



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 15, 2011

DATE: October 6, 2011

SUBJECT: ZOA-11-02 Proposed amendments to the Arlington County Zoning Ordinance, Section 1. Definitions, Section 19. "C-1" Local Commercial Districts, Section 26. "C-2" Service Commercial - Community Business Districts, and Section 27A. "C-R" Commercial Redevelopment Districts, to define the term "Large Format Sales Establishment," as being a use for which one Certificate of Occupancy is to be sought or issued where the primary activity is the sale of any combination of food, merchandise and/or personal and business services, and to provide that "Large Format Sales Establishments" having a gross floor area of 50,000 square feet or more on any level or that propose to provide 200 or more parking spaces, are prohibited except after approval by the County Board of a Special Exception Use Permit. Commercial uses meeting the above referenced definition on properties zoned "MU-VS", "C-O-A", "C-3", "C-M", "M-1", "M-2", by reference in the Zoning Ordinance, would also be subject to this provision.

C. M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 1, 19, 26, and 27A in order to provide that "Large Format Sales Establishments," as defined, may only be approved by the County Board through Special Exception Use Permit.

ISSUES: By-right development of "Large Format Sales Establishments" (retail stores having either a gross floor area of 50,000 square feet or more on any level or that propose to provide 200 or more parking spaces), more commonly known as "big box" retail, may have a deleterious effect on adjacent parcels and the surrounding area, such as increased traffic, congestion at points of ingress and egress, large areas of impervious surface, inadequate tree canopy, and other environmental impacts. Allowing big box retail development only through Special Exception Use Permit would provide the community and the County Board the opportunity to review the potential negative impacts of this type of development and to determine the appropriate mitigation measures.

SUMMARY: Due to pressures in the real estate market caused by Arlington's location within the Washington, DC metropolitan area, large sites with commercial or industrial zoning are attractive locations for big box retail development. There are some underutilized commercial and industrial properties in Arlington that could potentially be redeveloped by-right with this type of big box retail development, which is characterized by auto-oriented, traffic intensive

County Manager: *BMD/GA*

County Attorney: *[Signature]*

Staff: Richard Tucker, CPHD, Planning

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uses. Staff has determined that the traffic generated by this type of commercial development far exceeds that which a commensurate amount of office or residential development would produce. Staff has further determined that the traffic impacts of “big box” commercial development should be evaluated on a case-by-case basis to address the potential negative impacts on adjacent properties and the community generally. If this type of development were to occur under by-right conditions, there would be no opportunity for community or County Board review of the potential impacts. Infrastructure improvements and other conditions that may be necessary to mitigate these potential impacts could not be incorporated in the approved development. The Zoning Ordinance language that was advertised in July captured all by-right permitted uses in the “C-1” and “C-2” districts, and by reference in the Zoning Ordinance, properties zoned "MU-VS", "C-O-A", "C-3", "C-M", "M-1", and "M-2". Since then, staff has further analyzed this approach and recommends that not all uses be subject to this proposal. Staff now recommends that only retail-oriented uses, if developed as large format operations, be reviewed through a Special Exception Use Permit Process. Therefore, it is recommended that the County Board consider amendments to the Zoning Ordinance, including the addition of a definition for the term “Large Format Sales Establishment”, and modifications to “C-1”, “C-2” and “C-R” zoning districts, to require that Large Format Sales Establishments be developed only through Special Exception Use Permit approval by the County Board.

BACKGROUND: As interest in “big box” development increased, there was concern that these types of developments could locate in a number of potential sites in Arlington and be developed by-right. These sites include, for example, the industrial properties located in the Shirlington Crescent / Four Mile Run area and some commercially-zoned properties located along Lee Highway. Typically, developers seek large underutilized industrial and commercial properties with significant by-right potential for these types of developments. Currently, if “big box” development were to occur by-right, there would be no means to mitigate any potential negative impacts that may affect the surrounding areas. Therefore, staff initiated a Zoning Ordinance amendment to permit these uses only through Special Exception Use Permit, which would provide an opportunity for additional review of this type of development. In July 2011, the County Board authorized advertising of public hearings to be held in September 2011, which were deferred by until October to allow additional time for community review of a revised approach, which is discussed further below. As a revision to the proposed Zoning Ordinance amendment that was originally advertised, staff has incorporated changes to the “C-R” zoning district consistent with the previously proposed changes to the “C-1” and C-2” districts, since the “C-R” district has similar permitted by-right commercial uses. Both this revision and the original amendment language were advertised for consideration.

