



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of May 18, 2024

DATE: May 10, 2024

SUBJECT: ZOA-2024-02 An ordinance to amend, reenact, and recodify ACZO Articles 7, 14, and 18 to:

- A. Amend §14.3.3.B Off-site parking, Zoning districts other than R and RA districts;
- B. Delete §14.3.6.B for consistency with amended § 14.3.3.B;
- C. Amend off-site parking in § 7.8.5 Mixed Use Virginia Square District for consistency with amended § 14.3.3.B;
- D. Amend Article 18 to define *Neighborhood Commercial Centers* in Article 18 (Definitions);
- E. Amend §14.3 Parking and Loading for *Neighborhood Commercial Centers*; and
- F. Other editorial changes for improved clarity and for other related reasons required by public necessity, convenience, general welfare, and good zoning practice.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify ACZO Articles 7, 14, and 18 to:

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- E. Amend §14.3 Parking and Loading for *Neighborhood Commercial Centers*; and
- F. Other editorial changes for improved clarity and for other related reasons required by public necessity, convenience, general welfare, and good zoning practice.

MJS/SFW

County Manager:

MNC CR Sanders

County Attorney:

Staff: Valerie Weiner, Arlington Economic Development

ISSUES: This is a zoning ordinance amendment that would introduce a new use *Neighborhood Commercial Center*, with an associated parking ratio that makes it easier for a business to obtain a Certificate of Occupancy in sites with shared parking lots, while serving as a test for progressive parking regulation on particularly larger sites. This amendment also expands the capacity of a business to pursue off-site parking agreements, should there be barriers to meeting parking minimums on-site. No issues have been identified as of the date of this report.

SUMMARY: The subject of this report includes the following proposed amendments to the Arlington County Zoning Ordinance (ACZO). As part of the Commercial Market Resiliency Initiative (CMRI), these updates aim to make it easier for commercial businesses to fill vacant space to provide needed services to the community and modernize the parking regulations to match the County’s goals for CMRI and continued investment in a multimodal environment. These incremental steps work towards a larger discussion on by-right parking requirements, their role in commercial market resilience, and the County as a whole.

This report is a request to amend, reenact, and recodify ACZO Articles 7, 14, and 18 to:

- A. Amend §14.3.3.B Off-site parking, Zoning districts other than R and RA districts;
- B. Delete §14.3.6.B for consistency with amended § 14.3.3.B;
- C. Amend off-site parking in § 7.8.5 Mixed Use Virginia Square District for consistency with amended § 14.3.3.B;
- D. Amend Article 18 to define *Neighborhood Commercial Centers* in Article 18 (Definitions);
- E. Amend §14.3 Parking and Loading for *Neighborhood Commercial Centers*
- F. Other editorial changes for improved clarity and for other related reasons required by public necessity, convenience, general welfare, and good zoning practice.

At its February 24, 2024, meeting, the County Board authorized advertisement of public hearings by the Planning Commission and County Board of proposed Zoning Ordinance Amendments in April. At its April meeting, the Board deferred adoption of Zoning Ordinance Amendments to the May Planning Commission and County Board hearings.

Staff finds that the proposed amendments to existing parking regulations may offer the following benefits:

- The proposed updates better align the current thinking and regulatory framework with the goals of the Commercial Market Resiliency Initiative (CMRI), as well as the most recent County transportation policies, by, respectively, streamlining parking regulations for small businesses that create a sense of place and draw in potential office tenants and residents, and moving towards the County’s vision of a multimodal community by maximizing available parking.
- Existing parking regulations for the proposed new use *Neighborhood Commercial Centers*, often referred to as a strip mall or retail center with shared on-site parking, can extend the time between lease up and opening, potentially limit usable gross floor area (GFA), and/or require the business to relocate entirely because the regulations are based on minimums generally set between the 1960s-1980s. These impacts can lead to excess expense, decreased profitability, and greater

difficulty finding space. Creating a new use, *Neighborhood Commercial Centers*, with a singular, progressive parking ratio would expedite the review process and allow the owner to utilize existing parking resources efficiently.

- Expanded off-site parking regulations would allow businesses to open in vacant spaces with limited on-site parking but with available parking nearby, thus maximizing overparked sites and filling vacant commercial/office space. These businesses further add a critical placemaking element to the County, again attracting potential office and residential tenants.
- Both proposed regulations are incremental steps towards rethinking how the direct and indirect costs of parking impact commercial resilience. Staff will track outcomes and monitor impacts of these regulations and use that data for further study of parking minimums.

Staff previously met with the Transportation Commission on February 29th and the Zoning Committee of the Planning Commission (ZOCO) on March 12th and included feedback from both discussions in this updated proposal. This includes updates to the *Neighborhood Commercial Center* definition and select use permit standards for off-site parking.

The proposed changes to the ACZO are found in Attachment 2.

BACKGROUND: The proposed ACZO amendment is part of Commercial Market Resiliency Initiative (CMRI) 2.0, which is a continuation of the CMRI 1.0 initiated by the County Manager and authorized by the County Board in April 2022 and reconfirmed in September 2022, and throughout 2023 with the adoption of amendments to the ACZO. CMRI allows the County to respond to the quickening pace of economic change and innovation and shift consumer behaviors, expectations, and business practices. The key outcomes of CMRI 1.0 included the establishment of commercial uses that were not clearly defined in the ACZO previously, the integration of modern descriptions of uses into the ACZO, and minor restructuring of the ACZO for clarity.

While that effort continues, the County Manager has introduced a subsequent phase of work, referred to as CMRI 2.0, to investigate opportunities to alleviate regulatory hurdles that could impede market solutions to commercial resiliency in Arlington. The County's parking regulations, which have broader impacts than just CMRI, also cause numerous regulatory hurdles for commercial resiliency by sometimes making it difficult for a business to meet parking minimums and fill vacant space.

The County's small businesses are critical to creating a place where people want to live and work. Diverse retail and commercial opportunities draw potential office tenants and residents into the County by providing unique services that make Arlington stand out against the competition. Ensuring small business success starts with a clear and simple path to a Certificate of Occupancy. A complicated path can be expensive and potentially prohibitive to a business opening in a given space. Minimizing regulatory hurdles like parking helps to facilitate an efficient review, resulting in a faster delivery of services to the community.

These parking-related updates focus specifically on by-right development and not special exception site plans or permits. Parking in site plan projects can be examined and negotiated through the site plan process and would be specific to that site. Staff may recommend and the County Board may approve lower parking ratios via site plan according to, but not limited to access to public transportation, Transportation Demand Management (TDM) strategies, and investment in transportation infrastructure. Developments that were not approved through the site plan process, what will be referred to as by-right developments, are limited to the regulations and standards set forth in the ACZO.

Amending the ACZO as proposed, specifically to permit on-site shared parking by-right, would expedite the review process for property owners, businesses, and staff, by streamlining parking minimums across the use type. For off-site parking agreements, staff and the County Board will have added flexibility with the additional use permit process to review and support appropriate parking needs based on the difference in demand between discrete uses.

