also several misconceptions, such as the idea that a form-based code “equals” density. In fact, simply defined, a form-based code is a method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through town or city regulations.

Another misconception is that form-based codes restrict creativity or dictate style. In fact, form-based codes typically include fairly strict standards for those items that are considered fundamental to creating good places, such as the location of the building on the lot or the requirement that buildings have windows and doors along the sidewalk. But most of the standards establish broad, flexible parameters, such as a range for building heights and broad allowable uses, with the expectation that building uses will change over time.

Although form-based codes are most frequently used to produce traditional urban development patterns or forms, they can in fact be used to codify any physical form that a community desires—including strip malls and subdivisions built around cul-de-sacs. The most important feature is that they are tied to a specific urban form. Before deciding to draft a form-based code, the community should already have a detailed vision in place, or be prepared to undertake the detailed visioning and planning work that must be in place before developing the code.

Based on these concepts, there are several factors to review when considering a form-based code.

Under what scenario would a form-based code be recommended or appropriate? When discouraged? Form-Based Codes are an ideal tool at two ends of the development spectrum, but may not make much sense for many scenarios in between. To date, municipalities are most commonly using these codes:

- to incentivize redevelopment, particularly where the desire is to fundamentally change the physical character of a place, such as changing an auto-oriented commercial corridor into a pedestrian-oriented town center;

- to promote smart growth or traditional development patterns in greenfield areas;
- to protect a historic district by strictly regulating the form and character of infill development.

If the goal is basically to maintain the status quo, both in the type of development and in the review and approval process, a form-based code would not make a lot of sense.

HOW ARE FORM-BASED CODES DEVELOPED AND IMPLEMENTED?

The development and implementation of form-based codes are intertwined. Because form-based codes contain a fair amount of prescriptive detail, typically based on an upfront public visioning process, their development tends to be labor intensive (and therefore relatively expensive) on the front end. The coding work may quite literally be done on a block-by-block—if not parcel-by-parcel—basis. (This is the primary reason that most of the form-based codes developed so far have been for special districts rather than city-wide ordinances.) At a minimum, writing a form-based code requires a level of public consensus. They cannot/should not be written in the abstract or simply borrowed from another community—they are, quite literally, site specific.

The implementation is typically accomplished just like a re-zoning. The new form standards replace the former zoning districts, based on the adopted regulating plan. However, some communities choose to adopt an optional or parallel form-based code. The preparation of the code remains the same; the difference is that a property owner can choose to use their existing by-right zoning or the new form standards. Typically, the only way an optional code makes sense is if: 1) the by-right zoning is practically unbuildable, or 2) there are incentives for using the new code, such as a streamlined or expedited review and approval process, development bonuses, or less onerous standards for items such as parking.

If a form-based code is well written, some initial staff time will be required to learn the new system, but the actual administration should be less time consuming. There are fewer overall standards, and those that remain are more precise and should therefore require less discretionary or subjective review. Either the project meets the standard or it does not.

LEGAL CONSIDERATIONS FOR FORM BASED CODES

Form-based codes are being adopted in localities across the nation, relying on the same “police powers” as conventional zoning. To date, none have been challenged in court. In order to avoid any ambiguity, a couple of states have passed legislation to expressly enable form-based codes or the closely related “traditional neighborhood development” ordinances.

In the example of the Columbia Pike form-based code, Arlington County made the decision to use an optional or parallel code early in the drafting process. Politically, this enabled the new code to move through the County adoption process in an expedited fashion, with virtually no opposition. (At the County Board meeting when the vote was taken, approximately 30 citizens spoke in support of the new code, with only one in opposition.) Legally, all of the existing zoning (and therefore property rights) remained in place. The new form-based code is only applied when an individual opts to use it to redevelop a property. Property owners can still choose to develop using the conventional zoning standards, although virtually impossible to build under due to a variety of constraints. Since the code was passed in early 2003, none have chosen to follow the “by-right” process.