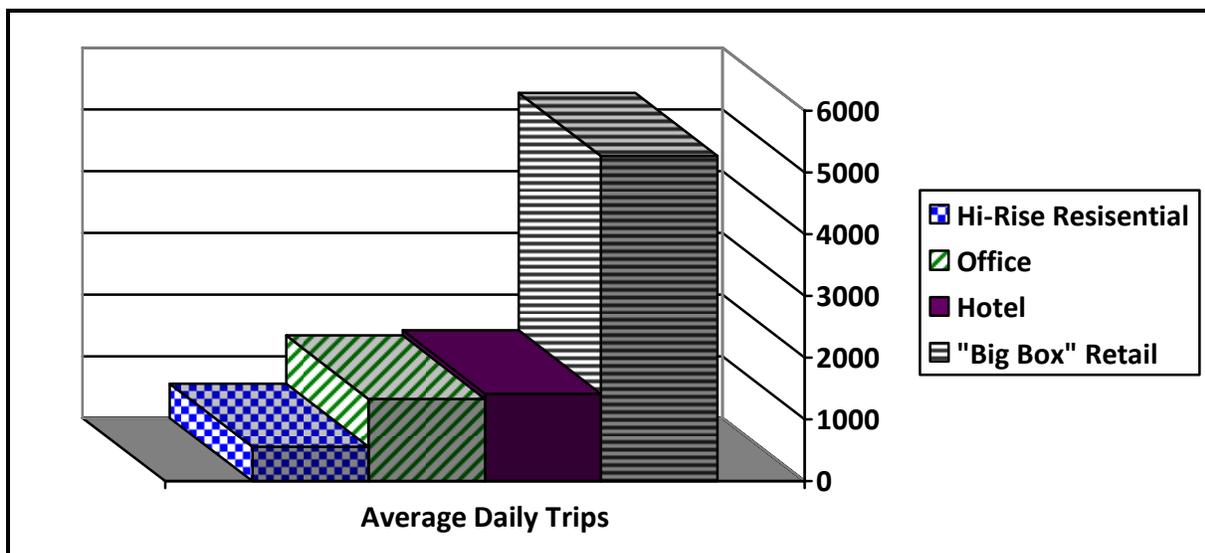
DISCUSSION: At its July 9, 2011, meeting, the County Board authorized advertising of a Zoning Ordinance amendment that would modify Section 19. “C-1” Local Commercial Districts and Section 26. “C-2” Service Commercial – Community Business Districts to provide that uses in buildings with a gross floor area of 50,000 square feet or more on any level, or that propose 200 or more parking spaces would be subject to approval by the County Board of a Special Exception Use Permit. This advertisement, broad in nature, captured all by-right permitted uses in the “C-1” and “C-2” districts, and by reference in the Zoning Ordinance, properties zoned "MU-VS", "C-O-A", "C-3", "C-M", "M-1", and "M-2", including office, industrial, and public development. Since July, staff has further analyzed this approach and recommends that not all uses be subject to this proposal. Staff now recommends that only retail-oriented uses, if

developed as large format operations, be reviewed through a Special Exception Use Permit Process. Therefore, in order to implement the revised approach, staff is proposing to add the following definition to the Zoning Ordinance, called “Large Format Sales Establishment,” and is recommending that the above referenced zoning districts be modified to provide that “Large Format Sales Establishments” shall be allowed, but only subject to approval of a Special Exception Use Permit by the County Board:

Large Format Sales Establishment. A use for which one Certificate of Occupancy is to be sought or issued and that either occupies 50,000 square feet or more on any one level or provides 200 or more parking spaces dedicated to that use. This definition shall include uses where the primary activity is the sale of any combination of food, merchandise, and/or personal and business services (personal and business services include banks, dry cleaners, ticket agencies, hair salons, shoe repair, watch repair, photo copying, fitness centers, and other uses that are similar in character, as determined by the Zoning Administrator) for use or consumption by a purchaser. A Large Format Sales Establishment shall not be deemed to include “vehicle dealership, sales, or rental lot”, or “vehicle service establishment.”

Based on staff’s analysis, retail-oriented uses, developed as large format operations, generate more serious impacts, particularly transportation related. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, which does not typically assume a heavy transit or bicycle usage as a means of access to a site, a typical 100,000 square foot big box store would generate approximately 5,300 daily trips, whereas office or hotel uses would generate between 1,300 and 1,400 daily trips. Hi-rise residential would typically have a significantly lower impact on area traffic, generating approximately 560 daily trips (see graph below).