The long-term goal is to review parking regulations in the ACZO against CMRI and the County's transportation vision on a more holistic level. This includes a review of how the ACZO could better reflect evolving policies related to consumer behavior, changing business models, diverse transit options, enhanced and safe public transit capacity, and more, in support of commercial market resilience. In the meantime, staff will continue to propose iterative changes to current regulations to help address the more immediate need of supporting businesses to attract potential office and residential tenants.

Existing Parking Regulations in the ACZO

The ACZO currently provides parking for retail and service commercial businesses based on specific parking minimums (see Figure 1). Many of these minimums were established before the County's public transit expansions in the 70s and 80s and published policies that outline the County's vision for a multimodal, transit, and pedestrian-oriented future.

For example, the parking ratios for general retail and service commercial, office buildings, tennis courts, and undertaking establishments were all established in the early 80s. The staff report at the time noted that the capacity to modify these minimums via site plan in Metro Transit Corridors to 1:700 square feet was sufficient to reflect growing density and expanding transit options at the time, but by 2002 this provision was removed. The parking provision also established exclusions for parking near the metro that remain today, noting that the growing demand near the metro allowed for greater pedestrian access and alternatives to driving.

Since then, the County's public transit facilities have expanded, and demand to live in the County has also grown, resulting in higher-density development. The reasoning behind the 1983 Staff Report still stands, but the County's density, walkability, and public transit accessibility have since increased. For example, Arlington Transit, or ART, [recently celebrated its 25th Anniversary](#). This Arlington-specific bus system supplements Metrobus with a cross-county system that connects residents to Commercial Districts, as well as Metrorail, and Virginia Railway Express.

[The Columbia Pike Premium Transit Network's](#) first phase was implemented in 2018, with construction ongoing, to create better connectivity between Columbia Pike, Pentagon City, and Crystal City. The project includes improved and streamlined bus service and amenities that ensure the system is fast, frequent, and easy to understand. In addition, [the East Falls Church Metro Station Bus Bay Expansion](#), currently under review by WMATA, proposes the addition of three additional bus bays to the Metro Station. The goals of the project are to enhance a multimodal hub, relieve operational congestion, give people additional space through new and added shelters, and meet accessibility needs by providing greater access to customers with mobility challenges.

Retail and service commercial uses		
Retail and service commercial uses other than those specified below	1 per each 250 sq. ft. of floor area on the first floor of a building	Plus 1 per each 300 sq. ft. of floor area located elsewhere in the building
Bowling alley	4 per each alley	--
Car wash	20 standing spaces for waiting vehicles for each wash rack	Plus 1 per each two employees.
Drive-through banking & similar "drive-through service establishments	5 standing spaces for each teller or customer window	--
Furniture & appliance stores, furniture repair shops	1 per each 400 sq. ft. of floor area	--
Greenhouses and nurseries	One space for each 400 sq. ft. of floor area, plus such space as may be determined to be necessary as set forth above	--
Athletic or health clubs	1 per 50 sq. ft. of gross floor area	--
Indoor or outdoor recreation (as provided in §12.2.5.F) or entertainment facilities (as provided in §12.2.5.A), other than those specifically listed in this §14.3.7	1 per 300 sq. ft. of indoor floor area or outdoor area used for recreation or entertainment purposes	--
Vehicle sales, rental, or leasing facilities	1 customer and 1 employee parking space for each 1,200 sq. ft. of area, whether or not said area is enclosed.	--
Offices or clinics, medical or dental	1 per each 150 sq. ft. for first 5,000 sq. ft. in each building	Plus 1 per each 200 sq. ft. for next 10,000 sq. ft.; Plus 1 per each 250 sq. feet for area in excess of 15,000 sq. ft.
Other office buildings	1 per each 250 sq. ft. of floor area on the first floor	Plus 1 per 300 sq. ft. of floor area located in the basement or on the 2nd through 5th floors, plus 1 per 400 sq. ft. of floor area located above the fifth floor
Restaurants	1 per each 6 seats (in addition to all parking space provided for service to patrons while seated in automobiles).	--
Tennis, racquet and handball courts	3 per court	--
Theaters, auditoriums and other commercial places of public assembly	1 per each 3 seats or other accommodations, for attendants, employees or participants	--
Undertaking establishments, funeral parlors, mortuaries and funeral homes	1 per 50 sq. ft. of chapel or parlor floor area, provided that there shall be no less than 20 spaces	--
Vehicle service establishments and vehicle body shops	3 standing spaces for each wash rack, lubrication rack, repair bay or similar facility for the servicing or repair of vehicles, not including said rack or bay as a space	Plus 1 per each employee.

Figure 1 Section 14.3.7 Required Parking and Standing Space: Parking Requirements for Retail and Service Commercial Uses

The existing parking minimums provided in the ACZO have not been modernized in tandem with the County’s investment in multimodal expansion and improvements. This discrepancy extends to County policies and plans as well. The Columbia Pike Form-Based Code (CP-FBC), established to implement the vision outlined in the *Columbia Pike Initiative: A Revitalization Plan*, was designed to incentivize redevelopment and outline the vision for the area and includes goals like:

[...] Create transit, pedestrian-, and bicycle-oriented development, which is dependent on three factors: density, diversity of uses, and design; [...]

To meet this goal, the Code established parking regulations as follows:

- a. Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian-friendly environments by encouraging shared parking.
- b. Reduce diffused, inefficient, single-purpose reserved parking.
- c. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- d. Maximize on-street parking.
- e. Increase visibility and accessibility of parking.
- f. Provide flexibility for the redevelopment of small sites and the preservation of historic buildings.
- g. Promote early prototype projects using flexible and creative incentives.

These goals name shared and off-site parking alternatives as components of a vital main street, that is transit, pedestrian, and bicycle-oriented.

This plan reflects the parking goals outlined in the County’s more recently updated Sector and Area Plans, like the [Langston Boulevard](#) and [Clarendon Plans](#). The Langston Boulevard Plan calls for encouraging shared parking agreements to decrease excessive quantities of parking, among other benefits. The Clarendon Sector Plan calls for an “urban village” concept, a mix of uses and shared parking resources. While Sector and Area Plans are County-adopted long-range planning documents that guide public and private investments in redevelopment managed through special exception site plan and use permit development approvals, the subject recommended amendments assert that parking regulations for by-right development in other areas of the County may be reduced given the current and future state of multimodal transportation infrastructure and access countywide.

These updates to shared on-site parking and off-site parking present opportunities to modernize the ACZO, and increase a business’s capacity to meet parking minimums. Older, by-right buildings must abide by these outdated regulations, and doing so may limit a business’s ability to fill space. For example, if a business cannot meet or satisfy either the minimums or exclusions to the minimums outlined in the ACZO, the business would not have a regulatory path forward and may have to find another location or reduce the total square footage of the business to fit within the remaining parking available.

