

ZOA-11-02
Adopted October 15, 2011

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:

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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”.

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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.

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

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27 **A. Uses Permitted.**

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

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- 32 1. All uses permitted in "C-1-R" Districts.
- 33 2. Antique shop.
- 34 3. Art store, including art work, art supplies and framing materials.
- 35 4. Automobile accessories and supplies, excluding installation.
- 36 5. Bank or other financial institution.
- 37 6. Book, stationery or card store.
- 38 7. Clothing or wearing apparel shop.
- 39 8. Department store restricted to sites that are a minimum of five (5) acres.
- 40 9. Dry goods or notion store.
- 41 10. Film processing kiosk (photo service).
- 42 11. Florist or gift shop. Delivery of flowers to off-site locations is permitted when it
43 involves less than thirty [30] percent of the amount of the sales from these stores.
- 44 12. Grocery, fruit or vegetable store ~~without restriction or maximum gross floor area.~~
45 Delivery of groceries to off-site locations is permitted when it involves less than
46 thirty [30] percent of the amount of the sales from these stores.
- 47 13. Hardware, paint or appliance store.
- 48 14. Hobby or handcraft store.
- 49 15. Home furnishings store.
- 50 16. Jewelry store.
- 51 17. Locksmith.
- 52 18. Medical office or clinic.
- 53 19. Office as regulated in subsection C.1., below.
- 54 20. Optical store.
- 55 21. Pet shop.
- 56 22. Photography studio.
- 57 23. Photo copy service.
- 58 24. Private postal service limited to a gross floor area of twelve hundred (1,200) square
59 feet.
- 60 25. Repair shop (small appliance, television, radio).
- 61 26. Restaurant, including outdoor cafes associated with such uses (excluding restaurants
62 with drive-through windows and dancing or entertainment, except as provided for in
63 subsection B.6). Delivery of food and beverages to off-site locations is permitted
64 when it involves less than thirty [30] percent of the amount of the sales from these
65 restaurants.
- 66 27. Secondhand or consignment shop.
- 67 28. Shoe store.
- 68 29. Sporting goods store.
- 69 30. Variety store.
- 70 31. Video tape or record store.

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- 71 32. Uses and buildings customarily accessory to the above uses.
72 33. Properties that are located in the Columbia Pike Special Revitalization District may
73 be developed in accordance with Section 20. "CP-FBC" Form Based Code Districts.
74 After such development all uses permitted in Section 20 shall be permitted on the
75 property, subject to all regulations in Section 20.

76

77 **B. Special Exceptions.**

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

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

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

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

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

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115 **A. Uses Permitted.**

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

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

- 162 28. Upholstery shop, if conducted wholly within a completely enclosed building.
163 29. Vehicle dealership, sales or rental lot, provided that the use is located on a site which
164 is more than twenty thousand (20,000) square feet in area, and where the use
165 complies with the standards identified in subsection C.4., shall be permitted as a
166 matter of right. In addition, vehicle dealership, sales or rental lot that is located on a
167 site ten thousand (10,000) square feet or smaller shall not be permitted.
168 30. Wedding chapel.
169 31. Other uses which, in the judgment of the Zoning Administrator, are of the same
170 general character as those listed in this subsection and will not be detrimental to the
171 district in which located.

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174 **B. Special Exceptions.**

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

- 178 1. Audio-visual production studio.
179 2. Bowling alley.
180 3. Car wash.
181 4. Carpet and rug cleaning establishments, excluding dyeing.
182 5. Food delivery service.
183 6. Any use otherwise permitted in this district with a drive-through window.
184 7. Indoor and outdoor skating rink.
185 8. Massage parlor and the like.
186 9. Miniature golf course.
187 10. Mortuary or funeral home, including a cremation unit within a mortuary or funeral
188 home.
189 11. Reserved.
190 12. Nightclubs and restaurants providing live entertainments, including dance halls.
191 13. Outdoor swimming pool.
192 14. By site plan approval under Section 36.H., use regulations for areas designated as
193 "Special Revitalization Districts" on the General Land Use Plan may be
194 modified under the following conditions, and an additional F.A.R. of .5 may
195 be allowed under the following conditions applicable to such increases in
196 density:
197 a. Height limit: No building, nor the enlargement of any building, shall exceed
198 the height standard in the revitalization area or six (6) stories not including
199 mechanical penthouses.
200 b. Density: The ratio of the total gross floor area of all uses, excluding one- and
201 two-family dwellings, to the total area of the site shall not exceed 1.5 to 1. A
202 building which has solely residential use above the second floor level shall be
203 permitted to have a residential F.A.R. of 1.5 and a first floor retail commercial
204 use F.A.R. of up to .5. In no case shall the total F.A.R. of such a building
205 exceed 2.0.
206 c. The first floor of any office building shall be designed and used for retail
207 commercial uses. A plan specifying the proposed retail commercial uses shall