Comparison: 100,000 SF of Residential (100 units), Office, Hotel (200 rooms) and Big Box Retail



Source: Institute of Transportation Engineers, Trip Generation, 8th Edition

The proposed Zoning Ordinance amendment language specify either 50,000 square feet on any level or 200 or more parking spaces dedicated to that use as a threshold triggering Special Exception Use Permit review. Staff has identified two major concerns that this approach addresses: (a) issues related to the form of development, and (b) issues related to the potential negative impacts of development, such as increased traffic. Over time, Arlington has adopted policies promoting pedestrian-oriented, walkable development. This goal has been achieved through design guidance that encourages the elimination of “superblocks” where a single use limits pedestrian and vehicular circulation around and through an area. Staff has determined that setting a 50,000 square foot criterion will ensure that new retail development that exceeds this limit would only be allowed after additional community review thereby providing an opportunity to evaluate the impact of such development on the existing character of the area and the transportation grid with regard to pedestrian and vehicular circulation.

Similarly, staff has determined that individual retail uses that have 200 or more dedicated parking spaces, whether a stand-alone development or as part of a shopping center, are of a type that anticipate heavy parking demand, and increased traffic. It is for these uses that the parking criterion is specified in the proposed Zoning Ordinance amendment. As the retail market has evolved over time, and with the advent of larger all-in-one big box stores, more and more retailers, including grocery stores, try to provide a range of food, merchandise and services within one store; increasing the floor area needed to house all these elements. As these uses increase in size and provide more services, they become more of a regional draw, rather than merely a neighborhood-serving use. The Zoning Ordinance has not been changed, over time, to address this shift in the retail marketplace and staff has determined that the proposed Zoning Ordinance amendment is an appropriate modification to address the potential negative impacts of this type of development consistent with the County’s overall policies.

Staff concludes that the traffic and other negative impacts that may result from “big box” development in Arlington could have a deleterious effect on surrounding area.

Community Review: Below is a summary of the major comments and concerns that were received during the community review process, as well as staff responses.

Zoning Committee (ZOCO) of the Planning Commission: Staff met twice with ZOCO on this item. At its latest meeting, on September 14, 2011, ZOCO reviewed staff’s revised approach to include retail-oriented uses developed as large format operations to be subject to Special Exception Use Permits only. At this meeting, Planning Commissioners had procedural questions related to the submission requirements and review process for future big box development proposals that would be subject to the proposed Zoning Ordinance amendment. Some Commissioners questioned whether the 50,000 square feet size requirement in the proposed Zoning Ordinance language was the appropriate number to be targeted and whether that number would cause nonconforming issues for existing development. Other Commissioners suggested that the 50,000 square foot threshold should be lowered to 40,000 square feet, noting that some grocery store chains have standard store floor plans of this size. Also, Commissioners were concerned about the traffic impacts of other uses, such as distribution centers (i.e. UPS and Fedex) and shopping centers, and suggested that the scope of the proposed amendment be expanded to include them.

Staff Response: The submission requirements for the standard Use Permit application require that applicants provide sufficient information for community review, such as site design details, parking information, and a statement on how the applicant proposes to mitigate any negative impacts. Presently, many Special Exception Use Permit Application projects, such as those submitted under the Unified Commercial Mixed-Use Development (UCMUD) provisions, undergo a community review process that provides a sufficient opportunity for community review and input. It is anticipated that, similar to other types of Special Exception Use Permit applications for new construction, applicants would be required to attend at least one community meeting, to be led by the Planning Commission's Site Plan Review Committee, where Planning Commissioners and representatives from nearby affected civic associations can provide their input.

Staff continues to recommend that the 50,000 square foot is the appropriate threshold for Special Exception User Permit review for large-scale retail-oriented uses. There are currently 10 by-right grocery stores located throughout the County that range in size from 7,000 to 49,000 square feet*. Lowering the 50,000 square feet threshold would likely render some existing grocery stores non-conforming. If existing uses become non-conforming as a result of the adoption of this or some other measure, there could be an impact on the owner's ability to secure financing, complete modernization projects, and/or to slightly expand without seeking approval of a Use Permit.

