

Proposed Church Parking Lot Ordinance

A series of hearings and meetings has taken place since Spring 2005 to develop an amendment to the Zoning Ordinance (ZO) that would increase the use of church and lodge parking lots. The amendment (ZOA) would give new rights both *by-right* and *by special use permit*. The ZOA would affect churches and lodges in residential neighborhoods.

The Civic Federation's Planning & Zoning Committee has received complaints about use of church and lodge parking lots by vehicles not attending church/lodge activities. Because of these complaints and because so many of Civic Federation members are civic associations that have churches and lodges within their boundaries, the Planning & Zoning Committee has actively worked on the proposed ZOA.

What Has Happened to Date

Bill Gearhart, Co-Chair of the Civic Federation's Planning & Zoning Committee attended and/or spoke at the following events:

- In September 2005, staff conducted a public forum.
- In December 2005, the County Board voted to defer the ZOA at the recommendation of both the Transportation Commission the Planning Commission.
- Staff developed two staff reports prior to the County Board meeting and a third report is in the works. Each of these reports has somewhat different recommendations, so the ZOA details are in flux and can still be influenced.
- At the January 2006 meeting, the Civic Federation had a brief presentation on the current status of the ZOA. Those in attendance were invited to complete a straw poll survey. (No Civic Federation resolution is planned, given the schedule.) Documents are available on www.civfed.org and will be updated periodically. Results of the straw poll will be shared with staff and at public hearings. Additional surveys may be submitted by sending a completed copy to martha@civfed.org.

Upcoming Decisions about the ZOA

- Transportation Commission — Thursday, January 5th.
- Planning Commission — Monday, January 9th
- County Board — Saturday, January 21st

The next three pages have answers to questions submitted by the Planning & Zoning Committee in December. Following that is a table that staff prepared and updated that summarizes the intent of what staff is currently proposing.

Staff Responses to Civic Federation Questions About the Proposed Church Parking Lot Ordinance

The Planning & Zoning Committee submitted questions on 12/16 based on prior staff reports and on discussions at the Planning Commission and Transportation Commission meetings. Staff provided responses (boxed below) on 1/3/06 and is preparing a new staff report.

Currently Allowed Use

1. The staff report says, "*The current Zoning Ordinance requires places of worship and lodges to provide accessory parking spaces. These accessory parking spaces are permitted to be used by any on-site users of the facility on the main site. For instance, many places of worship provide space for community or instructional uses, such as meeting spaces for civic associations, Boy Scouts, and Alcoholic Anonymous Program; spaces for the Food Pantry, the Meals on Wheels Program, senior citizens' exercise classes, community choral groups practice, Children's Closing [sic] Exchange, day care centers, and athletic or music school uses. Parking generated by these uses is permitted to use the accessory parking as a matter of right. If a use on a main site is permitted by a use permit approval, such as schools or daycare centers located on the site, the use permit approval would include the use of accessory parking by the attendants and visitors of the school or daycare centers.*"
 - May such users conduct an event in the parking lot? For example, may they have a car wash or sell Christmas trees? (These are primarily conducted in the parking lot.)
 - Must the church facility be the primary use and parking secondary to that use?

Response: Any entity which is allowed to use the church facilities may be allowed to use the church parking lot for such activities as a car wash or for Christmas tree sales. Any use which is allowed and which uses the church facility would be part of the primary church use and would be allowed to use the accessory parking lot associated with the church.

2. The Arlington Public Schools leased parking for Swanson while the school was being renovated. Teachers and others who did not use the church site were invited to park there. Was this use not legal?

Response: The leasing of church parking spaces to off-site users is not currently allowed. However, such activity may be allowed under the proposed zoning ordinance amendment subject to specific guidelines regulating the amount of shared parking and other relevant conditions pursuant to the special exception process.

