

ZOA-11-01
Adopted June 11, 2011

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 3, 4, 18A, 20, 22, 25, 26A AND 27, IN ORDER TO PERMIT OPEN-AIR MARKETS, SUBJECT TO SPECIAL EXEPTION USE PERMIT APPROVAL, IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS ('C' AND 'M' DISTRICTS), AND IN "S-3A", "S-D", "CP-FBC", "MU-VS", "C-TH" AND "P-S" DISTRICTS. USE PERMIT APPROVAL WOULD ALSO BE SUBJECT TO SUBMITTAL OF A PARKING PLAN FOR CUSTOMER AND VENDOR PARKING SUFFICIENT TO MITIGATE IMPACTS ON SURROUNDING NEIGHBORHOODS, AND SUCH THAT NO OPEN-AIR MARKET MAY OPERATE WITHIN 100 FEET OF AN 'R' DISTRICT, OR WITHIN 1,000 FEET OF ANOTHER OPEN-AIR MARKET, UNLESS OTHERWISE MODIFIED BY THE COUNTY BOARD; 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 3, 4, 18A, 20, 22, 25, 26A and 27 are hereby amended, reenacted and recodified as follows, in order to permit open-air markets, subject to special exception use permit approval, in all commercial and industrial districts ('C' and 'M' Districts), and in "S-3A", "S-D", "CP-FBC", "MU-VS", "C-TH" and "P-S" Districts. Use permit approval will also be subject to submittal of a parking plan for customer and vendor parking sufficient to mitigate impacts on surrounding neighborhoods, and such that no open-air market may operate within 100 feet of an 'R' District, or within 1,000 feet of another open-air market, unless otherwise modified by the County Board; 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:

* * *

Zoning text proposed to be added is denoted with underline. Zoning text proposed to be removed is shown with ~~striketrough~~. Text in [brackets] is editorial only and is not intended to be incorporated into the Zoning Ordinance.

SECTION 3. "S-3A" SPECIAL DISTRICTS

* * *

A. Uses Permitted.

* * *

10. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., "Use Permits":

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11 * * *

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13 m. Open-air markets, which shall be subject to conditions approved by the
14 County Board at the time of use permit approval including but not limited
15 to conditions governing customer and vendor parking, landscaping,
16 maintenance, impact on neighboring residential areas, management of
17 trash, management of noise, times and days of the week of operation,
18 including the number of vendors that would be permitted under the use
19 permit. In addition, any open-air market shall meet the following
20 requirements:

21 (1) No open-air market shall be located within one thousand (1,000)
22 feet of another open-air market. However, the County Board may
23 modify this requirement as part of the use permit review process, if
24 it finds that the location of the open-air market in proximity to
25 other market(s) will not have a substantial adverse impact on
26 surrounding neighborhoods;

27 (2) No open-air market shall be located within one hundred (100) feet
28 of the boundary of any "R" zoning district. However, the County
29 Board may modify this requirement as part of the use permit
30 review process if it finds that the location of the open-air market in
31 proximity to an "R" zoning district will not have a substantial
32 adverse impact on surrounding neighborhoods; and

33 (3) An application for a use permit for an open-air market shall
34 include a parking plan that is drawn to scale, showing the number
35 and location of customer and vendor parking spaces. Customer and
36 vendor parking identified as available for market use shall be
37 sufficient to not have a substantial adverse impact on the
38 surrounding neighborhoods.

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40 * * *

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42 **SECTION 4. "S-D" SPECIAL DEVELOPMENT DISTRICTS**

43
44 The following regulations shall apply in all "S-D" Districts:

45
46 **A. Uses Permitted.**

47 * * *

- 48 5. Conditional uses: The following uses may also be permitted subject to securing a
49 use permit and site plan approval as provided for in Section 36, under "Use
50 Permits" and "Site Plan Approval":

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52 * * *

53
54 g. Open-air markets are permitted subject to obtaining a use permit, and
55 subject to all conditions placed on the use permit by the County Board at