In terms of expanding the scope of the proposed Zoning Ordinance amendment to include industrial uses (i.e. distribution centers like UPS or Fedex), it is staff's opinion that due to market forces including higher land costs in Arlington, the development of distribution center facilities on sites in Arlington is highly unlikely. In the view of the County's economic development staff, these uses, which are already located within the region on sites near area airports and major highways with comparatively lower land values, are best served in their current locations and would not benefit greatly from relocating to Arlington from elsewhere within the region. Further, given the size and development capacity of existing industrially-zoned sites in Arlington, the scale and function of by-right industrial, light industrial and warehouse/distribution uses would be consistent with the intent of the Zoning Ordinance for industrial areas.

Staff has examined the applicability of the proposed Zoning Ordinance amendment to existing and potential future shopping centers and has determined that, similar to existing by-right grocery store development, the adoption of this or some other measure requiring Special Exception Use Permit review for existing shopping centers would likely make these uses non-conforming. In examining the Zoning Ordinance, staff has concluded that shopping centers, as low-density, modest scale by-right developments, continue to provide a range of needed goods and services in locations convenient to the neighborhoods that they serve in a manner consistent with the original intent of the Zoning Ordinance. Therefore, staff does not recommend that shopping centers be subject to the requirements proposed for big box retail development.

* The Pentagon City Costco store, which was developed as a by-right reuse of an existing structure, has approximately 170,000 square feet of floor area.

Economic Development Commission, Business and Development Representatives: Staff attended meetings held by a joint committee of the Northern Virginia Building Industry Association (NVBIA), and the Northern Virginia Chapter of the National Association Industrial and Office Properties (NAIOP) (July 20 and August 10, 2011), the Arlington Chamber of Commerce's Government Affairs and Economic Development Committee (August 12 and September 23, 2011), and the County's Economic Development Commission (September 13, 2011). These groups were kept abreast of changes to the staff approach to this issue as they occurred.

Members of the business community expressed concerns that the process, which was initiated in July, proceeded too quickly. They also had concerns about the broad advertising to include all uses as there could be unintended impacts on by-right office development in the affected zoning districts. It was recommended that, if the County's concern is related to the impacts of by-right development of big box retail, then the proposed Zoning Ordinance amendment should address those uses only, and not by-right office development. Some members of the business community suggested that staff should exercise care in developing any change to the Zoning Ordinance that would hinder the development of grocery stores, and pointed out the County's Policy for Grocery Stores, which was adopted by the County Board in 1985 to address the shortage of grocery opportunities in Arlington. Also, there were questions about the meaning of the phrase "business and personal services" in the "Large Format Sales Establishment" definition.

Staff Response: With regard to the process, the proposed amendment has undergone extensive review with various groups. Moreover, the item was deferred in September to allow for additional review. On the broad advertising, staff agrees that the scope should be narrowed to only include retail-oriented large format uses and now proposes that the Zoning Ordinance be amended to include a new definition for the term "Large Format Sales Establishments" and that the affected zoning districts be modified to provide that "Large Format Sales Establishments" shall be allowed, subject to approval of a Special Exception Use Permit by the County Board. This revision limits the scope of the proposed Zoning Ordinance amendment to just those uses that meet the definition of the term "Large Format Sales Establishment", and therefore avoids the unintended impacts on other uses that were the cause of concern.

The proposed Zoning Ordinance amendment language, if adopted, would provide an appropriate level of community review to address any potential negative impacts of big box development. It is staff's view that this level of review is particularly important for sites outside of the Metro corridors, where significant redevelopment is not anticipated. Of the total of 19 grocery stores located in Arlington, eight (8) were built under Special Exception approval (either Use Permit or Site Plan). It is important to note that of the 11 existing by-right grocery stores in Arlington, none exceed 50,000 in total gross floor area, with the exception of the Costco in Pentagon City, which opened in 1993. Given that 10 of the 11 existing by-right grocery stores are below 50,000 square feet in total gross floor area, there are opportunities for significant remodeling and/or expansion of these facilities. The proposed Zoning Ordinance amendment would not preclude the development of grocery stores that are proposed to be either larger than 50,000 square

feet, on any level, or to provide 200 or more designated parking spaces, but rather may provide an opportunity to review creative design solutions that help to better incorporate the proposed development into the neighborhood.

With respect to better clarity on “personal and business services”, the Zoning Administrator may utilize the Retail Action Plan, and other adopted policy documents, as guidance for the purpose of making a determination. The proposed definition for “Large Format Sales Establishments” has been revised to reflect more specific examples of personal and business services as listed in the Retail Action Plan, so that there is greater clarity about the meaning of the phrase. Staff believes that, in the future, the Zoning Administrator will be able to discern and determine, on a case-by-case basis, whether a proposed use is subject to this Zoning Ordinance amendment, should the amendment be adopted by the County Board.

