

ZOA-09-06

Note: Text to be added is shown with an underline. Text to be added, that has been modified since advertisement is shown with a double underline.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTIONS 20 (AND ITS APPENDIX A), 26, 26A AND 27A OF THE ARLINGTON COUNTY ZONING ORDINANCE TO REQUIRE USE PERMITS FOR BUSINESSES PROVIDING CLASSES AND/OR INSTRUCTION PRIMARILY TO CHILDREN IN ORDER TO REDUCE OR PREVENT CONGESTION IN THE STREETS, TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

Be it ordained that Sections 20 (and its Appendix A), 26, 26A and 27A of the Arlington County Zoning Ordinance are hereby amended, reenacted and recodified as follows to require Use Permits for businesses providing classes and/or instruction primarily to children in order to reduce or prevent congestion in the streets, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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

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A. Uses Permitted.

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The following uses are permitted within the "CP-FBC" District, provided that :
redevelopment of the subject property or properties involves an increase in total developed space of at least 50%; and the proposed redevelopment conforms to the Form Based Code as adopted by the County Board of Arlington County (See Subsection 20.D.). Properties within the Columbia Pike Special Revitalization District, which have not been redeveloped using the Form Based Code, shall be governed by all use limitations in the underlying zoning classification. Provided, however, that if a use listed below 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.

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B. Special Exceptions.

Any of the following uses may be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use, and provided that the property has been redeveloped pursuant to the Form Based Code. In addition, if any use permitted under subsection 20.A. includes 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.

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

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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.

1. All uses as permitted and regulated in "C-1" Districts.
2. Amusement enterprises, including a billiard or pool hall, boxing arena, games of skill, penny arcade, shooting gallery and the like, if conducted wholly within a completely enclosed building.
3. Animal hospital or veterinary clinic within a fully enclosed structure.
4. Blueprinting or photostating.
5. Business college operated as a commercial enterprise.
6. Catering establishment.
7. Cleaning or laundry establishment.
8. Dance studio
9. Department store, without restriction on minimum site area as imposed in "C-1" Districts.
10. Health club
11. Hotel or tourist court.
12. Indoor swimming pool.
13. Indoor theater or auditorium.
14. Mailing service, including bulk mailing.

- 66 15. Medical or dental laboratory.
- 67 16. Motor vehicle dealership, sales or rental lot, provided that the use is located on a
- 68 site which is more than twenty thousand (20,000) square feet in area, and where
- 69 the use complies with the standards identified in subsection C.4., shall be
- 70 permitted as a matter of right. In addition, motor vehicle dealership, sales or rental
- 71 lot that is located on a site ten thousand (10,000) square feet or smaller shall not
- 72 be permitted.
- 73 17. Music conservatory or music instruction.
- 74 18. Nursery, flower or plant store, provided that all incidental equipment and
- 75 supplies, including fertilizer, empty cans and garden tools are kept within a
- 76 building or in designated areas outside as approved by the Zoning Administrator,
- 77 provided that the location does not impede pedestrian or vehicular movement on
- 78 the property.
- 79 19. Office, without restriction on location within structures.
- 80 20. Palmistry.
- 81 21. Pawnshop.
- 82 22. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed
- 83 building.
- 84 23. Printing, lithographing or publishing.
- 85 24. Public parking area of up to fifty (50) spaces or of a lot area of up to twenty
- 86 thousand (20,000) square feet, when located and developed as required in Section
- 87 33.
- 88 25. Public service, including electric distributing substation, fire or police station,
- 89 telephone exchange, and the like.
- 90 26. Retail stores or business in addition to those permitted in "C-1-R" and "C-1"
- 91 Districts.
- 92 27. Sign painting shop, if conducted wholly within a completely enclosed building.
- 93 28. Trade or commercial school, if not objectionable due to noise, odor, vibration or
- 94 other similar causes.
- 95 29. Upholstery shop, if conducted wholly within a completely enclosed building.
- 96 30. Wedding chapel.
- 97 31. Other uses which, in the judgment of the Zoning Administrator, are of the same
- 98 general character as those listed in this subsection and will not be detrimental to
- 99 the district in which located.

