

## MEMORANDUM

To: Honorable Mayor Colbert and Town Council Members  
Chairman Kenney and Planning Commission Members  
Mercury Payton, Town Manager  
Cindy Petkac, DPZ Director

From: Sean Suder, Lead Principal

Date: August 23, 2021

Re: Town of Vienna Non-Residential Zones, Standards and Uses Codification

The next substantive step in the process to clarify, simplify, reorganize and update the Town of Vienna zoning and subdivision ordinances is to codify specific development standards for each zone and district along with generally applicable development standards. On December 3, 2020, the Planning Commission and Town Council held separate work sessions to review and discuss revisions to the Town's residential standards, followed by working sessions of the Planning Commission and Town Council on February 3 and 4, 2021, and followed by working sessions of the Planning Commission and Town Council on May 26 and 27, 2021.

At the August 31, 2021, and September 1, 2021, work sessions, we will focus our attention on the following:

- Article 2 – Non-Residential Zones and Districts (Draft Review and Discussion)
- Article 3 – Uses and Specific Use Standards (Draft Review and Discussion)
- Article 5 – Non-Residential Development Standards (General Discussion)

As we have previously discussed, the non-residential zones present the greatest opportunity for noticeable and impactful change in Vienna. For example, new gateway districts will better guide development patterns along Maple Avenue at the Town's east and west borders. A new Avenue Center district will apply the pedestrian-oriented principals of the Church Street district to strengthen the Town's core. The zoning of the existing light industrial area adjacent to the Town center will more robustly respond to new opportunities for a trail-oriented maker district where creativity thrives, innovation happens, and small-scale production occurs.

Updated, modern, easy-to-use and administer zoning districts particularly calibrated to desired development patterns and character, along with a modern list of uses, will enhance the quality of development and life for Vienna's residents and businesses. Following your direction and the community's feedback on a new set of non-residential districts, we have calibrated and begun codifying a set of non-residential standards. And we are in the process of calibrating and codifying general non-residential development standards, including parking, lighting, signage, and landscaping. We will discuss the general elements of Article 5 at the upcoming work sessions with more in-depth work sessions to follow specific to that section of the UDO.

## **Guiding Documents**

The following is a refresher on the guiding documents for this project:

Zoning standards should reflect the goals adopted in the Town's Comprehensive Plan. The goals in the Comprehensive Plan as affirmed by Town Council for this project are directly relevant to the Town's non-residential areas:

- Maintain the balance of land uses.
- Encourage a vibrant Central Business District.
- Create a more walkable and bikeable Vienna.
- Be consistent with the goals as set forth in the Transportation chapter, as well as other parts of the Comprehensive Plan, as applicable

The September 2020 Zoning Diagnostic Report concludes, among other things, that:

- The principal permitted uses in the commercial zoning districts and the CBD are outdated and should include uses desired by the community and the market.

The Report recommends the following actions:

- Promote flexibility in minimum off-street parking requirements by waiving them for smaller renovations, additions, and/or adaptive reuse projects in select districts.
- Incorporate more robust shared parking regulations for select overlays or subdistricts that promote flexibility in the minimum off-street parking regulations when certain conditions are satisfied such as shared parking plans, in-lieu payments, and bicycle parking.
- Incorporate modern uses to increase interest in and demand for the commercial district, such as co-working spaces, makerspaces and breweries and distilleries. The permitted principal uses in commercial and mixed-use districts should also be updated to allow for temporary uses under specified conditions.
- Craft updated parking regulations that are applicable to the commercial districts and expressly account for publicly available off-street and on-street parking near businesses.
- Reconsider the Maple Avenue Corridor as a series of nodes and villages within a Town so that it can be calibrated in a more granular fashion and avoid a monolithic one-size-fits-all corridor style approach that the Town seeks to avoid.
- Implement a transportation demand management (TDM) program to encourage multimodal travel and otherwise support development that furthers goals of the Comp Plan. Consider TDM program elements that apply to new development, as well as to large employers and other institutions. (Source: Nelson Nygaard)

- Require bicycle parking and long-term storage facilities in multifamily residences and commercial/office uses.