Planning Commission: The proposed Zoning Ordinance amendment was reviewed at the October 5, 2011 Planning Commission meeting. Staff made a brief presentation, reviewing revisions to the proposed Zoning Ordinance language, as well as comments that were previously received from ZOCO and business and development representatives. Two public speakers expressed support for the proposed Zoning Ordinance amendment. After some discussion between Commission members and staff, the Planning Commission voted to unanimously support a recommendation to adopt the proposed Zoning Ordinance amendment. As part of the motion, the Planning Commission recommended that staff review the proposed zoning language found on page 9 of the staff report (lines 29-30; lines 44-46) which seem to be contradictory. Staff agrees with this suggestion and has edited line 44 on page 10.

The Planning Commission also recommended that staff review the proposed definition for “Large Format Sales Establishment,” which is found on page 9 of the staff report (lines 3-11). Based on the definition, which states that a Large Format Sales Establishment is “A use for which one Certificate of Occupancy is to be sought or issued...,” it was unclear to Planning Commissioners as to when staff would know whether an applicant is seeking to develop a use that is in excess of 50,000 square feet or has 200 or more parking spaces, and therefore would be required to seek Special Exception Use Permit approval.

From a procedural standpoint, in filing a by-right development proposal for review by staff, applicants are required to show, in detail, what they intend to build, including the square footage of each use, building setbacks, how parking is to be arranged, etc. In reviewing by-right development proposals, Zoning staff routinely examines proposals in light of what is permitted by-right as per the Zoning Ordinance. It is in this routine review that future by-right proposals incorporating Large Format Sales Establishments, as defined, would be identified and the applicant would be informed that the use being proposed can only be approved through the Special Exception Use Permit process. This being the case, staff believes that any future development of Large Format Sales Establishments will be handled in a manner consistent with the intent of the proposed Zoning Ordinance amendment, should it be adopted by the County Board.

Planning Commissioners also voiced a general concern about the potential adverse traffic impacts of other by-right uses, such as distribution centers (i.e. Fedex and UPS) and shopping centers. Staff indicated that no analysis of these other uses has been completed and therefore there is no recommended action in regard to these uses at this time.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 1, 19, 26, and 27A in order to provide that “Large Format Sales Establishments”, as defined, may only be approved by the County Board through Special Exception Use Permit.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 1, 19, 26 AND 27A, IN ORDER TO PROVIDE THAT LARGE FORMAT SALES ESTABLISHMENTS MAY ONLY BE APPROVED BY THE COUNTY BOARD THROUGH SPECIAL EXCEPTION USE PERMIT; AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that the Arlington County Zoning Ordinance provisions in Sections 1, 19, 26 and 27A are hereby amended, reenacted and recodified as follows, in order to provide that Large Format Sales Establishments may only be approved by the County Board through Special Exception Use Permit; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

* * *

SECTION 1. DEFINITIONS

Large Format Sales Establishment. A use for which one Certificate of Occupancy is to be sought or issued and that either occupies 50,000 square feet or more on any one level or provides 200 or more parking spaces dedicated to that use. This definition shall include uses where the primary activity is the sale of any combination of food, merchandise, and/or personal and business services (personal and business services include banks, dry cleaners, ticket agencies, hair salons, shoe repair, watch repair, photo copying, fitness centers, and other uses that are similar in character, as determined by the Zoning Administrator) for use or consumption by a purchaser. A Large Format Sales Establishment shall not be deemed to include “vehicle dealership, sales, or rental lot”, or “vehicle service establishment”.

* * *

SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS

The purpose of the "C-1" District classification is to provide locations for low intensity development where retail and personal service uses predominate and where there is also limited opportunity for office uses and business service uses. "C-1" Districts should be located and developed as unified shopping centers consisting primarily of small individual shops of a linear or cluster design. Furthermore, development of "C-1" Districts should result in commercial centers which are compatible with the surrounding development in terms of scale and character.

The following regulations shall apply in all "C-1" Districts:

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A. Uses Permitted.

The following uses are permitted, provided that they are not Large Format Sales Establishments, as defined in Section 1.