100 (1-5-80; Ord. No. 83-3, 1-8-83; Ord. No. 86-30, 6-1-87; Ord. No. 92-35, 8-8-92; Ord. No. 00-18,

101 7-31-00)

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103 **B. Special Exceptions.**

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105 Any of the following uses may be established subject to obtaining a use permit as

106 provided in Section 36, "Use Permits," for each such use:

- 107 1. Audio-visual production studio.
- 108 2. Automobile service station, provided that any incidental vehicle repairs such as
- 109 tube and tire repairing, battery charging and storage or merchandise and supplies

110 shall be conducted wholly within a building, and that any lubrication or washing
111 not conducted wholly within a building shall be permitted only if a masonry wall,
112 seven (7) feet in height, is erected and maintained between such uses and any
113 adjoining "R" District.

- 114 3. Automotive painting, upholstering, rebuilding, reconditioning, body and fender
115 work, truck repairing or overhauling and the like, so long as such activities are
116 conducted entirely within an enclosed structure.
- 117 4. Bowling alley.
- 118 5. Car wash.
- 119 6. Carpet and rug cleaning establishments, excluding dyeing.
- 120 7. Food delivery service.
- 121 8. Any use otherwise permitted in this district with a drive-through window.
- 122 9. Indoor and outdoor skating rink.
- 123 10. Massage parlor and the like.
- 124 11. Miniature golf course.
- 125 12. Mortuary or funeral home, including a cremation unit within a mortuary or
126 funeral home.
- 127 13. Reserved.
- 128 14. Nightclubs and restaurants providing live entertainments, including dance halls.
- 129 15. Outdoor swimming pool.
- 130 16. Public garage.
- 131 17. Tire shop.
- 132 18. By site plan approval under Section 36.H., use regulations for areas designated as
133 "Special Revitalization Districts" on the General Land Use Plan may be modified
134 under the following conditions, and an additional F.A.R. of .5 may be allowed
135 under the following conditions applicable to such increases in density:

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- 139 19. Public parking area of more than fifty (50) spaces or of a lot area of more than
140 twenty thousand (20,000) square feet.
- 141 20. Motor vehicle dealership, sales or rental lots located on-sites of twenty thousand
142 (20,000) square feet or less but more than ten thousand (10,000) square feet in
143 area shall be permitted by use permit, provided that the use complies with the
144 standards identified in subsection C.4.
- 145 21. Residential Uses in projects that are not within the Columbia Pike Special
146 Revitalization District, the Lee Highway-Cherrydale Special Revitalization
147 District or the Clarendon Revitalization District but are part of a Unified
148 Commercial/Mixed Use Development as set forth in section 31.A.17.
- 149 22. In addition, if any use permitted under subsection 26.A. includes classes or
150 instruction to children and, either twenty (20) percent or more of the total number
151 of students enrolled in classes and/or instruction are children under eighteen (18)
152 years of age or the total number of children under eighteen (18) years of age
153 enrolled in classes scheduled to be held at any one time is ten (10) or more, the

154 use may only be established subject to obtaining a use permit as provided in
155 Section 36, "Use Permits," for each such use.

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

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162 **A. Uses Permitted.**

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164 All of the uses listed below are permitted, provided, however, that if a use provides
165 classes or instruction to children and, either twenty (20) percent or more of the total number of
166 students enrolled in classes and/or instruction are children under eighteen (18) years of age or the
167 total number of children under eighteen (18) years of age enrolled in classes scheduled to be held
168 at any one time is ten (10) or more, the use may only be established subject to obtaining a use
169 permit as provided in Section 36, "Use Permits," for each such use.

- 170 1. Animal hospital or veterinary clinic within a fully enclosed structure.
- 171 2. Art or antique shop.
- 172 3. Bakery.
- 173 4. Bank.
- 174 5. Barbershop or beauty parlor.
- 175 6. Blueprinting or photostating.
- 176 7. Book or stationery store.
- 177 8. Business college operated as a commercial enterprise.
- 178 9. Catering establishment.
- 179 10. Clothes cleaning or laundry establishment, including launderette self-service type
- 180 establishment.
- 181 11. Clothing or wearing apparel shop.
- 182 12. Confectionery store.
- 183 13. Department store.
- 184 14. Drugstore.
- 185 15. Dry goods or notion store.
- 186 16. Dwelling units.
- 187 17. Florist or gift shop.
- 188 18. Grocery, fruit or vegetable store.
- 189 19. Hardware, paint or appliance store.
- 190 20. Home furnishings.
- 191 21. Hotel or tourist court.
- 192 22. Indoor swimming pool.
- 193 23. Indoor theater or auditorium.
- 194 24. Jewelry store.
- 195 25. Meat market or delicatessen.
- 196 26. Medical or dental clinic or laboratory.
- 197 27. Music conservatory or music instruction.