Our initial conclusions were informed by a review of background materials, including all previous plans, reports and comments related to the Maple Avenue Commercial (MAC) zone, and supported by comments provided by the Town Planning Commission and Council at the project kick-off meeting on September 23, 2020. Our conclusions should not be viewed as criticisms, but as a challenge to the Town to calibrate a built form and uses that strike a balance to achieve these important goals. This is an iterative process that is most effective when there is robust feedback and input that informs the process.

To that end, the Town has since gained valuable feedback and input from a wide cohort of citizens through various methods including Lunch & Learn sessions, polls, work sessions, and one-on-one meetings. See [codecreatevienna.com](http://codecreatevienna.com) for more information.

### **The Vienna Non-Residential Zones/Districts**

Unlike the residential zones, the non-residential districts and zones are primarily based on specific geographic areas of Vienna and have been calibrated and named to more closely align with and reflect existing and desired development patterns therein. We have proposed a new set of districts and zones as follows:

<b>Existing Zones</b>	<b>Proposed Districts and Zones</b>
Local Commercial (C-1); Special Commercial (C-1A); General Commercial (C-2)	Avenue Center District (AC) Avenue East Gateway District (AE) Avenue West Gateway District (AW)
Pedestrian Commercial (C-1B)	Church Street District (CS)
Limited Industrial (CM)	Mill District (M)
Industrial Park (CMP)	Corporate Park District (CP)
Transitional (T); Local Commercial (C-1)	Neighborhood Transitional Zone (NT)
Parks and Recreational (PR)	Parks and Recreational Zone (PR)
Parks and Conservation (PC)	Parks and Conservation Zone (PC)

As a reminder, in certain instances we propose creating new districts focused on desired development patterns, as with the creation of new geographic-based Avenue Districts

(Avenue Center District – AC; Avenue East Gateway District – AE; Avenue West Gateway District – AW). In other instances, we propose simply changing the name to describe the districts more effectively, such as the Mill District – M (replacing the Limited - CM), Corporate Park District – CP (replacing the Industrial Park – CMP, and the Neighborhood Transitional Zone – NT (replacing the Transitional – T).

As a further reminder, districts are geographic based that are mapped around a unique development pattern (e.g. Church Street District). Zones are not specific to a particular geography but may be mapped in multiple locations (e.g. Neighborhood Transitional Zone) where there are similar development patterns and uses in multiple areas of town. Districts are calibrated to desired development patterns and uses and can be more frequently re-calibrated to adjust for evolving conditions in a particular place. They lend themselves to by-right development patterns and uses because they can be more particularly calibrated and re-calibrated to desired outcomes without the risk of unintended consequences in other areas of town. A mix of districts and zones avoids one-size-fits-all zoning and allows for a mix of methodologies (i.e. form-based, Euclidean, hybrid).

Additionally, draft Article 2 includes the Church Street Vision Incentive Overlay, which mirrors the existing overlay, the Windover Heights Historic Overlay, and the Chesapeake Bay Preservation Areas Overlay. Article 2 also introduces a new concept called the Avenue Center Amenity Overlay, which provides for rooftop amenities within a limited area of the Avenue Center District.

Article 2 is laid out in a user-friendly format beginning with a short purpose statement, followed by an illustrative graphic showing the desired development pattern for the district or zone. Below the graphic are tables setting forth specific standards applicable to each zone or district.

### **Summaries of the Draft Non-Residential Zones/Districts (starting on Art. 2 Draft p. 2-21)**

#### **Parks and Recreational Zone (PR) and Parks and Conservation Zone (PC)**

***(See Art. 2 Draft pp. 2-21 and 2-22)***

These areas are amenities for the Town's residents. Their impact on surrounding land uses is more consequential than the zoning for these areas.

