



## MEMORANDUM

**To:** Mayor and Town Council

**From:** David B. Levy, Director of Planning and Zoning  
Kelly O'Brien, Deputy Director of Planning and Zoning

**Date:** March 17, 2023

**Re:** March 24, 2023, Code Create conference session: *Article 5 - Development Standards – Commercial, Industrial, and Mixed-Use*

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### **Recommended Reorganization of Article 5 (and Article 4)**

This memorandum provides a summary of the attachments provided for the Town Council's discussion during the March 24, 2023 conference session agenda item on Code Create. Staff proposes that this session focus on a discussion of the latest draft of *Article 5 – Development Standards – Commercial, Industrial, and Mixed-Use*. (Below is a brief discussion of a potential change in the name of the article.)

The organization of this article reflects an recommended change to what the Town Council received in the previous draft. In that previous draft, which was discussed in March 2022, development standards for townhouses, duplexes, cottage courts and multi-unit residential were combined in Article 5 with these other types of development that are not residential, or not exclusively residential.

In preparing the updated draft, staff reviewed comments made by the Town Council and Planning Commission in March 2022 and did our own analysis of the standards that apply to each use. Staff now strongly recommends that the standards for residential-only development not be combined in the same article with commercial, industrial, mixed-use, public and institutional development because the standards are very different. As such, Attachments 2 and 3 of this report are staff's recommendation for the content (in two parts) of Article 5.

Staff further recommends that the residential-only components of the previous draft of Article 5 be moved to Article 4, which Town Council reviewed in its last Conference Session and is now only focused on single-unit detached standards. There will be differences between the standards for single-unit detached and these other residential-only developments, but staff believes that the structure holds together better and will be easier for customers to navigate when all the solely residential developments are together in one article.

If the Town Council agrees with this approach, staff will bring updates to the proposed standards for these residential-only developments to a second conference session on Article 4 in the very near future.

In addition, if the Town Council agrees with this approach, staff suggests that the name of Article 5 be changed to reflect the inclusion of public and institutional uses in this article. Those components have

always been part of the article but they have not sufficiently been noted in the title. Staff suggests a new name of *Article 5 – Commercial, Industrial, Mixed-use, Public and Institutional*.

### **Updated Draft of Article 5**

Features addressed in this article include accessory structures, outdoor lighting, parking, fences, walls, sight triangle, signs, and tree canopy coverage. (As a reminder, heights, setbacks and other dimensional standards are in Article 2.)

The first version of Article 5 was presented to Town Council at a conference session on March 31, 2022. The attached drafts are the first version in this format and second round of review of this material.

The following attachments are provided for Council’s review and discussion:

### **Attachment 01 – Cover Memo for March 24 Conference Session**

This cover memorandum introduces the topic and provides background on the attachments.

### **Attachment 02 – Article 5A – Development Standards – Commercial, Industrial, and Mixed Use**

This article includes regulations for commercial, industrial, and mixed-uses, including commercial buildings with upper-story residential.

### **Attachment 03 – Article 5B - Development Standards - Public, Institutional, and Community Uses**

This article includes regulations for uses listed under “Public, Institutional, and Community Uses” of the Principal Use table in Article 3. These uses generally include parks, government buildings, religious assembly, schools, and utilities.

### **Attachment 04 – Excerpt of Article 3 – Uses and Use Standards**

In an effort to simply and reorganize the development standards, edits were necessary to the Principal Use Table in Article 3. Specifically, some of the uses previously listed under the subcategory of Public, Institutional, and Community Uses were moved to Commercial as that was a more appropriate category as it relates to development standards. The following uses were moved to Commercial:

- Adult Day Support Center
- Child Care Center
- College or University – This use was changed to College or Technical School with the intent of a use most likely found in office space and not a full campus.
- Continuing Care Facility – While this use does serve the public, it is at its roots a service that customers pay for.
- Convention or Conference Center – This use was changed to Event Space.
- Funeral Home or Mortuary – Also an important use for the public, however also a service that customers pay for and is often found in commercial districts.

- Indoor Recreational Uses – This use had “, Private” added to the end and is intended for commercial indoor recreation. Public indoor recreation would be included in Community Center or Government Use.
- Medical Care Facility – In Vienna, this use is mostly urgent care facilities, not a full hospital, which is often found in commercial districts.
- Wireless Facility – This use was moved to the Accessory Use table as it is often antennas placed on an existing structure. A stand-alone wireless facility would be considered a Utility Facility.

Other items for Council discussion that are shown in this edited excerpt is removing the special use permit process and reverting religious assembly and schools back to conditional use permits. As requested during a previous conference session, the Data Center use has been removed.

#### **Attachment 05 – Draft Table of Contents**

If Council is supportive of this new division of Articles, the Table of Contents would be updated accordingly. An option for Article 4 is for 4A to be for single-unit detached and 4B for multi-unit attached. The other uses, in Article 5, would be grouped as 5A for commercial, industrial and mixed-use, and 5B for public, institutional, and community uses. An alternative approach would be for all articles to be renumbered 1 through 11, instead of the 1 through 9 as currently proposed. In that alternative, the multi-unit residential uses would be its own article and public, institutional and community uses would be its own article.