A well-written form-based code avoids aesthetics and other subjective issues. The architectural standards within the code typically address those elements that directly affect the way a building functions in a given context, such as requiring windows and doors on the street. The standards may also regulate exterior building materials as they relate to quality, durability, and local context and character.

DESIGN STANDARDS AND GUIDELINES

Throughout this feasibility report, there are numerous recommendations for the development of design standards and guidelines. Whereas zoning has traditionally addressed the use of land, design standards and guidelines are often crafted to regulate the overall form of a building and its relationship to surrounding properties. It is important to note that design regulations do not necessarily promote or require a specific style of architecture. In fact, regulations that mandate a particular architecture are illegal in Virginia if they are imposed outside of a historic district. Additionally, overly proscriptive design standards would stifle creativity and could result in a monotonous building pattern along Maple Avenue.

Design guidelines would not be new to Vienna. The existing C-1B zoning district allows applicants to use the conventional district standards, or select an ‘alternative compliance’ track where a project is allowed a moderate increase in development intensity in exchange for additional building design requirements. In the case of the Church Street corridor, these design guidelines address elements such as building articulation, window transparency requirements, parking location, and other project features that promote a pedestrian environment.

A similar approach along Maple Avenue would allow property owners and developers increased development flexibility, while promoting a walkable community and enhancing streetscapes. A regulatory environment that allows for alternative design approaches and a moderate increase in building size would promote reinvestment in the Town and the redevelopment of currently underutilized properties. At the same time, design regulations that advance a pedestrian-oriented development pattern could provide residents of the surrounding neighborhoods with amenities that are currently lacking, largely because much the current development pattern is unwelcoming to pedestrians.

Well-crafted design guidelines and standards provide clear guidance to both the applicant as well as individuals charged with reviewing the application. New guidelines and standards for Vienna would require a three step process, briefly summarized below:

- 1. Analyze the Existing Context**

Analysis would include studies of urban form, space and building typologies, lot types, and local character. The study of an urban environment would include all the characteristics that

make Vienna what it is – street layout, public spaces, massing and orientation of buildings, building design, lot layout, interconnections with surrounding neighborhoods, and other characteristics. These studies are needed in order to understand the character of the existing areas and the valuable lessons to be learned for new developments or the rehabilitation of existing areas. In some cases, it may be decided that the existing development character is not what is desired, and a new direction should be forged. For example, much of the existing development pattern is oriented towards the automobile, to the detriment of the pedestrian- in which case certain character aspects may be modified to encourage a more walkable environment. Regardless, it is important to develop a baseline so that we may better determine where we want to go.

2. Establish a Vision

Visioning is based both on the continuation of existing traditions or character, as well as any new direction that the Town wishes to pursue. This vision would include narrative and graphic descriptions of the desired character espoused by the community.

The visioning process would involve significant discussions with the many different users of Maple Avenue. Owners and tenants of current businesses and properties along the corridor are one obvious group.

These are the individuals who would be most directly impacted by the regulations, therefore their participation is crucial. Residents of the surrounding neighborhoods are also an important constituency, as Maple Avenue is their ‘downtown’- and any changes to the corridor should incorporate their values and goals. Community leaders and Town staff are another key group. Collectively, they provide a comprehensive understanding of Vienna and would be charged with implementing any new regulations.

The ‘Vision Vienna’ process and report (November, 2001) provides an excellent foundation for much of the visioning work that is needed. For some areas, all that may be needed is confirmation of the existing goals and policies. Other areas may require more refinement if the Town wishes to accommodate taller buildings or promote an alternative development character.

3. Implement the Vision

Finally; the implementation program should follow established premises and guidelines established during the visioning process. This would likely entail crafting provisions that would apply only to projects seeking alternative compliance, as well as regulations that apply

to all redevelopment. A key part of the implementation phase is determining the appropriate review paths. Certain requirements may be most appropriately reviewed at the staff level, while others would involve review by the architectural review board, planning board, or perhaps another body established for the specific purpose of reviewing applications in the commercial districts.