#### **Built Form:**

All lighting in the PR and PC is currently approved by CUP (Conditional Use Permit). We propose including clear, by-right lighting standards. Additionally, these zones currently include minimum lot width requirements, which eliminates the possibility for the creation of new small "pocket parks." We propose removing the minimum lot width requirements in the PR zone but not the PC zone. A full list of dimensional standards can be found in Article 2 Draft pp. 2-21 and 2-22.

#### **Uses:**

All parks and outdoor recreation uses are permitted (as opposed to some being permitted and others being CUP) in the PR and PC zones. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

### **Transitional (T) Zone ➡ Neighborhood Transitional Zone (NT)**

***(See Art. 2 Draft pp. 2-23)***

The purpose and intent of this zone remains to provide a context-sensitive transition between the higher-intensity commercial uses of the Avenue and the surrounding low-intensity single-family neighborhoods. The addition of “Neighborhood” to the name is to emphasize the intended orientation of these zones as a neighborhood amenity and to reflect the neighborhood-scale of development therein.

#### **Built Form:**

Commercial building in these areas should reflect a residential scale of a maximum heights of 35 feet.

To create a strong pedestrian connection between the Town’s neighborhoods and commercial areas, any parking is to be located in the rear or along the side of a building. Front yard parking is prohibited. A full list of dimensional standards can be found in Article 2 Draft pp. 2-23.

#### **Uses:**

NT zones would exclude all residential uses with the exception of cottage court. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

No other changes are currently proposed to the existing T zone standards.

### **Special Commercial (C-1A); General Commercial (C-2) ➡ Avenue Center District (AC)**

***(See Art. 2 Draft p. 2-24)***

The Avenue Center District is intended to extend the pedestrian-oriented context of the adjacent Church Street District to the Avenue to create a more pronounced and stronger Town center. While Maple Avenue will remain a busy regional connection to and from Tysons, this portion of the Avenue provides the greatest opportunity for pedestrian orientation. The current zoning along this portion of the Avenue allows for the type of development that exists; primarily single-story development with parking to the side or rear of buildings.

The current zoning in this area is a mix of C-1A and C-2 zoning. These zones, which are remnants of the auto-oriented zoning from the 1960’s, are relatively indistinguishable from one another, and can be combined. The new naming is more descriptive of the geographic location of the district.

### Built Form:

Buildings in the AC District will be of a form similar to those along Church Street. We propose allowing new buildings in the AC District a height of up to 42 feet (including architectural elements, which allows three-story buildings with first floor commercial ceiling heights of 18 feet) with an allowance for a rooftop use area not to exceed 12 ft. in height in a limited area called the Avenue Center Amenity Overlay District. A full list of dimensional standards can be found on p. 2-24 of the draft.

### Uses:

*(See Art. 3 Draft pp. 3-5 through 3-8)*

Proposed uses will be a mix of small-scale retail and commercial uses distinguished between the ground floor and upper floors of a building. Upper floor multi-unit residential uses would be permitted by right. Larger scale/format retail is allowed only if approved as a CUP. Boutique hotels are also included as a permitted use in this district. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

**Local Commercial (C-1); Special Commercial (C-1A); General Commercial (C-2)**  
 **Avenue Gateway Districts – Avenue East (AE) and Avenue West (AW)**

*(See Art. 2 Draft pp. 2-25 and 2-26)*

The Avenue is the gateway to Vienna. As such, it is important to pay special attention to the areas along the Town's east and west borders. We propose replacing the current mix of commercial zones in these key areas in favor of two new districts: Avenue West Gateway District (AW); and Avenue East Gateway District (AE). The purpose of these new districts is to calibrate desired development outcomes that frame these key gateways.