1. All uses permitted in "C-1-R" Districts.
2. Antique shop.
3. Art store, including art work, art supplies and framing materials.
4. Automobile accessories and supplies, excluding installation.
5. Bank or other financial institution.
6. Book, stationery or card store.
7. Clothing or wearing apparel shop.
8. Department store restricted to sites that are a minimum of five (5) acres.
9. Dry goods or notion store.
10. Film processing kiosk (photo service).
11. Florist or gift shop. Delivery of flowers to off-site locations is permitted when it involves less than thirty [30] percent of the amount of the sales from these stores.
12. Grocery, fruit or vegetable store ~~without restriction or maximum gross floor area.~~
Delivery of groceries to off-site locations is permitted when it involves less than thirty [30] percent of the amount of the sales from these stores.
13. Hardware, paint or appliance store.
14. Hobby or handcraft store.
15. Home furnishings store.
16. Jewelry store.
17. Locksmith.
18. Medical office or clinic.
19. Office as regulated in subsection C.1., below.
20. Optical store.
21. Pet shop.
22. Photography studio.
23. Photo copy service.
24. Private postal service limited to a gross floor area of twelve hundred (1,200) square feet.
25. Repair shop (small appliance, television, radio).
26. Restaurant, including outdoor cafes associated with such uses (excluding restaurants with drive-through windows and dancing or entertainment, except as provided for in subsection B.6). Delivery of food and beverages to off-site locations is permitted when it involves less than thirty [30] percent of the amount of the sales from these restaurants.
27. Secondhand or consignment shop.
28. Shoe store.
29. Sporting goods store.
30. Variety store.
31. Video tape or record store.
32. Uses and buildings customarily accessory to the above uses.
33. Properties that are located in the Columbia Pike Special Revitalization District may be developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations in Section 20.

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B. Special Exceptions.

The following uses may be established subject to obtaining a use permit under the procedures established in Section 36. G. Use Permits:

1. Amusement game arcade.
2. Food delivery services.
3. Health club.
4. Indoor and outdoor tennis, racquet or handball courts.
5. Public parking area whether with or without improvements deferred, as regulated in Section 33.B.1.b.
6. Restaurant providing live entertainment and/or dancing.
7. Schools (private, elementary and high), kindergartens, day nurseries and day care facilities.
8. Vehicle service establishment, provided that any portion of the use except the sale of gasoline shall be conducted wholly within a building.
9. Any use otherwise permitted in this district with a drive-through window.
10. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18.
11. Uses in projects that are within the Clarendon Revitalization District and are part of a Unified Commercial/Mixed Use Development as set forth in section 31.A.17.
12. Large Format Sales Establishments.

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SECTION 26. "C-2" SERVICE COMMERCIAL--COMMUNITY BUSINESS DISTRICTS

The purpose of the "C-2" District classification is to provide locations for commercial development where the variety in retail, service and office uses is intended to serve a broad-based community. "C-2" Districts should be developed as linear commercial and be located primarily along principal arterial streets as designated in the Master Transportation Plan. The "C-2" District provides for an expanded range of uses, greater density and greater height than the "C-1" District classification.

The following regulations shall apply in all "C-2" Districts:

A. Uses Permitted.

All of the uses listed below are permitted, provided, however, that if a use provides classes or instruction to children and, either twenty (20) percent or more of the total number of students enrolled in classes and/or instruction are children under eighteen (18) years of age or the total number of children under eighteen (18) years of age enrolled in classes scheduled to be held at any one time is ten (10) or more, the use may only be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use. The following uses are permitted, provided that they are not Large Format Sales Establishments as defined in Section 1.