56 the time of approval including but not limited to conditions governing
57 customer and vendor parking, landscaping, maintenance, impact on
58 neighboring residential areas, management of trash, management of noise,
59 times and days of the week of operation, including the number of vendors
60 that would be permitted under the use permit. In addition, any open-air
61 market shall meet the following requirements:

- 62 (1) No open-air market shall be located within one thousand (1,000)
63 feet of another open-air market. However, the County Board may
64 modify this requirement as part of the use permit review process, if
65 it finds that the location of the open-air market in proximity to
66 other market(s) will not have a substantial adverse impact on
67 surrounding neighborhoods;
- 68 (2) No open-air market shall be located within one hundred (100) feet
69 of the boundary of any "R" zoning district. However, the County
70 Board may modify this requirement as part of the use permit
71 review process, if it finds that the location of the open-air market
72 in proximity to an "R" zoning district will not have a substantial
73 adverse impact on surrounding neighborhoods; and
- 74 (3) An application for a use permit for an open-air market shall
75 include a parking plan that is drawn to scale, showing the number
76 and location of customer and vendor parking spaces. Customer and
77 vendor parking identified as available for market use shall be
78 sufficient to not have a substantial adverse impact on the
79 surrounding neighborhoods.

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81 * * *

82 83 **SECTION 18A. "C-1-R" RESTRICTED LOCAL COMMERCIAL DISTRICTS**

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86
87 The following regulations shall apply in all "C-1-R" Districts:

88 89 **A. Uses Permitted.**

90 * * *

- 91
- 92 17. Conditional Uses: The following uses may also be permitted subject to securing a
93 use permit as provided in Section 36.G., "Use Permits."
- 94 a. Uses permitted and conducted in kiosks in accordance with the
95 requirements of Section 31.A.18.
- 96 b. Open-air markets, which shall be subject to conditions placed on the use
97 permit by the County Board at the time of approval including but not
98 limited to conditions governing customer and vendor parking,
99 landscaping, maintenance, impact on neighboring residential areas,
100 management of trash, management of noise, times and days of the week of
101 operation, including the number of vendors that would be permitted under

102 the use permit. In addition, any open-air market shall meet the following
103 requirements:

- 104 (1) No open-air market shall be located within one thousand (1,000)
105 feet of another open-air market. However, the County Board may
106 modify this requirement as part of the use permit review process, if
107 it finds that the location of the open-air market in proximity to
108 other market(s) will not have a substantial adverse impact on
109 surrounding neighborhoods;
- 110 (2) No open-air market shall be located within one hundred (100) feet
111 of the boundary of any "R" zoning district. However, the County
112 Board may modify this requirement as part of the use permit
113 review process, if it finds that the location of the open-air market
114 in proximity to an "R" zoning district will not have a substantial
115 adverse impact on surrounding neighborhoods; and
- 116 (3) An application for a use permit for an open-air market shall
117 include a parking plan that is drawn to scale, showing the number
118 and location of customer and vendor parking spaces. Customer and
119 vendor parking identified as available for market use shall be
120 sufficient to not have a substantial adverse impact on the
121 surrounding neighborhoods.

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125 **SECTION 20. "CP-FBC" – COLUMBIA PIKE FORM BASED CODE DISTRICTS**

126 * * *

127
128 **B. Special Exceptions.**

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130 Any of the following uses may be established subject to obtaining a use permit as provided in
131 Section 36, "Use Permits," for each such use, and provided that the property has been
132 redeveloped pursuant to the Form Based Code. . . .

133 * * *

134
135
136 10. Nightclubs and restaurants, providing live entertainment, including dance halls.