In general, the design regulations should promote a balance between continuity with the established context and accommodating new, creative design approaches. This can be accomplished by defining the key features that underlie the setting, then by clearly defining the urban design goals for the area and finally describing the principles that would apply.

CLOSING

Maple Avenue's qualities reflect the overall health and attractiveness of Vienna as a place to live, work and recreate. It is important therefore that Maple Avenue be poised to maximize its economic potential while preserving its intrinsic character and also contributing to the overall livability and quality of life of the Town at large. Any regulations promulgated in the area must promote the following key principles:

- Stimulate higher quality design
- Strengthen a distinct sense of identity
- Allow appropriate redevelopment
- Ensure that new development complements and enhances the established character
- Recognize and address the edges of the commercial areas at nearby neighborhoods
- Enhance the pedestrian experience
- Provide clear guidance to applicant, staff and Town officials, and the community at large

This report has focused on four different regulatory approaches that Vienna may consider as it decides how best to accommodate investment and redevelopment along Maple Avenue. It is difficult to point to one approach and say definitively, "This is what Vienna must do." The final solution will most likely incorporate elements from all four.

As mentioned in the opening of this report, a number of outstanding questions remain:

- Should new regulations promote/allow change and redevelopment, or preserve existing development patterns?
- How much of an increase in building height and intensity is appropriate?
- Is mixed-use (or increased residential) development desired in the target area?

If the Town elects to maintain the status quo, then a minor tweaking of the current zoning regulations may be the extent of regulatory changes. Under this scenario, modest changes could be made to the ordinance to allow some additional development flexibility, but the general review and approval process would be relatively unchanged from the current program.

If the Town decides that some change is appropriate, but does not necessarily have a clear vision for what that change should look like, modifications to the base zoning districts combined with drafting new overlay zoning districts may be in order. Using this approach, standards and guidelines could be crafted that would allow for increased development intensity. Regulations would focus on the impacts of potential projects on the surrounding neighborhoods. By using an overlay zoning district, the rezoning process could be used to ensure that new projects provide adequate safeguards to protect the existing residential character. Design guidelines could ensure compatibility between different types of development and make certain that new development fits into the established neighborhood (commercial as well as residential). In the case of Vienna, design regulations could be developed which would allow increased design flexibility and intensity, while ensuring that new developments compliment the existing pattern of development along Maple Avenue, as well as promoting improved pedestrian circulation and integration with the surrounding neighborhoods.

However, if the Town wishes to forge a clear vision for the future development pattern along Maple Avenue, and develop increased regulatory guidance in exchange for a more streamlined (and typically administrative) approval process, a form-based code for the entire corridor may be appropriate. A form-based code would require the Town to develop a guiding regulatory plan for Maple Avenue. Following development and approval of the regulating plan, applications that are in conformance with the plan requirements could be approved administratively.

APPENDIX

Town of Vienna, Virginia

Summary of Kickoff and Public Workshop

5/16/06

Miscellaneous

- Three zones (identified on concept plan from Maple Ave charette held in 2001) don't have to be the same. Central zone should have more intensity than the other two zones.
- Some people are opposed to change
- Why is the study limited in area to the "town center"? Don't separate the area when commercial extends beyond study area.
- Many retailers are leaving Vienna (why? No market? Rent too high? Retired?)
- Local stores are important. Keep unique stores.

Parking/Transportation

- Not enough parking!
- Conflict between transportation corridor and "main street"
- Consider tunneling 123
- Lack of coordination and connectivity between uses results no more one-stop shopping. Woman commented that she "dreaded running errands"
- Need more shared parking.
- Reduce curb cuts!
- Business owner's perspective on parking is different (discussion of parking in the rear vs. front).
- Problem with the physical coordination of stores and shopping choice

Building/Site Design

- Consider increase in max. height in exchange for wider sidewalks (gave example of the Church Street development having sidewalks that are too narrow, building looms over pedestrians and there is no room to walk)
- Consider 4-6 story mixed use buildings with ground floor retail and office/residential above.
- Marco Polo project description (architect and owner present)
 - a. Eight stories (verify)
 - b. Mixed use facility
 - c. Internal access and parking underground. Surplus parking for adjacent uses
- Architectural compatibility important.
- Current height limits don't accommodate mechanical equipment (elevator shafts, HVAC, etc).
- Need to increase height limits in order to compete with surrounding communities
- 80% of lots are nonconforming (verify)
- Current regulations take land off of tax map because it can't be effectively redeveloped.