This is a particular issue when there is a change of use, and the new use has a higher parking minimum requirement than the previous use. For example, converting retail to medical office (1 per 250 square feet to 1 per 150 square feet for the first 5,000 square feet) or industrial to retail (1 per 1,000 square feet to 1 per 250 square feet). The existing site would, hypothetically, not have enough parking to support the use change, and the business would be unable to fill that vacant space or potentially modify its square footage. Additional alternatives to the required minimums in Figure 1 would allow more businesses to fill vacant spaces, which achieves both the County’s CMRI goals and the County’s vision for a multimodal community.

Parking minimums have a long-standing impact on community and market resilience, in addition to the short-term cost of impeding a business’ ability to open in vacant space. Parking is expensive to maintain for any business owner, [and often that cost gets passed down to consumers](#). When regulated as minimums, every business must provide some amount of parking regardless of whether the spaces are used. Since the minimums for by-right development have not been reassessed since they were established, and access to public transit has increased, the costs are more than likely inflated. Staff will track outcomes and impacts of these proposed regulations to inform further study of how to best support commercial market resilience.

Shared On-Site Parking

While new development is common in Arlington, existing shopping centers and strip malls offer an alternative to high-density development. These spaces offer opportunities for businesses to open near a reliable residential customer base and build a relationship that can help to create both a sense of place and community. A cornerstone of this development type is its shared parking lot. As previously mentioned, though the lot is shared, by-right individual uses must be parked individually based on the ratios in Figure 1. This means each business must have a minimum amount of parking available on-site based on measurements such as the square footage of the use, number of seats, number of employees, and other similar measures. This is despite that the lot is shared among them and the ratios do not reflect modern transportation patterns. Since these lots are already built, new businesses interested in vacant space within the *Neighborhood Commercial Centers* are limited by remaining parking, based on current ratios.

The goal for this portion of the recommended amended regulations is two-fold:

1. To support small business capacity to open in vacant space. If the parking minimum for a new restaurant requires more parking than is available, they can only use as much square footage or have as many seats as are supported by remaining parking spaces in the lot. For example, if there are two spaces left in a shared lot and a restaurant would like to lease space, they are only allowed 12 seats in the restaurant per existing regulations. This is because the parking ratio for restaurants currently requires 1 parking space per 6 seats—a ratio determined in the 1960s. This could eventually impact profitability and capacity for a business to lease the space.

These calculations based on parking minimums set decades ago, are not only misaligned with the County's investment in a multimodal future but also do not reflect shifts in parking demand between uses at different times during a typical day, as demonstrated by [Institute of Transportation Engineers \(ITE\)](#), an international membership association that studies and produces [Trip and Parking Generation](#) data used across the Country.

As of now, no provision or mechanism exists for by-right uses to accommodate shared on-site parking in a way that reflects that the parking lot is shared by multiple businesses. There is an opportunity to introduce a new way of thinking about parking, while still working within the County's existing regulatory approach of parking minimums, by establishing a use that is based on the development type, characterized by a shared lot, as opposed to individual uses.

2. To test the market response to relaxed parking requirements in support of CMRI's goals to remove regulatory barriers to achieve market solutions. Jurisdictions around the Country [are leading the charge on removing parking minimums](#). In December 2023, [Charlottesville VA voted to eliminate parking minimums city-wide](#), in part, to [support a clear regulatory framework for commercial entrants](#). Richmond, VA followed in April 2023, when the city council [unanimously voted to eliminate parking minimums throughout the City](#) to facilitate cost savings for developers that would otherwise be passed to the consumer. [Fairfax VA recently restructured its parking ordinance](#), in part, to create more flexibility to meet the realistic need for the use rather than a general standard. This proposal acts as an incremental step towards a more progressive, modern parking policy similar to Arlington's neighbors.

Off-Site Parking

When there is not enough existing available parking on-site and shared parking is not an option (for example, a single business on a single parcel), the ACZO only permits the use of off-site parking to meet minimum parking requirements under specific conditions. Generally, off-site parking regulations for by-right development cannot be counted as required parking. The following exceptions to this include:

Via Administrative Review:

- §14.3.3.B.1 Off-site parking can count towards the required parking minimum as long as the same owner owns the off-site lot. The off-site parking spaces need to be within 600 feet of pedestrian access from one lot to the other.
- §14.3.3.B.3.a Religious institutions can provide required parking off-site to another principal use that is not open or operating on the days of the week on which the religious institution is regularly used when such off-site parking area is within 600 ft of the religious institution by the shortest pedestrian route.
- §14.3.3.B.3.b Required parking for religious institutions per §12.2.4.H may be provided in off-site parking areas that are accessories to another principal use which is not open or operating on the days of the week on which the religious institution is regularly used, when such off-site parking area is within 0.75 miles of the religious institution by the shortest effective vehicular route, and where regular and frequent shuttle service between the religious institution and the off-site parking area is provided on days of regular use and/or assembly at the religious institution.
- §14.3.6.B Restaurants can obtain a notarized, legally binding agreement for the use of offsite parking spaces to meet restaurant parking requirements, subject to specific conditions.

Via Use-Permit:

- §14.3.7.C Elementary, middle, and high schools, and for uses associated with noncommercial recreation and community center buildings and grounds, childcare centers, and social services institutions can obtain a use permit to modify required parking, as long as evidence of off-site and/or shared parking arrangement is submitted.

Expanded options for off-siting of required parking also aim to support businesses' capacity to open in vacant spaces and maximize available parking, while also taking steps towards more progressive parking regulation.

DISCUSSION: These updates are intended to signal a continued effort to modernize the ACZO's current parking standards. In the meantime, staff will continue to research opportunities for evolving policy to inform potential changes to the ACZO to better reflect CMRI. This includes identifying regulations that could better support small businesses and placemaking that also align with County goals and transportation investments. These specific proposals will be monitored by staff to ensure effective implementation and mitigation of impacts.

Shared On-Site Parking

This proposal for shared on-site parking supports small businesses by streamlining the path to a Certificate of Occupancy and also takes an initial step towards rethinking how the County regulates parking. As a first step, this proposal is designed to be implemented expeditiously to support existing

businesses but will also be reviewed and monitored for potential updates to best support small business resilience and the County’s long-term development goals. Because this proposal is new and progressive, potential impacts are currently unknown; staff is prepared to monitor this proposal and make changes as necessary, with the ultimate goal of supporting CMRI while mitigating impacts.

Staff’s recommendation is to create a new use type for shopping centers called *Neighborhood Commercial Center*. Creating a new use type helps staff to characterize uses that share a lot, which are currently undefined in the ACZO. Introducing a new use category in the parking table to describe this form of development allows it to be parked as a unit, as opposed to by individual uses. Staff proposes the title *Neighborhood Commercial Center* to include a wide variety of potential commercial uses and sizes, beyond just retail. Staff believes this approach – regulating via parking minimum requirements - to be the most straightforward to administer through the ACZO as of now. Eventually, this approach may change alongside a larger study of parking minimums. This approach continues to allow a developer or property owner to build as much parking as their site demands, and can physically and financially accommodate, while a more comprehensive study and review is undertaken.

