



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
Planning Division

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MEMORANDUM

TO: Zoning Committee of the Planning Commission

FROM: Deborah Albert

DATE: March 6, 2015

SUBJECT: Short term events and activities; and technical corrections

At the February 21, 2015 County Board meeting, the County Board advertised four changes to the adopted short term indoor and outdoor events and activities provisions that are scheduled to become effective on April 6, 2015. The additional advertised changes will be considered by the Planning Commission at its April 6, 2015 meeting and by the County Board at its April 18, 2015 meeting.

The County Board also directed staff to correct an error related to dry cleaning and laundry uses, which are proposed to be advertised at the March 14, 2015 County Board meeting. As part of this advertisement, staff also proposes some additional corrections to errors introduced in the 2013 reformat of the Ordinance.

Preliminary staff recommendations are discussed below. The ZOCO meeting will be used to obtain feedback on these preliminary recommendations in order to inform a final recommendation that will be brought before the County Board in April.

Short term indoor and outdoor events and activities. Each of the advertised changes are shown in bold below, followed by preliminary staff recommendations in italics, and a brief discussion.

1. **Advertised: Allow the Zoning Administrator to approve short term indoor and outdoor events and activities for a duration of up to one year, followed by up to 90 days per year per building, building space or property.**

Staff proposes that short term events and activities in the community service use category continue to be allowed for up to one year; and that all other uses be allowed for up to 180 days per building, building space or property.

The short term events and activities provisions were intended to allow special events that often utilize vacant properties on a short term basis, both broadly and throughout the County. While staff understands that there is interest in a zoning tool to address vacancy issues during times of economic distress, this issue has not been studied. However, such a zoning tool, which might be used in combination with other measures, would likely be different than a tool designed to allow short term events and activities.

Therefore, staff continues to propose that short term events and activities be limited to a relatively short time frame so as to encourage special events that temporarily enliven vacant spaces, while not encouraging these spaces to be leased for uses not consistent with adopted site plans, or the intended special events for which the provisions were written. However, based on feedback that some special events or activities may be longer than 90 days, staff preliminarily proposes to allow most uses for up to 180 days, and community service uses for up to one year.

- 2. Advertised: Allow the Zoning Administrator to renew a short term event or activity if a site plan amendment has been filed to allow that use, until the County Board acts on the proposed site plan amendment.**

Staff proposes this provision be adopted.

Staff continues to believe that only the County Board should be able to approve a long term change in use for a site plan property. This provision is consistent with that intent, while allowing for continuity of the event for an additional short duration until a site plan amendment can be heard by the County Board. It is expected that, under this provision, if an applicant wishes to extend a short term event beyond the allowed time period, an application for a site plan amendment would be filed prior to the expiration of the event, and would typically be heard by the County Board after approximately 90 days.

- 3. Advertised: Allow short term outdoor cafes for up to a total of 90 days per year per property, with no limitation on the number of consecutive days.**

Staff proposes this provision be adopted.

While staff had previously proposed that short term accessory outdoor cafes be allowed for just one consecutive day, staff concludes that the general standards included in the short term use provisions allow for a certificate of occupancy to be denied if there are problems resulting from a short term accessory outdoor café (or other use), therefore a 90 day period is appropriate.

- 4. Advertised: Allow signs that do not require permits for up to 30 days prior to, and during a short term event or activity.**

Staff proposes this provision be adopted.

The one week duration for signs prior to the event currently allowed for short term events and activities was based on a time frame staff had understood was typical for such events, however, staff concludes that one month prior to the event is a reasonable time frame for the types of signs allowed under this provision.

Technical Updates.