3. Does it currently matter if a church in an R district charges the users for use of the facility?

Response: The proposed zoning ordinance amendment is intended to address church and lodge parking in residential zones. The current zoning ordinance does not allow off-site use of church accessory parking lots in residential zones. Although the proposed zoning ordinance amendment will allow opportunities for leasing spaces to off-site users, it will not distinguish whether a church imposes a fee for use of their parking facilities. The intent of the ordinance is to establish criteria for land use decisions and their physical impacts on the neighboring community rather than financial implications of fee-based parking.

New Ordinance—Temporary Uses (By-Right; No Use Permit Required)

4. The staff report recommends that several sections of the zoning ordinance be amended to "*...permit secondary use of parking lots that are accessory to places of worship or lodges,...*"
 - What is the definition of a "lodge"? Please provide some examples in Arlington. (The Masonic Lodge on Wilson rented their parking spaces to commuters and then to the Clarendon Ballroom.)

Response: The Masonic lodge you mention on Wilson Boulevard is an example of a lodge. Another example is the lodge at Route 50 and George Mason which is leasing spaces to

employees of the National Guard Training Center. Places of worship and lodges are not defined by the zoning ordinance, however staff does not believe that this will create a problem.

5. The staff report wording says, *"...as a matter of right, for a thirty (30)-day period and no more than once in a one hundred eighty (180)-day period."* This language has been replaced by the following language, which was in the supplemental report, *"...provided that the use does not exceed twelve (12) parking spaces or ten (10) percent of the total number of available spaces whichever is less, OR is for no more than two (2) days per calendar year."*
- If the limit on the number of spaces is not exceeded, may the use be continuous?
 - Is the criterion "use" and not "user" for the "two (2) days per calendar year"? (For example, an entity for one purpose initially and the same entity for another purpose later could be construed to be separate uses.)

Response: There are two different allowances proposed, in addition to the use permit option. One is a provision that would allow a small amount of continuous parking by off-site users. As long as the number of spaces used was less than the maximum number allowed, then such parking would be permitted by-right. The second proposal is to allow a larger number of spaces to be used for a limited number of times per year such as 3 days every quarter. Either option could be adopted under the advertised language. These provisions are intended to allow such uses as the schools use of Westover Baptist or other special arrangements for a short period of time.

The intent of the ordinance is to limit the term of parking lot use not to specify the number of users of accessory parking. As long as it does not exceed the maximum allowed number of days the parking can be used by-right, any number of users may be allowed within that time frame. For example, if Westover Baptist allows the schools to park in the lot for 2 days, then 2 of the allowed days are used. If the County Board adopted a 30 day limit for example, then the church would have 28 left.

6. Is the by-right use allowed if it prevents the church from providing its required parking for its primary use—for example Sunday services?

Response: There is a provision that would prohibit the use if the by-right use was found to interfere with the required parking for the primary use. The use permit allows the Board to approve use of required spaces and if there was a problem when the use permit was reviewed then that might be a reason to amend the use permit. The standard use permit conditions will in each case further state that shared parking shall not conflict with hours of service or meeting times in such a way to preclude parishioners/lodge members, etc. from using parking during service/meeting times.

New Ordinance—Use Permit Required

The staff report characterizes use exceeding the by-right limits as requiring a use permit. With respect to such use permits:

7. Should uses be thought of as indefinite, unless the use permit is withdrawn?
8. Will the use permit be given to the church/lodge OR conveyed with the land?

Response to 7 & 8: Use permits are conveyed with the land and are granted in perpetuity unless they are discontinued by the County Board or the use is altered in some way such as if the use is intensified or hours of operation are expanded. This would trigger a use permit amendment and review by the County Board which can then take into account changes in site activity and impose new conditions and guidelines regulating the use.

9. Will the use permit given to the church/lodge be specific for a particular use/user? For example, if a permit is granted for Marymount students to park in the lot, can the church/lodge merely substitute another user without requesting a new use permit?

Response: Each request should be within the same scope as the previously approved use permit and must comply with approved use permit conditions, or the church would need to file an application for a use permit amendment so that staff may perform an analysis of the amended use.