Currently, the closest ACZO definition to this use is for an *Urban Regional Shopping Center*, which is a minimum of 500,000 square feet, and of which there are two in the County. This is much larger than Neighborhood Commercial Centers in Arlington. However, staff does propose a definition that is inclusive of larger sites like Lee Harrison Shopping Center, Dominion Hill Shopping Center, and Williamsburg Shopping Center (which can be as large as over 130,000 square feet of gross floor area) as well as smaller sites that also have a shared lot and offer a variety of neighborhood amenities (which can be smaller than 40,000 square feet of gross floor area). Most importantly, this use is characterized and unified by its’ shared parking lot.

The definition will therefore include up to, but not including 200,000 square feet, leaving room to define a ‘mid-size’ shopping center. The benefit of opening this definition to include a larger range of square footage is a clarified regulatory path that allows the business to no longer be limited by the available parking on smaller sites, either by-right or via the use permit option, and an opportunity for a given owner to right-size parking to fit demand for the uses on larger sites where there may be a larger reservoir of parking. Including Neighborhood Commercial Centers with large, existing reservoirs of parking, allows this regulation to function as a market test of the potential impacts of removing parking minimums. Staff is committed to monitoring and reviewing these cases and making changes where and when needed, and feels these sites will provide helpful data as the County moves forward taking progressive steps to support commercial resilience.

The proposed definition is as follows:

Neighborhood Commercial Center: A building(s) with a total gross floor area of up to, but not including, 200,000 sq. ft. containing multiple commercial and/or retail tenants, without residential floor area and served by a parking area that is shared by all on-site tenants.

Exclusion of residential floor area ensures that this proposed zoning provision has its intended effect, to support prospective commercial and/or retail tenants with a shared lot. Mixed-use projects are an important part of Arlington’s economy, but not within the scope of this study.

Staff recommends this use be parked at a ratio of 1 parking space per 600 square feet of GFA with the opportunity to modify by use permit. This ratio is a progressive regulation change that aligns with CMRI’s goal to support small businesses. This ratio also streamlines the enforcement and administration of parking minimums at these sites. It allows uses that are currently parked by metrics other than GFA,

like restaurants parked at 1 space per 6 seats, to be more easily regulated and accommodated, and simplifies all discrete ratios for unique uses into a singular ratio that applies to all.

To help guide the progressive parking ratio for by-right *Neighborhood Commercial Centers*, staff investigated an average parking ratio based on a sample of current conditions and ITE data to use as a reference for a progressive change:

- Staff analyzed a limited sample of parking per parcel data for 41 by-right sites, that are either part of a Neighborhood Commercial Center or encompass the entire center depending on the number of individually owned parcels on the site. This approach was taken to provide context for the recommended, progressive parking ratio that would help standardize parking across these sites and allow for an easier change of use. These figures are approximate, as the available GFA and parking space data was taken from satellite imagery, real estate assessor data, and plats based on availability. Additional characteristics of the approximate data include:
 - All 41 sites have a shared parking lot and up to 200,000 square feet of GFA. Lee Harrison is the largest in the sample at over 130,000 square feet, all other buildings have less than 50,000 square feet of GFA.
 - The sites are spread throughout the County, focused primarily along Langston Blvd., Wilson Blvd., Washington Blvd, Glebe Rd., and Columbia Pike. Businesses in the Garden City and 2057-2039 Wilson Blvd centers account for 22 of the sites included in the sample, and have more relaxed ratios (less parking) than centers like Dominion Hills and Williamsburg Shopping Center. Staff included Garden City and 2057-2039 Wilson Blvd to represent smaller, underparked sites as well as sites with lower ratios and more parking.
 - This analysis includes both conforming and non-conforming sites. Three out of 41 sites included in the sample have a Supermarket. This analysis did not include Shopping Centers that were approved via site plan.

The approximate average ratio for this sample is 1 parking space per 613 per square feet of GFA for sites without a grocery store and 1 parking space per 214 per square feet GFA for sites with a grocery store. The average across all sites is 1 parking space per 584 per square feet of GFA, with a median of 483 per square feet of GFA and a mode of 527 per square feet of GFA per space. These data are approximate and represent a very limited sample of centers in Arlington, but still help to provide context for the proposed ratio and are designed to guide rather than determine the proposed ratio. 1 per 600 square feet of GFA falls above the average approximate sample of Neighborhood Commercial Centers, 1 parking space per 584 per square feet of GFA, and as such indicates this relaxed regulation (for less required parking) may support a streamlined path for a business to open without having to modify GFA, wait for approvals due to an unclear process, or forced to find a new location.

- Available ITE data analysis of Shopping Centers results at a similar ratio. As part of their Parking Generation manual, ITE studied parking demand for 27 Shopping Centers defined by ITE as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit between 40,000 and 150,000 square feet, in urban/suburban areas in Canada and the United States, from the 90s to the 2020s. This use is also referred to as a neighborhood center, and each of the sites includes anchor tenants like a grocery store. This characterization is similar to the Neighborhood Commercial Centers in Arlington.

A more specific subset of this data found that peak demand for three Shopping Centers with supermarkets, which have a higher parking demand than centers without, in dense multi-use urban areas, measured across three decades, is 1 space per 580 square feet of gross floor area on the weekend; sites without a grocery store in dense multi-use urban areas had a ratio of 1 space per 684 square feet of gross floor area over the same period. There were very few sites cited in these studies, potentially due to the longevity of the study itself which spans from the 1990s to the 2020s across North America. However, these ratios reflect a similar demand to that of Arlington's Neighborhood Commercial Centers and support the 1 per 600 square feet ratio.

In addition to setting a parking ratio, an approach that was chosen because it is the most straightforward to administer while still making it easier for businesses to lease space, the proposal also includes the ability to modify the parking ratio via a use permit. This is to ensure the proposal meets CMRI's goals of supporting as many businesses as possible, including those in particularly underparked or nonconforming sites like Garden City. This use permit would include, but is not limited to, the following standards:

- a. Implementing Transportation Demand Management (TDM) strategies, and/or demonstrating that transit or other transportation options exist that may offset parking demand; or
- b. Utilizing a managed or shared parking program that outlines shifts in demand throughout the day/evening based on the mix of uses within the *Neighborhood Commercial Centers*

TDM strategies, including shared parking programs, are also used for use permit requests to modify parking for schools, childcare, and social services institutions, as well as the site development standards for office, retail, and hotel uses. TDM strategies could include but are not limited to, [transit information displays](#), [carpool/vanpool guides](#), [bike infrastructure](#), and [a property transportation coordinator](#). [Shared parking management plans](#) can be used as a reference and required documentation will be determined based on individual site conditions. Overall this proposal allows for an easier change of use in a Neighborhood Commercial Center by streamlining the parking ratios and clarifying site-specific needs; staff will continue to review impacts and outcomes over time, and make changes as needed.