Dry-cleaning uses. Staff has reviewed the treatment of dry-cleaners in the recently adopted Ordinance and concludes that some changes are warranted in order to reflect current practice. The following table compares the terminology previously used in the Ordinance, with the updated terminology adopted on February 21, 2015. There were several uses in the 1950 Zoning Ordinance that referenced laundry, dry cleaning, laundromats and carpet cleaning. The recently adopted amendment articulated these uses as four separate uses: 1) dry-cleaning drop-off stations, 2) Laundromats, 3) dry-cleaning plants and 4) carpet cleaning plants. However, upon further investigation, under longstanding practice, dry-cleaning drop-off has not been separated from on-site dry-cleaning, and these uses have been regulated in the same way as laundromats. Carpet cleaning, was correctly interpreted as a separate use, however, carpet dyeing is allowed only in the industrial districts (not the commercial/mixed-use districts), and this distinction was inadvertently dropped from the February 21, 2015 amendment. Therefore, the proposed amendment will:

- Consolidate three of the recently adopted terms and associated use standards (dry-cleaning drop-off station; laundromat; dry-cleaning plant) back into a single term (dry cleaners, laundry and laundromat) in the personal service retail category;
- Maintain carpet and rug cleaning as a separate term in the light industrial service category;
- Create a use standard for carpet and rug cleaning to address the dyeing use allowed in industrial districts, but not allowed in other zoning districts where the use is allowed;
- Update terminology throughout the Ordinance, consistent with the above bullets.

R-10T and R15-30T districts. The 1950 Zoning Ordinance regulated one-family dwellings in the R-10T district as they were regulated in the R-10 district, and in the R15-30T district as they were regulated in the R-5 district (See 1950 Ordinance, updated March 1, 2007 provisions in Section 7.A.1 and 10A.A.1, respectively). Lot coverage requirements for the R-10T and R15-30T districts were inadvertently omitted from the one-family dwelling “maximum coverage and cap table” in 3.2.5.A as part of the 2013 reformat of the Zoning Ordinance. The proposed amendment would insert R-10T and R15-30T districts into the R-10 and R-5 columns of that table, respectively, consistent with the 1950 Ordinance provisions.

RA-H districts. The 1950 Zoning Ordinance regulated by-right multi-family dwellings as regulated in RA7-16 districts, which allows multi-family with a minimum lot area of 1,800 square feet per dwelling unit. The 2013 reformat incorrectly showed 1,200 square feet per dwelling unit in RA-H districts. This error is proposed to be corrected.

Preliminary amendments. Preliminary amendments are shown starting on the next page.

1 [Short term indoor and outdoor events and activities.]

2 **Article 12. Use Standards**

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5 **§12.10. Short Term Use Standards**

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8 **§12.10.5. Indoor and outdoor events and activities in vacant buildings or properties**

9 In order to promote activity and vibrancy in the County’s mixed-use and commercial
10 areas, indoor and outdoor short term events or activities in vacant buildings, vacant
11 floors or portions thereof, or vacant ground floor spaces in buildings, or on outdoor
12 spaces (which may or may not be vacant), may be allowed in C and M districts, and
13 outdoor events and activities may additionally be allowed in P districts, as follows:

14 **A. Applicability**

- 15 1. The buildings or building space used for indoor events shall be approved for
16 retail, service and commercial use(s) as provided in 12.2.5 or industrial use(s) as
17 provided in 12.2.6;
- 18 2. For any use consistent with all provisions of the subject zoning district and all
19 relevant site plan or use permit conditions for the subject property, provisions
20 of this 12.10.5 shall not apply.

21 **B. Uses**

22 Notwithstanding use type limitations in use permit or site plan conditions:

- 23 1. Allowed indoor uses shall be those allowed in the subject zoning district, and
24 shall include indoor markets at which groups of individual sellers offer new or
25 used goods for sale;
- 26 2. Allowed outdoor events and activities shall include:
- 27 (a) Art galleries, carnivals, circuses, festivals, fairs, dog or horse shows,
28 outdoor retail sales events that are not associated with an established
29 retail business on the premises, and seasonal stands for the sale of
30 Christmas trees, pumpkins, flowers, fireworks, fruits and vegetables and
31 the like, not associated with an established retail business on the premises,
32 and other uses, which in the judgment of the Zoning Administrator, are of
33 the same general character;
- 34 (b) Outdoor cafes, as provided in 12.9.14, associated with a use with an
35 approved Certificate of Occupancy for a restaurant located within 2,000
36 feet of the short term use, shall be allowed for up to a total of 90 days per
37 year per property (where property refers to the property on which the

38 outdoor café is located) as provided in 12.10.5.C.2 below, provided that no
39 such days shall be consecutive to one another.