10. The staff report talks about some factors that will be considered for granting use permits: *"To mitigate potentially negative impacts, the location of the parking lots, the proposed number of the secondary parking spaces, the hours of operation, the access to the parking lots, and the proximity of the parking lots to major streets and other pertinent factors will be considered at the time of use permit application. Use permits would be evaluated on a case-by case-basis, depending on the specific conditions of the proposed parking lots and relative to the standards of Section 36.G. Use permits."*

- Why did staff not develop a list of potentially approved uses, as in other sections of the zoning ordinance?
- Did staff consider requiring the parking to be away from adjacent properties and closer to the church/lodge buildings?
- May the church/lodge charge individuals to park or turn the lot over to a for-profit parking company, such as Colonial Parking? (For example, using a method similar to the attendant parking that has been implemented for the Marshall site, an Arlington Public School's building at Wilson & Fillmore)
- Has staff given any thought to how parking will be controlled to ensure that only authorized users park in the lot? Will the church/lodge be required to control users?

Response: Staff has produced a chart providing information on allowed uses, the ZOA intent, and use parameters. The chart is an attachment to the staff report but will not be included in the language of the zoning ordinance amendment. **Please see the attached chart.**

The location of shared parking spaces will be evaluated as part of the use permit process. Because staff proposes only a limited number of spaces be allowed under the by-right option which will have limited impacts on neighboring properties, we do not feel that identifying specific on-site locations for shared parking spaces is appropriate.

The church or lodge would be required to control use of its parking facilities in accordance with County policies. Violations of established by-right parameters or use permit conditions will be noted through complaints and inspection reviews as applicable.

Other

11. We had difficulty understanding when "commercial" vehicles were or were not to be allowed for use permits or by-right.

- Is there any difference is what is allowed by-right and by use permit?
- Did staff consider banning any types of vehicles, for example lawn service trucks or construction trucks?

Response: Commercial vehicle parking is not currently allowed. The zoning ordinance amendment will limit by-right use and use permit approval to non-commercial vehicles as defined by the zoning ordinance.

PARKING REQUIREMENTS FOR PLACES OF WORSHIP & LODGES

Updated Version Provided by Staff on 1/4/06

USES	USES & PARKING CURRENTLY ALLOWED	IMPACT OF PROPOSED ZOA POTENTIAL OPTIONS	
		By-Right	By Special Exception Use Permit
#1. Church related activities such as: meetings, classes, choir practice, services, day care during services, Sunday school	Yes	No change	N/A
#2. Special Exception Uses such as: schools, music, dance, day care, etc.	Yes with use permit	No change	N/A
#3. Secondary uses of churches by-right, such as: polling places, food pantry, Meals-on-Wheels, meetings (Alcoholic Anonymous, Civic Associations, County)	Yes	No change	N/A
#4. Occasional, temporary use such as: County Fair parking; overflow parking for nearby users (meetings, back-to-school nights); adjacent users that temporarily lose parking	No	Yes, for three (3) days, per quarter, per calendar year. AND/OR Yes, if non-commercial vehicles if either no more than 10% of the total parking spaces <u>or</u> 12 parking spaces are used, <u>whichever is less.</u>	See #5 below.
#5. Regular use of parking by adjacent uses in need of parking such as: TACTS/Doorways	No	Yes, if non-commercial vehicles if either no more than 10% of the total parking spaces <u>or</u> 12 parking spaces are used, <u>whichever is less.</u>	Yes. By special exception use permit if greater than by-right limits.
#6. Regular use by off-site users not adjacent to the church such as Marymount use of Mt Olivet #7. Commuter Parking #8. Employee Parking	No	Yes, if non-commercial vehicles if either no more than 10% of the total parking spaces <u>or</u> 12 parking spaces are used, <u>whichever is less.</u>	Yes. By special exception use permit if greater than by-right limits.
#9. Commercial use for storage of automobiles or storage of commercial vehicles	No	No. Would not allow.	No. Would not allow.
#10. Storage of buses for adjacent uses such as Culpepper Gardens	No	No. Would not allow.	No. Would not allow.