For example, staff will track the impacts of bringing nonconforming parking lots into conformance. This may also mean that a conforming building, that previously had a nonconforming parking lot, could expand the building or build new by-right buildings into the now excess parking, or repurpose areas of excess parking for other uses. Several extenuating factors impact the ability to expand (for example loan financing requirements, the size of the property and available, developable land, and anchor tenant lease requirements like required viewshed or minimum number of parking spaces), but this approach is important for several reasons:

1. It serves as a test case for the County's investigation of removing parking minimums entirely. This regulatory update will show how the market reacts to additional freedom around parking, and the neighborhood impacts associated with that change. As with any previous regulatory update, any development vested under this regulation will remain and will eventually serve as helpful data to inform future work assessing parking minimums.
2. CMRI is challenged with supporting businesses today by providing expanded, streamlined regulations in an unsure marketplace. This intermediary step does not preclude the opportunity for redevelopment in the future, however, it does support and promote business success today by filling vacancies until redevelopment is financially feasible. Staff is prepared to monitor progress and impacts, and make changes where needed in support of the County's goals for CMRI and redevelopment.

Off-Site Parking

This proposal for off-site parking aims to maximize available parking and fill vacant commercial space. For existing sites where the parking is pre-determined, off-site parking agreements are a great way to achieve these goals and fill vacant space. It was not within the scope of this study to determine whether to permit off-siting of required parking for the purpose of a by-right outdoor café. Under the County's [Outdoor Dining Ordinance](#), if a restaurant has the correct amount of required parking on private property, the only limit to the size of the café is that the number of seats in the outdoor café is less than the number inside of the restaurant. Staff believes this item deserves additional study and that it can be amended in the future, but for now the proposed language for off-site parking both by-right and via a use permit disallows off-siting of required spaces for an outdoor café.

Off-Site Parking By-Right Approval

The current provisions for off-site parking agreements per the ACZO require: 1) the off-site location to be under the same ownership as the on-site location, and 2) the off-site location to be no farther than 600 feet from the on-site location. It can be difficult for one entity to obtain ownership of both on and off-site locations that are appropriate for off-site parking spaces, but it does resolve concerns associated with establishing a long-standing agreement between separate owners. Therefore, this option will remain under by-right approval with the following modification.

The 600-foot proximity requirement is prohibitively small and not reflective of the County's current measures of walkability. One-fourth of a mile is generally considered a reasonably comfortable walking distance for the average pedestrian, and this distance is referenced in the ACZO in sections where walkability is to be encouraged such as in §7.3.1 (R-C Multifamily dwelling and Commercial District) and §7.8.5 (MU-VS Mixed Use Virginia Square District). Expanding this distance would enable greater opportunities for off-site parking with the same ownership by-right.

This language helps to clarify the intent of this provision to address situations where there is not enough parking on-site, to meet minimums and/or address concerns of public safety or convenience. Staff recommends splitting the following section into by-right and special exception approval. This restructuring is more streamlined and easier to interpret for both the applicant and staff.

The by-right provision would carry over the same approach as currently written: by-right approval if the two sites are under the same ownership and within a specific distance, in this case, extended to ¼ mile. It would retain provisions on safety as well. Staff also recommends adding a provision that off-site parking spaces may not be used to accommodate outdoor café seating by-right, as previously noted, to maintain the goal of providing required parking.

As proposed, the Zoning Ordinance would provide for the following:

The Zoning Administrator may authorize required accessory parking to be located off-site, provided:

1. Such off-site parking spaces are located on land under the same ownership as the on-site parking spaces; and
2. Such off-site parking spaces are located within 1/4 mile of the shortest effective pedestrian route, entrance to entrance; and
3. Such off-site parking spaces cannot be used to accommodate administratively approved outdoor café seating in existing on-site parking spaces, per §12.9.15.A.10; and
4. Such off-site parking spaces are usable without causing unreasonable:

- a) Hazard to pedestrians;
- b) Hazard to vehicular traffic;
- c) Traffic congestion;
- d) Interference with safe and convenient access to other parking areas in the vicinity;
- e) Detriment to businesses and/or residences in the vicinity.

Off-Site Parking Use Permit Approval

Anecdotally, and based on engagement with nearby jurisdictions, it is more common for an off-site parking arrangement to be between two separate owners as opposed to one. The benefit of requiring a use permit process for off-site agreements under different ownership is that it can be tailored to and consider the unique circumstances of individual sites. This also includes additional Department of Environmental Services (DES) and County Attorney Office (CAO) reviews that would not otherwise be required in a by-right process.

The use permit provision would include standards such as the same safety guidelines as the by-right process (Section 14.3.3.B.c), a requirement that both properties be within Arlington County, and a statement that the off-site parking is more than and/or does not conflict with the parking required for the uses on the off-site property, this may include providing hours of operation for the on and off-site uses. These criteria would allow staff to measure the potential for off-site parking between uses with peak off-site hours (e.g., an office with peak hours of 9-5 and a restaurant with peak hours of 5-11). These criteria will also include a prohibition on the ability to off-site required parking for an outdoor café.

By use permit, an off-site parking agreement would also be required. Many jurisdictions require an agreement for off-site parking with multiple owners to have the off-site spaces count as required parking. [Hampton, VA](#), [Fairfax County, VA](#), and [Virginia Beach, VA](#), for example, require agreements. Fairfax County uses an administrative process that allows the applicant to determine shared parking based on a provided table that outlines the County’s determined parking per-use type, per time of day. Staff considered providing a table, but decided the use permit process can more dynamically respond to trends and specialize the determination to the applicant’s specific conditions.

Virginia Beach, VA permits off-site parking in certain business districts, with conditions including a distance of 1,500 feet from the on-site parking, and pedestrian safety, along with a written agreement that assures the continued availability of the number of spaces with guidelines on discontinuance/violations. Hampton, VA permits off-site parking throughout the jurisdiction and offers a template agreement for applicants to use as a guide. Out-of-state templates like these from the [Metropolitan Area Planning Council](#), [Portland, Oregon](#), or this template used in [Gardiner, Maine](#), all outline similar core components:

- | | |
|---|---------------------------|
| 1. Identified parties, number of spaces, location, and safety | 6. Enforcement |
| 2. Use of facilities | 7. Cooperation |
| 3. Maintenance | 8. Insurance |
| 4. Utilities and taxes | 9. Indemnification |
| 5. Signage | 10. Termination |
| | 11. Supplemental Covenant |

This approach is similar to how the aforementioned §14.3.6.B special administrative provisions for meeting parking requirements for restaurants is structured. This section permits restaurants to provide off-site parking as part of their parking requirement through an administrative process with a required agreement that must include:

- (a) The name, address, and legal authorization of each signatory to execute the agreement shall be shown on the agreement.
- (b) An agreement for the use of parking spaces shall be for not less than 20 years or shall coincide with the full period of the term of the lease, including options, for use of the land or building for the restaurant, whichever is shorter.
- (c) Verification satisfactory to the zoning administrator that the use for which such parking spaces are required is not open for business between 6:00 p.m. and 6:00 a.m. shall be provided by the applicant.
- (d) A certified survey plat depicting the parking spaces shall be attached to the agreement. The plat shall accurately show the following:
 - (1) The precise locations of the restaurant and the parking spaces.
 - (2) The distance between the restaurant and the parking spaces by the shortest route of effective pedestrian access.
 - (3) The location, dimensions, access aisles, driveways, entrances, and exits of the parking spaces.
 - (4) Any other information required by the general regulations of this section.