### Built Form:

We propose creating frontages defined by 15-foot-wide pedestrian activity areas for gathering and dining. Parking should be in the rear of buildings. We propose requiring at least one side yard setback of 10 feet to allow for vehicular access to rear parking (currently zero or five feet). Also, to address resident concerns heard during the MAC community engagement process, we propose increasing the minimum rear yard setback to 30 feet (currently 10 feet) if abutting a residential zone or a residential use. Additionally, we propose including a maximum building height of 42 feet, including architectural elements which allows three-story buildings with first floor commercial ceiling heights of 18 feet). This will allow some flexibility and variability for new buildings.

All together this will create a greater sense of place in these districts. Each of the AE and AW Districts would be treated the same in terms of building place and massing; however, we recommend that two separate districts be created so that further calibrations and amendments can be made specifically within each as things evolve over time. A full list of dimensional standards can be found in Article 2 Draft pp. 2-25 and 2-26.

### Uses:

*(See Art. 3 Draft pp. 3-5 through 3-8)*

Uses include a mix of commercial uses similar to what is permitted currently. While large scale/format retail would be a CUP in the Avenue Center District (AC), it would be permitted in the Avenue Gateway Districts (AE & AW). More emphasis would be placed on the built form than uses in these districts. Additional uses, including daycare facilities and senior/assisted living facilities, should be considered in the Avenue Gateway Districts. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

### **Pedestrian Commercial Zone (C-1B) ➡ Church Street District (CS)**

*(See Art. 2 Draft p. 2-27)*

The Church Street Vision option in the current C-1B district regulations reflect best practices for pedestrian-oriented and walkable-scale design and should be made mandatory rather than optional. Many of the principals of this zone can and should be carried through to other parts of the Avenue, particularly the Avenue Center (AC), to enhance the sense of place and walkability. Our primary recommendations for the CS District include renaming it to be more descriptive of the geographic area and development pattern. A full list of dimensional standards can be found in Article 2 Draft pp. 2-27. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

### **Industrial Park (CMP) ➡ Corporate Park District (CP)**

*(See Art. 2 Draft p. 2-28)*

This area represents a unique development pattern not likely to be repeated elsewhere in Vienna. As such, it requires its own zoning district. The change in name to “Corporate Park District” better describes the types of uses currently located and desired there. The district presents an opportunity for new development and redevelopment.

### Built Form:

The built form in this district is largely set, but there are some changes that can improve the district, including, among other things, updating the signage regulations and revising performance standards. Increased rear yard setbacks are included where abutting residential districts. A full list of dimensional standards can be found in Article 2 Draft pp. 2-28.

### Uses:

Uses should remain office park uses, but additional desirable permitted uses such as data center should be added to allow for absorption of some of the existing vacancy. The market study will inform what other uses would be viable for this district. For a full list of proposed uses see Article 3 draft pp. 3-5 through 3-8.

## Limited Industrial (CM) ➡ Mill District (M)

*(See Art. 2 Draft p. 2-29)*

The existing Limited Industrial zone is a unique development pattern in Vienna. It reflects a former railroad-centered industrial area that is now trail-oriented. While most of the land uses remain light industrial, new land uses have recently been introduced including a brewery and a bakery. These land uses are consumer-focused maker spaces; a highly desirable modern use. The change of name from “Limited Industrial” to “Mill District” will allow this unique area to be more easily identified and more effectively branded.

### Built Form:

Buffering this district from nearby residential uses requires an increased minimum rear yard setback if abutting a residential district. Building heights should reflect what exists currently and are proposed as a maximum of 45 feet or 38 ft. if abutting a residential district and less than a 30 ft. rear setback is provided. A full list of dimensional standards can be found in Article 2 Draft p. 2-29.

### Uses:

*(See Art. 3 Draft pp. 3-5 through 3-8)*

Uses should continue to include a range of artisan production, maker, and other light-industrial uses.

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We look forward to discussing your comments in more detail at the upcoming work sessions.