- 123 1. All uses as permitted and regulated in "C-1" Districts.
- 124 2. Amusement enterprises, including a billiard or pool hall, boxing arena, games of skill,
125 penny arcade, shooting gallery and the like, if conducted wholly within a completely
126 enclosed building.
- 127 3. Animal hospital or veterinary clinic within a fully enclosed structure.
- 128 4. Blueprinting or photostating.
- 129 5. Business college operated as a commercial enterprise.
- 130 6. Catering establishment.
- 131 7. Cleaning or laundry establishment.
- 132 8. Dance studio.
- 133 9. Department store, without restriction on minimum site area as imposed in "C-1" Districts.
- 134 10. Health club.
- 135 11. Hotel or tourist court.
- 136 12. Indoor swimming pool.
- 137 13. Indoor theater or auditorium.
- 138 14. Mailing service, including bulk mailing.
- 139 15. Medical or dental laboratory.
- 140 16. Music conservatory or music instruction.
- 141 17. Nursery, flower or plant store, provided that all incidental equipment and supplies,
142 including fertilizer, empty cans and garden tools are kept within a building or in
143 designated areas outside as approved by the Zoning Administrator, provided that the
144 location does not impede pedestrian or vehicular movement on the property.
- 145 18. Office, without restriction on location within structures.
- 146 19. Palmistry.
- 147 20. Pawnshop.
- 148 21. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed
149 building.
- 150 22. Printing, lithographing or publishing.
- 151 23. Public parking area of up to fifty (50) spaces or of a lot area of up to twenty thousand
152 (20,000) square feet, when located and developed as required in Section 33.
- 153 24. Public service, including electric distributing substation, fire or police station, telephone
154 exchange, and the like.
- 155 25. Retail stores or business in addition to those permitted in "C-1-R" and "C-1" Districts.
- 156 26. Sign painting shop, if conducted wholly within a completely enclosed building.
- 157 27. Trade or commercial school, if not objectionable due to noise, odor, vibration or other
158 similar causes.
- 159 28. Upholstery shop, if conducted wholly within a completely enclosed building.
- 160 29. Vehicle dealership, sales or rental lot, provided that the use is located on a site which is
161 more than twenty thousand (20,000) square feet in area, and where the use complies with
162 the standards identified in subsection C.4., shall be permitted as a matter of right. In
163 addition, vehicle dealership, sales or rental lot that is located on a site ten thousand
164 (10,000) square feet or smaller shall not be permitted.
- 165 30. Wedding chapel.
- 166 31. Other uses which, in the judgment of the Zoning Administrator, are of the same general
167 character as those listed in this subsection and will not be detrimental to the district in
168 which located.

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171 **B. Special Exceptions.**

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173 Any of the following uses may be established subject to obtaining a use permit as provided in
174 Section 36-. G. "Use Permits," for each such use:

- 175 1. Audio-visual production studio.
- 176 2. Bowling alley.
- 177 3. Car wash.
- 178 4. Carpet and rug cleaning establishments, excluding dyeing.
- 179 5. Food delivery service.
- 180 6. Any use otherwise permitted in this district with a drive-through window.
- 181 7. Indoor and outdoor skating rink.
- 182 8. Massage parlor and the like.
- 183 9. Miniature golf course.
- 184 10. Mortuary or funeral home, including a cremation unit within a mortuary or funeral home.
- 185 11. Reserved.
- 186 12. Nightclubs and restaurants providing live entertainments, including dance halls.
- 187 13. Outdoor swimming pool.
- 188 14. By site plan approval under Section 36.H., use regulations for areas designated as
189 "Special Revitalization Districts" on the General Land Use Plan may be modified
190 under the following conditions, and an additional F.A.R. of .5 may be allowed
191 under the following conditions applicable to such increases in density:
 - 192 a. Height limit: No building, nor the enlargement of any building, shall exceed the
193 height standard in the revitalization area or six (6) stories not including
194 mechanical penthouses.
 - 195 b. Density: The ratio of the total gross floor area of all uses, excluding one- and two-
196 family dwellings, to the total area of the site shall not exceed 1.5 to 1. A building
197 which has solely residential use above the second floor level shall be permitted to
198 have a residential F.A.R. of 1.5 and a first floor retail commercial use F.A.R. of
199 up to .5. In no case shall the total F.A.R. of such a building exceed 2.0.
 - 200 c. The first floor of any office building shall be designed and used for retail
201 commercial uses. A plan specifying the proposed retail commercial uses shall be
202 developed and shall be consistent with the adopted plan for the "Special
203 Revitalization District."
 - 204 d. Automobile parking space is to be provided as required in Section 33, except that
205 parking may be reduced by site plan approval to no less than one (1) off-street
206 parking space per one (1) dwelling unit and one (1) off-street parking space for
207 each five hundred eighty (580) square feet of the total office and retail gross floor
208 area.
 - 209 e. Screening walls and/or landscaping consistent with the goals and standards of the
210 adopted plan for the revitalization area shall be provided where a parking area
211 abuts a street, sidewalk, alley, or other public right-of-way and where a parking
212 area abuts "R" and "RA" districts.
 - 213 f. Streetscape improvements consistent with the standards of the adopted "Special
214 Revitalization District" plan for the area shall be implemented on the periphery of
215 the site fronting on public right-of-way.
 - 216 g. A coordinated sign plan shall be required. Standards for signs shall be those set
217 forth in the adopted "Special Revitalization District" plan for the area.