Once the notarized copy of said agreement is approved and the parking spaces described on the agreement are certified to comply with all applicable provisions of this zoning ordinance by the zoning administrator, the zoning administrator shall credit such parking spaces toward the parking requirement of the restaurant and shall issue the certificate of occupancy to the restaurant. The applicant shall immediately notify the zoning administrator either before any amendment to or upon termination of the agreement.

- (a) If the validity of any agreement for the use of said parking spaces submitted in compliance with this subsection expires or the agreement for any reason becomes null and void, the certificate of occupancy issued under this subsection shall be automatically suspended for the number of seats affected by said nullification, effective as of the date of such expiration or nullification. The restaurant shall cease operation of said number of seats and shall not resume until such time as a replacement agreement for the use of said parking spaces, approved by the zoning administrator, is made and the requirements of this subsection are satisfied. The applicant shall obtain an amended certificate of occupancy for the seats that are not affected by said voiding.
- (b) In the event a certificate of occupancy is suspended as provided in §14.3.6.B.6(a), above, if the applicant applies for a Use permit for a modification of parking requirements for the restaurant as described in §14.3.6.C, the restaurant shall be allowed to continue operation for a maximum period of 90 days or until such time as the County Board renders a decision on the Use permit request, whichever is shorter.

Acceptance by the zoning administrator of any agreement for the use of parking spaces shall in no way obligate the county to enforce the provisions of said agreement, nor shall it render the county liable for any damages, injury, or loss resulting from the implementation of the provisions of the agreement.

The applicant shall negotiate the renewal of any agreement for the use of said parking spaces prior to its expiration and provide copies of such supplemental agreement to the zoning administrator in the form and manner specified by this subsection.’

In considering the existing approach of a by-right review, based on practices in other jurisdictions, the proposed amendment would allow review by staff through a special exception use permit process and for more uses than just restaurants. A use permit process would also allow staff and the County Board to determine the appropriateness regarding the above-mentioned Outdoor Café Ordinance amendment on a site by site basis.

The special exception use permit option is for all other cases that do not fall under the by-right requirements, including where there are two different owners and/or the off-site location is beyond ¼ mile. The proposed provision for a special exception use permit is as follows:

- (b) The County Board may approve a use permit for required parking for any use permitted in any C, M, or P district to be located off-site, per §15.4, subject to the following criteria:
 - (1) Both sites are located entirely within Arlington County; and
 - (2) The off-site parking spaces cannot be used to accommodate administratively approved outdoor café seating in existing on-site parking spaces on-site, per §12.9.15.A.10; and
 - (3) The off-site parking is more than and/or does not conflict with the parking required for the uses on the off-site property
 - (4) An Agreement that is recorded in the land records ensuring the continued availability of the requested off-site parking spaces. An Agreement shall include but is not limited to the following:
 - (i) Designation of the number and location of the off-site parking spaces including scaled plats and/or plans showing the number, dimensions, designation, and location of required parking on both sites;
 - (ii) Schedule of the anticipated days and hours of operation for all uses party to the agreement and for the designated off-site parking spaces;
 - (iii) Citation to the approved use permit for off-site parking including terms of use for a minimum period consistent with a review and renewal of the use permit;
 - (iv) Acknowledgement that termination and/or breach of the Agreement constitutes a zoning violation, and may result in revocation of the approved use permit; and
 - (v) Owner/Grantor and grantee of designated off-site parking spaces.
 - (5) The off-site parking spaces comply with §14.3.3.A.4

The applicant for the use permit would be either the tenant requesting parking to meet their minimums or the owner on the tenant's behalf. The agreement would be tied to a use permit review and subject to County Board renewal, as a condition of the use permit approval, and therefore could be assessed by staff at each review. The agreement would be recorded in the land records, to support enforcement and record keeping.

Staff also recommends eliminating §14.3.6.B, due to redundancies. This section permits off-site parking for restaurants under very specific conditions as noted above. The provision would be replaced with the proposed amendment. The Mixed-Use Virginia Square District Site Development Standards would also be amended to reference this section, as they were referenced in the aforementioned §14.3.6.B.

PUBLIC ENGAGEMENT:

Level of Engagement: Consult

Staff believe this level of engagement is appropriate. This zoning amendment would not interrupt service for an extended period and community members were informed, listened to, and were able to provide feedback through the commission process, which was incorporated into the proposal. It is a response to existing market trends by modernizing and simplifying the current ACZO.

Outreach Methods:

Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the Planning Commission and County Board public hearings for this zoning ordinance amendment were placed in the Washington Times on April 22 and 29, 2024, in advance of the May 6, 2024, Planning Commission hearing and May 6 and 13, 2024, in advance of the May 18, 2024, County Board public hearing. In addition to the above legal requirements:

A Commercial Market Resiliency Initiative web page has been established and includes information about this proposal as well as future proposals. Staff contact information is available, along with a comment feedback form for submitting comments about this and other proposed uses directly to staff.

Outreach Schedule

- February 29, 2024: Transportation Commission Meeting (TC)
- March 12, 2024: Zoning Ordinance Committee Meeting (ZOCO)
- May 2, 2024: Transportation Commission Meeting (TC)
- May 6 (or 8), 2024: Planning Commission public hearing and recommendation
- May 18, 2024: County Board Meeting, public hearing and action

Community Feedback:

ZOCO and Transportation Commission: Staff presented these items at the March 12, 2024 Zoning Ordinance Committee (ZOCO) meeting, where feedback was provided on the definition of a Neighborhood Commercial Center and flexibility in the off-site parking use permit process both of which were considered in this final proposal. The ZOCO members asked staff to continue to push for a progressive transportation policy. These items were also presented at the February 29, and May 2, 2024 Transportation Commission (TC) meetings, and both groups discussed and expressed support for these items. The TC motion to approve passed 10-0 on May 2nd with an amendment that the TC recommends the County Board direct the County Manager for a timeline for when there is a recommendation to the County Board for the abolition of parking minimums.