- 208 be developed and shall be consistent with the adopted plan for the "Special
 209 Revitalization District."
 210 d. Automobile parking space is to be provided as required in Section 33, except
 211 that parking may be reduced by site plan approval to no less than one (1) off-
 212 street parking space per one (1) dwelling unit and one (1) off-street parking
 213 space for each five hundred eighty (580) square feet of the total office and
 214 retail gross floor area.
 215 e. Screening walls and/or landscaping consistent with the goals and standards of
 216 the adopted plan for the revitalization area shall be provided where a parking
 217 area abuts a street, sidewalk, alley, or other public right-of-way and where a
 218 parking area abuts "R" and "RA" districts.
 219 f. Streetscape improvements consistent with the standards of the adopted
 220 "Special Revitalization District" plan for the area shall be implemented on the
 221 periphery of the site fronting on public right-of-way.
 222 g. A coordinated sign plan shall be required. Standards for signs shall be those
 223 set forth in the adopted "Special Revitalization District" plan for the area.
 224 h. All aerial utilities in the public right-of-way at the periphery of the site and
 225 within the site shall be placed underground.
 226 15. Public parking area of more than fifty (50) spaces or of a lot area of more than twenty
 227 thousand (20,000) square feet.
 228 16. Vehicle body shop, so long as such activities are conducted entirely within a building.
 229 17. Vehicle dealership, sales or rental lots located on-sites of twenty thousand (20,000)
 230 square feet or less but more than ten thousand (10,000) square feet in area shall be
 231 permitted by use permit, provided that the use complies with the standards identified
 232 in subsection C.4.
 233 18. Vehicle service establishment, provided that any vehicle repairs and storage of
 234 merchandise and supplies shall be conducted wholly within a building, and that any
 235 lubrication or washing not conducted wholly within a building shall be permitted only
 236 if a masonry wall, seven (7) feet in height, is erected and maintained between such
 237 uses and any adjoining "R" District.
 238 19. Uses in projects that are not within the Columbia Pike Special Revitalization District
 239 or the Lee Highway-Cherrydale Special Revitalization District but are part of a
 240 Unified Commercial/Mixed Use Development as set forth in section 31.A.17.
 241 20. In addition, if any use permitted under subsection 26.A. includes classes or
 242 instruction to children and, either twenty (20) percent or more of the total number of
 243 students enrolled in classes and/or instruction are children under eighteen (18) years
 244 of age or the total number of children under eighteen (18) years of age enrolled in
 245 classes scheduled to be held at any one time is ten (10) or more, the use may only be
 246 established subject to obtaining a use permit as provided in Section 36, "Use
 247 Permits," for each such use.
 248 21. Large Format Sales Establishments.

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 252 **SECTION 27A. "C-R" COMMERCIAL REDEVELOPMENT DISTRICTS**
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254 The purpose of the "C-R" classification is to encourage medium density mixed use
255 development; to recognize existing commercial rights; and to provide tapering of heights
256 between higher density office development and lower density residential uses. The district is
257 designed for use within one quarter mile of the Metrorail stations on property designated
258 "Medium Density Mixed Use" on the General Land Use Plan.

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

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262 **A. Uses Permitted.**

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

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- 272 1. All uses permitted in the "C-1" District.
- 273 2. Art or antique shop.
- 274 3. Bird store, pet shop or taxidermist.
- 275 4. Department, furniture or household appliance store.
- 276 5. Film exchange.
- 277 6. Hotels and tourist courts.
- 278 7. Indoor swimming pools.
- 279 8. Indoor theaters.
- 280 9. Interior decorating store.
- 281 10. Medical or dental clinics and laboratories.
- 282 11. Music conservatory or music instruction.
- 283 12. Newsstand.
- 284 13. Multifamily dwelling units.

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286 **B. Special Exceptions.**

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

- 290 1. Schools: private, elementary and high, kindergartens and day nurseries.
- 291 2. Billiard or pool halls.
- 292 3. Indoor/outdoor tennis, racquet and handball courts.
- 293 4. Dancing studio.
- 294 5. Health clubs.
- 295 6. Nightclubs and restaurants providing live entertainment including dance halls.
- 296 7. Outdoor commercial enterprises including games of skill and science.
- 297 8. Outdoor fair, carnival, circus, trade show.
- 298 9. Animal hospitals within fully enclosed structures.
- 299 10. Unscreened telecommunications equipment.

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- 300 11. By site plan approval: Mixed use office, retail and residential development at the
301 densities set forth in subsection I. below. (Ord. No. 90-20, 7-11-90)
- 302 12. In addition, if any use permitted under subsection 27A.A. includes classes or
303 instruction to children and, either twenty (20) percent or more of the total number of
304 students enrolled in classes and/or instruction are children under eighteen (18) years
305 of age or the total number of children under eighteen (18) years of age enrolled in
306 classes scheduled to be held at any one time is ten (10) or more, the use may only be
307 established subject to obtaining a use permit as provided in Section 36, "Use
308 Permits," for each such use.
- 309 13. Large Format Sales Establishments.

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