- 198 28. Newsstand.
- 199 29. Nursery, flower or plant store, provided that all incidental equipment and
- 200 supplies, including fertilizer and garden tools, are kept within a building or in
- 201 designated areas outside which are adequately screened as approved by the
- 202 Zoning Administrator.
- 203 30. Offices, business or professional.
- 204 31. Pet store.
- 205 32. Photography studio.
- 206 33. Printing, lithographing or publishing.
- 207 34. Public parking area of up to fifty (50) spaces or of a lot area of up to twenty
- 208 thousand (20,000) square feet when located and developed as required in Section
- 209 33.
- 210 35. Public service, including electric distributing substation, fire or police station,
- 211 telephone exchange, and the like.
- 212 36. Repair shop (small appliance, television, radio).
- 213 37. Restaurant, including outdoor cafes associated with such uses (excluding drive-in
- 214 or fast food restaurants and dancing and entertainment, except as provided for in
- 215 subsection B). Delivery of food and beverages to off-site locations is permitted
- 216 when it involves less than thirty (30) percent of the amount of the sales from these
- 217 restaurants.
- 218 38. Retail store or business.
- 219 39. Shoe repair.
- 220 40. Sign painting shop, if conducted wholly within a completely enclosed building.
- 221 41. Tailor or dressmaker.
- 222 42. Trade or commercial school, if not objectionable due to noise, odor, vibration or
- 223 other similar causes.
- 224 43. Upholstery shop, if conducted wholly within a completely enclosed building.
- 225 44. Wholesale merchandising broker, excluding wholesale storage.
- 226 45. Other uses which, in the judgment of the Zoning Administrator, are of the same
- 227 general character of those listed in this subsection and will not increase the noise,
- 228 dust, smoke and traffic beyond the amount produced by other uses permitted in
- 229 the district in which located.

230 (Ord. No. 88-19, 11-22-88; Ord. No. 92-35, 8-8-92)

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232 **B. Special Exceptions.**

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234 Any of the following uses may be established subject to obtaining a use permit as

235 provided in Section 36, "Use Permits," for each such use:

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- 237 1. Bowling alley.
- 238 2. Carpet and rug cleaning establishment excluding dyeing.
- 239 3. Dance studio.
- 240 4. Fast food restaurant.
- 241 5. Health club.

- 242 6. Indoor tennis, racquet or handball court.
- 243 7. Amusement facility such as an indoor or outdoor miniature golf course, an indoor
- 244 or outdoor driving range, or an amusement game arcade.
- 245 8. Mortuary or funeral home, including a cremation unit within a mortuary or
- 246 funeral home.
- 247 9. Restaurant providing live entertainment or dancing limited to customers, or
- 248 restaurant associated with indoor or outdoor amusement facility.
- 249 10. Schools: private, elementary, secondary, kindergarten and nursery.
- 250 11. Secondhand store, if conducted wholly within a completely enclosed building.
- 251 12. Recycling centers.
- 252 13. Self-service storage facility.
- 253 14. Public parking area of more than fifty (50) spaces or of a lot area of more than
- 254 twenty thousand (20,000) square feet.
- 255 15. Uses in projects that are within the Clarendon Revitalization District and are part
- 256 of a Unified Commercial/Mixed Use Development as set forth in section 31.A.17.
- 257 16. In addition, if any use permitted under subsection 26A.A. includes classes or
- 258 instruction to children and, either twenty (20) percent or more of the total number
- 259 of students enrolled in classes and/or instruction are children under eighteen (18)
- 260 years of age or the total number of children under eighteen (18) years of age
- 261 enrolled in classes scheduled to be held at any one time is ten (10) or more, the
- 262 use may only be established subject to obtaining a use permit as provided in
- 263 Section 36, "Use Permits," for each such use.

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267 **SECTION 27A. "C-R" COMMERCIAL REDEVELOPMENT DISTRICTS**

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270 **A. Uses Permitted.**

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272 All of the uses listed below are permitted, provided, however, that if a use provides
273 classes or instruction to children and, either twenty (20) percent or more of the total number of
274 students enrolled in classes and/or instruction are children under eighteen (18) years of age or the
275 total number of children under eighteen (18) years of age enrolled in classes scheduled to be held
276 at any one time is ten (10) or more, the use may only be established subject to obtaining a use
277 permit as provided in Section 36, "Use Permits," for each such use.