Planning Commission: The Planning Commission heard this item at its May 8, 2024 meeting. After a staff presentation and two public speakers (John Musso with the Chamber and Jim Rosen with BVSCA), the Planning Commission discussed the item. The conversation was centered around the three points raised by BVSCA: limiting government use of the provision; ensuring shared parking could not be used to create commercial parking as a separate use; and requiring EV charging stations. The Planning

Commission did not want to limit the use of shared parking, contended that the provisions of the ordinance would limit how shared parking is applied, and suggested that requiring EV chargers was not appropriate at this time. The Planning Commission voted 10-0 (another commissioner arrived) in support of the proposed Zoning Ordinance amendment as presented in the staff report.

FISCAL IMPACT: There is no fiscal impact as a result of the proposed zoning ordinance amendments.

CONCLUSION: Staff's recommendation to provide a streamlined process for regulating parking in the newly proposed use of *Neighborhood Commercial Centers* with a uniform parking ratio, and to offer expanded options for off-site parking agreements are critical steps to support small businesses in Arlington. These amendments support CMRI by lessening the parking regulatory burden and making it easier for businesses to meet the County's parking minimums. These businesses drive Arlington's attractiveness for additional potential office tenants and residents, keeping the economy strong and helping to decrease vacancy rates.

Attachments

- Attachment 1: Draft Ordinance Language
- Attachment 2: Draft Zoning Text

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE (ACZO) ARTICLES 7, 14, AND 18 TO:

- 1. AMEND §14.3.3.B OFF-SITE PARKING, ZONING DISTRICTS OTHER THAN R AND RA DISTRICTS,**
- 2. DELETE §14.3.6.B FOR CONSISTENCY WITH AMENDED §14.3.3.B;**
- 3. AMEND OFF-SITE PARKING IN §7.8.5 MIXED USE VIRGINIA SQUARE DISTRICT FOR CONSISTENCY WITH AMENDED §14.3.3.B;**
- 4. AMEND ARTICLE 18 TO DEFINE NEIGHBORHOOD COMMERCIAL CENTERS IN ARTICLE 18 (DEFINITIONS);**
- 5. AMEND §14.3 PARKING AND LOADING FOR NEIGHBORHOOD COMMERCIAL CENTERS**
- 6. OTHER EDITORIAL CHANGES FOR IMPROVED CLARITY AND FOR OTHER RELATED REASONS REQUIRED BY PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE.**

Be it ordained that Articles 7, 14, And 18 of the Arlington County Zoning Ordinance (ACZO) is hereby amended reenacted, and recodified, as set forth in Attachment 2, to facilitate the following:

- 1. Amend §14.3.3.B Off-site parking, Zoning districts other than R and RA districts,*
- 2. Delete §14.3.6.B for consistency with amended § 14.3.3.B;*
- 3. Amend off-site parking in § 7.8.5 Mixed Use Virginia Square District for consistency with amended § 14.3.3.B;*
- 4. Amend Article 18 to define Neighborhood Commercial Centers in Article 18 (Definitions);*
- 5. Amend §14.3 Parking and Loading for Neighborhood Commercial Centers*
- 6. Other editorial changes for improved clarity and for other related reasons required by public necessity, convenience, general welfare, and good zoning practice.*

Attachment 2: Zoning Ordinance Amendment – Parking-Related Uses

Proposed amendments are shown with **bold underline** to denote new text, and **~~bold strikethrough~~** to denote deleted text.

➤ Off-site parking

Article 7. Commercial/ Mixed Use (C) Districts

§7.8. MU-VS, Mixed Use Virginia Square District

§7.8.5. Site development standards

The site development standards of Article 13 and Article 14 apply to all development, except as otherwise specified below.

A. ...

...

D. **Parking**

1. ...

...

4. Up to 100 percent of any required parking may be provided off-site if the said parking spaces are located within a ¼-mile radius of the subject site and if a legally binding parking agreement meeting the standards of §14.3.6.3.B is provided to the zoning administrator.

Article 14. Site Development Standards

§14.3 Parking and Loading

§14.3.3. General requirements

The requirements set forth in this article with respect to the location or improvement of parking, standing and loading space shall apply to all such space that is provided for any use, whether said space is provided in accordance with the requirements of this zoning ordinance, or said space is voluntarily provided. Parking, standing and loading space shall comply with the following regulations:

A. ...

B. **Off-site parking**

~~1. Zoning districts other than R and RA districts~~

~~— All off-street parking space appurtenant to any use other than a Use permitted in any R or RA district shall be on the same parcel of land with the use to which it is~~

~~appurtenant or on common areas in the same subdivision; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the zoning administrator, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:~~

- ~~(a) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of parking for certain restaurants, shall conform to the requirements in §14.3.6.~~
- ~~(b) A pedestrian entrance to such space shall be located within a distance of 600 feet, by the shortest route of effective pedestrian access, entrance to entrance.~~
- ~~(c) Such space shall be conveniently usable without causing unreasonable:~~
 - ~~(1) Hazard to pedestrians.~~
 - ~~(2) Hazard to vehicular traffic.~~
 - ~~(3) Traffic congestion.~~
 - ~~(4) Interference with safe and convenient access to other parking areas in the vicinity.~~
 - ~~(5) Detriment to the appropriate use of business property in the vicinity.~~
 - ~~(6) Detriment to any residential neighborhood.~~

1. In Commercial/Mixed Use (C), Industrial (M), and Public (P) Districts

All required off-street parking spaces accessory to any Use permitted in any C, M, or P district shall be on the same parcel as that use. If the physical condition of a site presents difficulties in providing all required accessory parking on that site, and/or if public safety and/or convenience are better served, required accessory parking may be located off-site as follows:

- (a) The Zoning Administrator may authorize required accessory parking to be located off-site, provided:
 - (1) Such off-site parking spaces are located on land under the same ownership as the on-site parking spaces; and
 - (2) Such off-site parking spaces are located within 1/4 mile of the shortest effective pedestrian route, entrance to entrance; and
 - (3) Such off-site parking spaces shall not be used to accommodate administratively approved outdoor café seating in existing parking spaces, per §12.9.15.A.10; and
 - (4) Such off-site parking spaces shall not cause unreasonable:
 - (i) Hazard to pedestrians;
 - (ii) Hazard to vehicular traffic;
 - (iii) Traffic congestion;

(iv) Interference with safe and convenient access to other parking areas in the vicinity;

(v) Detriment to businesses and/or residences in the vicinity.