- Giant shopping center is underutilized.
- Single structure lots are a waste of land
- There is a conflict between tenant and property owner (concerning rent, incentive to improve property, etc.)

Use

- Want to “stop, walk, and shop”
- Consider limiting drive throughs, etc.
- Increase housing choice and opportunities. Need housing for seniors and young people. Some want a place that they can “lock and leave” to go on vacation without worrying about mowing, etc.

Town of Vienna, Virginia

Summary of Meeting Notes with Elected and Appointed Officials

5/22/06

Edythe Kelleher (Council)

Problems with parking in certain parts of town

Minimum F.A.R. requirements to prevent big box stores (limit this to large parcels only to prevent hardship for small pieces of land?) Increases in FAR require conditional use permit...

F.A.R. incentives to encourage combination of lots, public parking, redevelopment (e.g. old Anita’s restaurant- There is little incentive for them to redevelop the site due to parking requirements[small site, not enough parking, etc.]

The area doesn’t currently have any problems, but they want to prevent decline of retail (see the Fairfax County Redevelopment Overlay District)

OK to have residential along Maple Avenue, it just needs to be designed and located appropriately

Like the idea of 4 stories by right in certain areas, additional height with conditional use permit.

Lorie Cole (Council)

Likes Whole Foods adaptive reuse of hardware store

Problem with parking in eastern/southern part of town

Measure building heights relative to the street, not necessarily the average lot grade. Some lots have a steep slope which makes using the average lot grade result in tall buildings (e.g. Eckerd’s pharmacy).

Need to regulate uses based on the amount of parking that can be located on the site (small lots across from Giant don’t have much room for parking). How can these sites be encouraged to cooperate on some sort of parking structure (or can we use available parking across the street at the Giant)?

Lots with significant setbacks (e.g. Giant) make folks feel like they’re in no man’s land/vulnerable. However, don’t want 100% build-to. Important to retailers to let customers know that parking is

available and where it is located (if not out front). Used the example of the Magruder's development.

Residential above retail is ok, but not sure about wholly residential structures.

Limit buildings to 4 or 5 stories when not abutting single family

George Creed (Planning Commission/Maple Ave. Vision Committee)

Vision Committee developed seven different lot typologies based on lot size and depth, location along Maple Avenue, abutting uses, etc. (he is going to try and find that information for us).

Divided the corridor into three different 'areas' (reflected in Vienna Vision document)

South of Lawyers mostly office condo.

Most retail/service commercial is between Lawyers and East (center section)- this is the area most appropriate for more height and intensity

Wants to see buildings drawn up to the street, more pedestrian friendly streetscape

Crossing Maple Avenue an unpleasant experience (need crosswalks south of Lawyers)

Talked about reducing number of curb cuts

Jane Seeman (Mayor)

Mostly discussed parking issues. How to encourage shared/structured parking in block containing Vienna Inn. Parking structure with retail/office/residential wrap.

Parking structure on Town Hall site?

Incentives to encourage landowners to provide public parking.

Ok with residential along Maple. Not too much and no purely residential buildings.

Maude Robinson (Council)

Consider increase in height (above three stories) in areas not abutting SFR.

Vienna character is defined by SFR

Consider residential condos between commercial and residential uses (e.g. if Giant parcel were redeveloped)

Not sure about townhouses or rowhouses

Why would someone want to live above a store

Don't want flavor of the day

Concerned about current businesses. Don't make it harder for them

Feels that Maple Avenue doesn't necessarily 'look' good, but it is a perfectly functional and serviceable commercial area

Anita's site needs to be fixed

Need more parking downtown