- 278 1. All uses permitted in the "C-1" District.
- 279 2. Art or antique shop.
- 280 3. Bird store, pet shop or taxidermist.
- 281 4. Department, furniture or household appliance store.
- 282 5. Film exchange.
- 283 6. Hotels and tourist courts.
- 284 7. Indoor swimming pools.
- 285 8. Indoor theaters.

- 286 9. Interior decorating store.
- 287 10. Medical or dental clinics and laboratories.
- 288 11. Music conservatory or music instruction.
- 289 12. Newsstand.
- 290 13. Multifamily dwelling units.

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292 **B. Special Exceptions.**

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294 The following uses may be established subject to obtaining a use permit under the
295 procedures established in Section 36.

- 296 1. Schools: private, elementary and high, kindergartens and day nurseries.
- 297 2. Billiard or pool halls.
- 298 3. Indoor/outdoor tennis, racquet and handball courts.
- 299 4. Dancing studio.
- 300 5. Health clubs.
- 301 6. Nightclubs and restaurants providing live entertainment including dance halls.
- 302 7. Outdoor commercial enterprises including games of skill and science.
- 303 8. Outdoor fair, carnival, circus, trade show.
- 304 9. Animal hospitals within fully enclosed structures.
- 305 10. Unscreened telecommunications equipment.
- 306 11. By site plan approval: Mixed use office, retail and residential development at the
307 densities set forth in subsection I. below.
- 308 12. In addition, if any use permitted under subsection 27A.A. includes classes or
309 instruction to children and, either twenty (20) percent or more of the total number
310 of students enrolled in classes and/or instruction are children under eighteen (18)
311 years of age or the total number of children under eighteen (18) years of age
312 enrolled in classes scheduled to be held at any one time is ten (10) or more, the
313 use may only be established subject to obtaining a use permit as provided in
314 Section 36, "Use Permits," for each such use.

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319 **The Columbia Pike Special Revitalization District Form Based Code**
320 **Section 20 (Appendix A) of the Zoning Ordinance "CP-FBC" Columbia Pike Form Based**
321 **Code Districts**

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323 **Section III. The Regulating Plans**

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327 **B. Rules for the Regulating Plan and New Development Plans**

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5. RETAIL

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Primary Retail	
Art or antique shop, including art work, art supplies and framing materials	Meat or fish market
Bakery	Newsstand
Pet shop	Nursery, flower, or plant store
Book, stationery, or card store	Restaurant
Clothing shop	Optical store (operating as a commercial enterprise with incidental eye exam)
Coffee shop	Secondhand or consignment shop
Delicatessen	Shoe store
Department, furniture, home furnishings, or household appliance store	Specialty food store (fish market, breads, pastries, wine, etc.)
Drugstore	Sporting goods store
Dry goods or notion store	
DVD/Video tape or record store	*The following uses are permitted
Day spa	with Special Exception Use Permit
Electronics store	<u>If any of the aforementioned uses provide 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.</u>
Florist or gift shop	
Grocery, fruit, or vegetable store	
Hardware, paint, or appliance store	
Hobby or handcraft store	
Ice cream or confectionery store	
Indoor theatres	Amusements
Variety store	Bowling alley
Interior decorating store (with incidental interior service)	Nightclubs and restaurants with live entertainment or dancing
Jewelry store	Restaurant with drive-through window
Leather goods/luggage	Self-storage facilities
Secondary Retail	
Animal hospital or veterinary clinic within a fully enclosed structure	Private postal service

Automobile rental (retail functions only–no auto servicing) or automobile accessories and supplies (excluding installation)	Shoe or small appliance repair shop
Bank or other financial institution (including check cashing)	Sign painting shop
Barbershop or beauty salon	Tailor or dressmaker
Blueprinting, photostatting, or photo copy service	Tax service
Business college operated as a commercial enterprise	Trade or commercial school
Catering establishment	
Clothes cleaning or laundry establishment	*The following uses are permitted
Dance studio	with Special Exception Use Permit
Employment agencies	<u>If any of the aforementioned uses provide 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.</u>
Film processing or film exchange	
Health club	
Insurance sales	
Locksmith	
Medical or dental offices, clinics or laboratories	Audio-visual production studio
Music conservatory or music instruction	Automobile service station
Office (such as real estate broker, travel agency, medical, etc.)	Carpet and rug cleaning (excluding dying)
Palmistry	Food delivery service
Pawnshop	Miniature golf course
Photo studio	Mortuary or funeral home
Printing, lithographing, or publishing	Tire shop
	Upholstery shop