(b) The County Board may approve a use permit for required parking for any use permitted in any C, M, or P district to be located off-site, per §15.4, subject to the following criteria:

(1) Both sites are located entirely within Arlington County; and

(2) The off-site parking spaces cannot be used to accommodate administratively approved outdoor café seating in existing parking spaces on-site, per §12.9.15.A.10; and

(3) The off-site parking is more than and/or does not conflict with the parking required for the uses on the off-site property

(4) An agreement that is recorded in the land records ensuring the continued availability of the requested off-site parking spaces. An agreement shall include but is not limited to the following:

(i) Designation of the number and location of the off-site parking spaces including scaled plats and/or plans showing the number, dimensions, designation, and location of required parking on both sites;

(ii) Schedule of the anticipated days and hours of operation for all uses party to the agreement and for the designated off-site parking spaces;

(iii) Citation to the approved use permit for off-site parking including terms of use for a minimum period consistent with a review and renewal of the use permit ;

(iv) Acknowledgement that termination and/or breach of the agreement constitutes a zoning violation, and may result in revocation of the approved Use permit; and

(v) Owner/grantor and grantee of designated off-site parking spaces.

(5) The off-site parking spaces comply with §14.3.3.A.4

§14.3.6. Parking in Metro station areas

A. ...

B. ~~Special administrative provisions for meeting parking requirements for restaurants~~

~~Between 6:00 p.m. and 6:00 a.m., restaurants shall provide parking spaces as provided in §14.3.6.A. To encourage and promote pedestrian-related commercial activity in Metro station areas and to promote the efficient use of parking spaces, the required parking spaces for restaurants, the major portions of which are located within 1,000 feet of a Metro station entrance, may be provided by the restaurant obtaining a legally binding agreement to use off-site parking spaces, under any ownership, that are not required by any other use; or on-site or off-site parking spaces that are required for another use that~~

~~is not open for business between 6:00 p.m. and 6:00 a.m.; provided that the zoning administrator approves such agreement and location of required parking spaces. Use of parking spaces to meet the zoning requirements shall be subject to the following conditions:~~

- ~~1. Such parking spaces shall be located in commercial or industrial districts.~~
- ~~2. Such parking spaces shall conform to the requirements in §14.3.3, §14.3.4, and §14.3.7.~~
- ~~3. A pedestrian entrance to such parking spaces shall be located within a distance of 600 feet from the restaurant entrance by the shortest route of effective pedestrian access.~~
- ~~4. Such parking spaces shall be conveniently usable for patrons of the restaurant without causing unreasonable:~~
 - ~~(a) Hazard to pedestrians.~~
 - ~~(b) Hazard to vehicular traffic.~~
 - ~~(c) Traffic congestion.~~
 - ~~(d) Interference with safe and convenient access to other parking areas in the vicinity.~~
 - ~~(e) Detriment to the appropriate use of business property in the vicinity.~~
 - ~~(f) Detriment to any residential neighborhood.~~
5. The applicant shall file one copy of a notarized, legally binding agreement for the use of said parking spaces with the zoning administrator for review and approval when any restaurant parking requirement is met through said agreement. Approval by the zoning administrator of said agreement shall be subject to the following conditions:
 - (a) The name, address, and legal authorization of each signatory to execute the agreement shall be shown on the agreement.
 - (b) An agreement for the use of parking spaces shall be for not less than 20 years or shall coincide with the full period of the term of the lease, including options, for use of the land or building for the restaurant, whichever is shorter.
 - (c) Verification satisfactory to the zoning administrator that the use for which such parking spaces are required is not open for business between 6:00 p.m. and 6:00 a.m. shall be provided by the applicant.
 - (d) A certified survey plat depicting the parking spaces shall be attached to the agreement. The plat shall accurately show the following:
 - (1) The precise locations of the restaurant and the parking spaces.
 - (2) The distance between the restaurant and the parking spaces by the shortest route of effective pedestrian access.
 - (3) The location, dimensions, access aisles,

~~driveways, entrances, and exits of the parking spaces.~~

~~(4) Any other information required by the general regulations of this section.~~

~~5. Once the notarized copy of said agreement is approved and the parking spaces described on the agreement are certified to comply with all applicable provisions of this zoning ordinance by the zoning administrator, the zoning administrator shall credit such parking spaces toward the parking requirement of the restaurant and shall issue the certificate of occupancy to the restaurant. The applicant shall immediately notify the zoning administrator either before any amendment to or upon termination of the agreement.~~

~~(a) If the validity of any agreement for the use of said parking spaces submitted in compliance with this subsection expires or the agreement for any reason becomes null and void, the certificate of occupancy issued under this subsection shall be automatically suspended for the number of seats affected by said nullification, effective as of the date of such expiration or nullification. The restaurant shall cease operation of said number of seats and shall not resume until such time as a replacement agreement for the use of said parking spaces, approved by the zoning administrator, is made and the requirements of this subsection are satisfied. The applicant shall obtain an amended certificate of occupancy for the seats that are not affected by said voiding.~~

~~(b) In the event a certificate of occupancy is suspended as provided in §14.3.6.B.6(a), above, if the applicant applies for a use permit for a modification of parking requirements for the restaurant as described in §14.3.6.C, the restaurant shall be allowed to continue operation for a maximum period of 90 days or until such time as the County Board renders a decision on the use permit request, whichever is shorter.~~

~~6. Acceptance by the zoning administrator of any agreement for the use of parking spaces shall in no way obligate the county to enforce the provisions of said agreement, nor shall it render the county liable for any damages, injury, or loss resulting from the implementation of the provisions of the agreement.~~

~~7. The applicant shall negotiate the renewal of any agreement for the use of said parking spaces prior to its expiration and provide copies of such supplemental agreement to the zoning administrator in the form and manner specified by this subsection.~~

➤ On-Site Parking

Article 14. Site Development Standards

§14.3 Parking and Loading

§14.3.7. Required parking and standing space

- A. Parking shall be provided for all uses in accordance with the following standards unless specified otherwise in this or other sections of this zoning ordinance:

Use Types	Minimum Parking Requirement (spaces)	Additional Requirements
Retail and service commercial uses		
<u>Neighborhood Commercial Center</u>	<u>1 per each 600 sq. ft. of floor area notwithstanding individual commercial and/or retail parking ratios identified in §14.3.7.A, Neighborhood Commercial Centers parking requirements supersede</u>	

- B. ...
- C. The County Board may, through Use permit approval pursuant to §15.4, modify the regulations set forth in §14.3.7, as follows:
1. ...
 - ...
 5. **Modify the number of required off-street parking spaces for uses within Neighborhood Commercial Centers, as defined in Article 18, when the County Board finds that the potential adverse impacts associated with the modification can be obviated through measures such as, but not limited to the following:**
 - (a) **Implementing Transportation Demand Management (TDM) strategies, and/or demonstrating that transit or other transportation options exist that may offset parking demand; or**
 - (b) **Utilizing a managed or shared parking program that outlines shifts in demand throughout the day/evening based on the mix of uses within the Neighborhood Commercial Centers**

Article 18. Definitions

§18.2 General Terms Defined

Neighborhood Commercial Center. A building(s) with a total gross floor area of up to, but not including, 200,000 square feet containing multiple commercial and/or retail tenants, without residential floor area and served by a parking area that is shared by all on-site tenants.