137 11. Open-air markets, which shall be subject to conditions placed on the use permit by the
138 County Board at the time of approval including but not limited to conditions governing
139 customer and vendor parking, landscaping, maintenance, impact on neighboring
140 residential areas, management of trash, management of noise, times and days of the week
141 of operation, including the number of vendors that would be permitted under the use
142 permit. In addition, any open-air market shall meet the following requirements:

- 143 a. No open-air market shall be located within one thousand (1,000) feet of another
144 open-air market. However, the County Board may modify this requirement as part
145 of the use permit review process, if it finds that the location of the open-air market
146 in proximity to other market(s) will not have a substantial adverse impact on
147 surrounding neighborhoods;

- 148 b. No open-air market shall be located within one hundred (100) feet of the
 149 boundary of any "R" zoning district. However, the County Board may modify
 150 this requirement as part of the use permit review process, if it finds that the
 151 location of the open-air market in proximity to an "R" zoning district will not
 152 have a substantial adverse impact on surrounding neighborhoods; and
 153 c. An application for a use permit for an open-air market shall include a parking plan
 154 that is drawn to scale, showing the number and location of customer and vendor
 155 parking spaces. Customer and vendor parking identified as available for market
 156 use shall be sufficient to not have a substantial adverse impact on the surrounding
 157 neighborhoods.

158
 159 [renumber subsequent uses accordingly]

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 161 * * *

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 163 **SECTION 22. "C-1-O" LIMITED COMMERCIAL PROFESSIONAL OFFICE**
 164 **BUILDING DISTRICTS**

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 166 The intent of this classification is to provide areas for nonretail commercial uses such as offices
 167 and financial institutions in a low-intensity manner. (6-25-77)

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

169
 170 **A. Uses Permitted.**

171 * * *

- 172
 173 4. Conditional uses: The following uses may also be permitted subject to securing a
 174 use permit as provided in Section 36.G., "Use Permits."
 175 a. Uses permitted and conducted in kiosks in accordance with the
 176 requirements of Section 31.A.18.
 177 b. Open-air markets, which shall be subject to conditions placed on the use
 178 permit by the County Board at the time of approval including but not
 179 limited to conditions governing customer and vendor parking for,
 180 landscaping, maintenance, impact on neighboring residential areas,
 181 management of trash, management of noise, times and days of the week of
 182 operation, including the number of vendors that would be permitted under
 183 the use permit. In addition, any open-air market shall meet the following
 184 requirements:
 185 (1) No open-air market shall be located within one thousand (1,000)
 186 feet of another open-air market. However, the County Board may
 187 modify this requirement as part of the use permit review process, if
 188 it finds that the location of the open-air market in proximity to
 189 other market(s) will not have a substantial adverse impact on
 190 surrounding neighborhoods;
 191 (2) No open-air market shall be located within one hundred (100) feet
 192 of the boundary of any "R" zoning district. However, the County
 193 Board may modify this requirement as part of the use permit

194 review process, if it finds that the location of the open-air market
195 in proximity to an "R" zoning district will not have a substantial
196 adverse impact on surrounding neighborhoods; and
197 (3) An application for a use permit for an open-air market shall
198 include a parking plan that is drawn to scale, showing the number
199 and location of customer and vendor parking spaces. Customer and
200 vendor parking identified as available for market use shall be
201 sufficient to not have a substantial adverse impact on the
202 surrounding neighborhoods.

203 * * *

206 **SECTION 25. "C-O" COMMERCIAL OFFICE BUILDING, HOTEL AND MULTIPLE-**
207 **FAMILY DWELLING DISTRICTS**

208 * * *

209 **B. Special Exceptions.**

210 * * *

211 ~~2. Use permits.~~

212 ~~a. By use permit approval as provided in Section 36.G. "Use Permits:" Open air~~
213 ~~markets operated by nonprofit organizations are permitted subject to obtaining a~~
214 ~~use permit. The use shall be regulated by all conditions placed on the use permit~~
215 ~~by the County Board at the time of approval including but not limited to~~
216 ~~conditions governing customer and vendor parking for vendors and customers,~~
217 ~~landscaping, maintenance, impact on neighboring residential areas, management~~
218 ~~of trash, management of noise, times and days of the week of operation, including~~
219 ~~the number of vendors that would be permitted under the use permit. In addition,~~
220 ~~any open air market shall meet the following requirements:~~