- 218 h. All aerial utilities in the public right-of-way at the periphery of the site and within
219 the site shall be placed underground.
- 220 15. Public parking area of more than fifty (50) spaces or of a lot area of more than twenty
221 thousand (20,000) square feet.
- 222 16. Vehicle body shop, so long as such activities are conducted entirely within a building.
- 223 17. Vehicle dealership, sales or rental lots located on-sites of twenty thousand (20,000)
224 square feet or less but more than ten thousand (10,000) square feet in area shall be
225 permitted by use permit, provided that the use complies with the standards identified in
226 subsection C.4.
- 227 18. Vehicle service establishment, provided that any vehicle repairs and storage of
228 merchandise and supplies shall be conducted wholly within a building, and that any
229 lubrication or washing not conducted wholly within a building shall be permitted only if a
230 masonry wall, seven (7) feet in height, is erected and maintained between such uses and
231 any adjoining "R" District.
- 232 19. Uses in projects that are not within the Columbia Pike Special Revitalization District or
233 the Lee Highway-Cherrydale Special Revitalization District but are part of a Unified
234 Commercial/Mixed Use Development as set forth in section 31.A.17.
- 235 20. In addition, if any use permitted under subsection 26.A. includes classes or instruction to
236 children and, either twenty (20) percent or more of the total number of students enrolled
237 in classes and/or instruction are children under eighteen (18) years of age or the total
238 number of children under eighteen (18) years of age enrolled in classes scheduled to be
239 held at any one time is ten (10) or more, the use may only be established subject to
240 obtaining a use permit as provided in Section 36, "Use Permits," for each such use.
- 241 21. Large Format Sales Establishments.

242 * * *

245 SECTION 27A. "C-R" COMMERCIAL REDEVELOPMENT DISTRICTS

246
247 The purpose of the "C-R" classification is to encourage medium density mixed use development;
248 to recognize existing commercial rights; and to provide tapering of heights between higher
249 density office development and lower density residential uses. The district is designed for use
250 within one quarter mile of the Metrorail stations on property designated "Medium Density Mixed
251 Use" on the General Land Use Plan.

252
253 The following regulations shall apply to all "C-R" Districts:

255 A. Uses Permitted.

256 All of the uses listed below are permitted, provided, however, that if a use provides classes or
257 instruction to children and, either twenty (20) percent or more of the total number of students
258 enrolled in classes and/or instruction are children under eighteen (18) years of age or the total
259 number of children under eighteen (18) years of age enrolled in classes scheduled to be held at
260 any one time is ten (10) or more, the use may only be established subject to obtaining a use
261 permit as provided in Section 36, "Use Permits," for each such use. The following uses are
262 permitted, provided that they are not Large Format Sales Establishments, as defined in Section 1.

- 263
264 1. All uses permitted in the "C-1" District.
265 2. Art or antique shop.

- 266 3. Bird store, pet shop or taxidermist.
- 267 4. Department, furniture or household appliance store.
- 268 5. Film exchange.
- 269 6. Hotels and tourist courts.
- 270 7. Indoor swimming pools.
- 271 8. Indoor theaters.
- 272 9. Interior decorating store.
- 273 10. Medical or dental clinics and laboratories.
- 274 11. Music conservatory or music instruction.
- 275 12. Newsstand.
- 276 13. Multifamily dwelling units.

277

278 **B. Special Exceptions.**

279

280 The following uses may be established subject to obtaining a use permit under the procedures
 281 established in Section 36. **G. Use Permits.**

- 282 1. Schools: private, elementary and high, kindergartens and day nurseries.
- 283 2. Billiard or pool halls.
- 284 3. Indoor/outdoor tennis, racquet and handball courts.
- 285 4. Dancing studio.
- 286 5. Health clubs.
- 287 6. Nightclubs and restaurants providing live entertainment including dance halls.
- 288 7. Outdoor commercial enterprises including games of skill and science.
- 289 8. Outdoor fair, carnival, circus, trade show.
- 290 9. Animal hospitals within fully enclosed structures.
- 291 10. Unscreened telecommunications equipment.
- 292 11. By site plan approval: Mixed use office, retail and residential development at the
 293 densities set forth in subsection I. below. (Ord. No. 90-20, 7-11-90)
- 294 12. In addition, if any use permitted under subsection 27A.A. includes classes or instruction
 295 to children and, either twenty (20) percent or more of the total number of students
 296 enrolled in classes and/or instruction are children under eighteen (18) years of age or the
 297 total number of children under eighteen (18) years of age enrolled in classes scheduled to
 298 be held at any one time is ten (10) or more, the use may only be established subject to
 299 obtaining a use permit as provided in Section 36, "Use Permits," for each such use.
- 300 13. Large Format Sales Establishments.

* * *