40 3. Signs shall not be allowed as short term uses, except as provided in 12.01.5.D
41 below.

42 **C. Frequency and length of events**

43 1. Short term events and activities in any individual building or on any individual
44 property shall be allowed as follows ~~for a total of one year~~, provided, however,
45 that where a site plan amendment has been filed for a change in use that would
46 permit the short term use for the subject property, the Zoning Administrator
47 may renew the short term use until such site plan amendment is acted upon by
48 the County Board:

49 (a) Community service uses, as provided in 12.2.4.B shall be allowed for a total
50 of one year 360 days. After a period of one year 360 days, the building,
51 building space or property shall be eligible for short term uses as provided in
52 12.10.5.C.2 below.

53 (b) All other allowed short term uses (including community service uses after the
54 expiration of the one year 360 days period provided in 12.10.5.C.1(a) above)
55 ~~short term events and activities~~ shall be allowed for a total of 90 180 days
56 per year per building, building space or property.

57 **D. Signs**

58 1. Subject to 13.7, all signs for which no permit is required shall be allowed for
59 indoor and outdoor events, for up to one week 30 days prior to the public
60 opening of the event and during the time period for which the certificate of
61 occupancy is issued, notwithstanding comprehensive sign plan provisions for
62 the subject property.

63 2. All other signs that meet all applicable provisions of Article 13 and are
64 consistent with any comprehensive sign plan for the property shall be allowed,
65 subject to 15.8.

66 **E. Additional provisions for outdoor events**

67 Outdoor events shall be subject to the following additional standards:

68 1. Temporary buildings or structures allowed for outdoor events shall include
69 tents, shipping containers, and other similar temporary structures, subject to
70 bulk, coverage and placement provisions in 3.2, and subject to all by-right
71 height limitations in the subject zoning district.

72 2. All outdoor spaces subject to the permit for short term use shall be restored to
73 prior conditions or to conditions otherwise required by the site plan or use
74 permit controlling the subject property, upon conclusion of the approved time
75 period for short term use.

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77 [Technical Updates]

78 Article 3. Density and Dimensional Standards

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§3.1. BULK, COVERAGE AND PLACEMENT REQUIREMENTS

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§3.1.5. Coverage

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A. One-family dwellings

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On any one-family dwelling lot in an R-district (~~R-district to include R-20, R-10, R-8, R-6, and R-5), and in R2-7~~, RA, C, and M districts, the following shall apply:

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MAXIMUM COVERAGE AND CAP					
Categories	R-5 ₂ R15-30T	R-6, R2-7, RA, C, M	R-8	R-10 ₁ R-10T	R-20
Maximum lot coverage (%)	45	40	35	32	25
Maximum lot coverage of one-family dwelling with porch of at least 60 square feet (exclusive of any wrap-around or side portion) on the front elevation (%)	48	43	38	35	28
Maximum lot coverage with detached garage in the rear yard (%)	50	45	40	37	30
Maximum lot coverage with detached garage in the rear yard and porch of at least 60 square feet (exclusive of any wrap around or side portion) on the front elevation (%)	53	48	43	40	33
Maximum main building footprint coverage (%)	34	30	25	25	16
Maximum main building footprint coverage with front porch (%)	37	33	28	28	19
Maximum main building footprint (sf.)	2,380	2,520	2,800	3,500	4,480
Maximum main building footprint with front porch (sf.)	2,590	2,772	3,136	3,920	5,320

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Article 7. Commercial/Mixed-Use (C) Districts

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§7.1. Commercial/Mixed Use (C) Districts Use Tables

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§7.1.2. Commercial/mixed use (C) districts principal use table

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Type of Standard	Multiple-family	All other uses
Maximum (stories)	3½	10
Floor area, minimum (sq. ft.)		
Floor area per dwelling unit	--	--
Lot coverage, Maximum (percent)	--	50

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Article 8. Industrial (M) Districts

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§8.1. Industrial (M) Districts Use Tables