- 221 (1) ~~No open air market shall be located within one thousand (1,000) feet of~~
222 ~~another open air market. However, the County Board may modify this~~
223 ~~requirement as part of the use permit review process, if it finds that the~~
224 ~~location of the open air market will not have a substantial adverse impact~~
225 ~~on surrounding neighborhoods;~~
226 (2) ~~No open air market shall be located within one hundred (100) feet of the~~
227 ~~boundary of any "R" zoning district and;~~
228 (3) ~~An application for a use permit for an open air market shall include a~~
229 ~~parking plan that is drawn to scale, showing the number and location of~~
230 ~~customer and vendor parking spaces.~~

231 * * *

232 **SECTION 26A. "C-TH" COMMERCIAL TOWN HOUSE DISTRICTS**

233 * * *

234 **B. Special Exceptions.**

240
241 Any of the following uses may be established subject to obtaining a use permit as provided in
242 Section 36, "Use Permits," for each such use:

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244 * * *

- 245 8. Mortuary or funeral home, including a cremation unit within a mortuary or
246 funeral home.
- 247 9. Open-air markets, which shall be subject to conditions placed on the use permit
248 by the County Board at the time of approval including but not limited to
249 conditions governing customer and vendor parking, landscaping, maintenance,
250 impact on neighboring residential areas, management of trash, management of
251 noise, times and days of the week of operation, including the number of vendors
252 that would be permitted under the use permit. In addition, any open-air market
253 shall meet the following requirements:
- 254 a. No open-air market shall be located within one thousand (1,000) feet of
255 another open-air market. However, the County Board may modify this
256 requirement as part of the use permit review process, if it finds that the
257 location of the open-air market in proximity to other market(s) will not
258 have a substantial adverse impact on surrounding neighborhoods;
- 259 b. No open-air market shall be located within one hundred (100) feet of the
260 boundary of any "R" zoning district. However, the County Board may
261 modify this requirement as part of the use permit review process, if it finds
262 that the location of the open-air market in proximity to an "R" zoning
263 district will not have a substantial adverse impact on surrounding
264 neighborhoods; and
- 265 c. An application for a use permit for an open-air market shall include a
266 parking plan that is drawn to scale, showing the number and location of
267 customer and vendor parking spaces. Customer and vendor parking
268 identified as available for market use shall be sufficient to not have a
269 substantial adverse impact on the surrounding neighborhoods.

270
271 [renumber subsequent uses accordingly]

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273 * * *

274 275 SECTION 27. "C-3" GENERAL COMMERCIAL DISTRICTS

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277 * * *

278 D. Special Exceptions.

- 279
280 1. ~~Open Air Markets operated by nonprofit organizations are permitted subject to obtaining~~
281 ~~a use permit as provided in Section 36.G. "Use Permits." The use shall be regulated by all~~
282 ~~conditions placed on the use permit by the County Board at the time of approval~~
283 ~~including but not limited to conditions governing customer and vendor parking,~~
284 ~~landscaping, maintenance, impact on neighboring residential areas, management of trash,~~
285 ~~management of noise, times and days of the week of operation, including the number of~~

286 ~~vendors that would be permitted under the use permit. In addition, any open air market~~
287 ~~shall meet the following requirements:~~
288 ~~a. No open air market shall be located within one thousand (1,000) feet of another~~
289 ~~open air market. However, the County Board may modify this requirement as a~~
290 ~~part of use permit review process, if it finds that the location of the open air~~
291 ~~markets will not have a substantial adverse impact on surrounding neighborhoods;~~
292 ~~b. No open air market shall be located within one hundred (100) feet of the~~
293 ~~boundary of any "R" zoning district; and~~
294 ~~c. An application for a use permit for an open air market shall include a parking plan~~
295 ~~that is drawn to scale, showing the number and location of customer and vendor~~
296 ~~parking spaces.~~

297
298 [renumber subsequent uses accordingly, and update section references in Section 27 and Section
299 31]

300
301 2. In areas designated "Medium Density Mixed Use" and located within the "Clarendon
302 Revitalization District" as designated on the General Land Use Plan...

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304 * * *
305