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§8.1.2. Industrial (M) districts principal use table

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INDUSTRIAL (M) DISTRICTS PRINCIPAL USE TABLE					
Use Category	Specific Use Types	CM	M-1	M-2	Use Standards
Retail, Personal Service (See §12.2.5.G.2(b))	* * *				
	Dry_cleaning, laundry and laundromat drop-off stations	P	P	P	§12.5.6
	* * *				
	Laundromats	P	P	P	§12.5.13
	* * *				
Industrial Use Categories					
Light Industrial Service (See §12.2.6.A)	Carpet and rug cleaning and dyeing works plants	P	P	P	§12.6.2 §12.6.4
	Dry_cleaning plants	P	P	P	§12.6.2
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Article 9. Special Planning Area Regulations* * *

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§9.3. Fort Myer Heights North Special District

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§9.3.4. Neighborhood-serving retail and other service uses

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Neighborhood-serving retail and other service uses, such as a medical or dental office, neighborhood delicatessen, dry_cleaning, ~~laundry and laundromat drop-off station,~~

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neighborhood-scale library branch or small café and other uses as permitted and regulated in the C-1-R district may be approved along Clarendon Boulevard, Fairfax Drive and at other primary intersections and/or locations that experience significant pedestrian traffic should the County Board find they will not adversely impact the neighborhood and will be otherwise appropriate.

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Article 11. Overlay and Form Based Code Districts

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§11.1. CP-FBC, Columbia Pike Form Based Code District

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§11.1.4. Columbia Pike Form Based Code district principal use table

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COLUMBIA PIKE FORM BASED CODE DISTRICT PRINCIPAL USE			
	Specific Use Types	CP-FBC	Use Standards
Retail, Personal Service (See §12.2.5.G.2(b))	***		
	Dry-cleaning, laundry and laundromat drop-off station	P	§12.5.6
	Laundromat	P	§12.5.13

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Article 12. Use Standards

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§12.2. Use Categories

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§12.2.5. Retail, service and commercial use categories

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G. Retail

1. Characteristics

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal or repair services to the general public.

2. Examples

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(b) Personal service

Examples of personal service retail include animal care facilities, veterinary clinics, animal hospitals; animal grooming; athletic or health clubs; branch banks; bike shops; body art studios; business services; dance, art, fitness/wellness, gymnastic or music studios or classes; doggie day care; dry-cleaning, laundry and laundromat; drop-off stations; hair, nail, tanning, day spa and personal care services; laundromats; mortuaries and funeral homes; music conservatory or music instruction; pawnshops; photocopy, blueprint and quick-sign services; photographic studios; psychics and mediums; private postal services; security services; taxidermists; urgent care or emergency medical offices; and technical equipment and support services.

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4. Uses not included

Adult entertainment; large-scale catering (see Light Industrial Service); laundry and dry-carpet cleaning plants (see Light Industrial Service); lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (see Wholesale Trade); office or clinic, medical and dental (see Office); repair and service of motor vehicles, motorcycles, recreational vehicles, boats, and light and medium trucks (see Vehicle Sales and Service); restaurants (see Food and Drinking Establishments); sale or rental of machinery, equipment, heavy trucks, building supplies and lumber, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures (see Wholesale Trade).

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§12.5. Commercial/Mixed Use Standards

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§12.5.6. Dry-cleaning, laundry and laundromats drop-off stations

The equipment employed shall have an aggregate maximum rated capacity of not more than 40 pounds and no more than one truck or vehicle shall be employed for pickup and delivery. Dry-cleaning, laundry and laundromats may be permitted provided that equipment employed shall use synthetic, nonflammable solvent and have an aggregate maximum rated capacity of not more than 40 pounds and that not more than one truck or vehicle is employed for pickup and delivery. No cleaning establishment shall serve any other retail branches.

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§12.5.13. Laundromats

The equipment employed shall have an aggregate maximum rated capacity of not more than 40 pounds and not more than one truck or vehicle shall be employed for pickup and delivery.

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[NOTE: subsequent paragraphs will be renumbered and references throughout the Ordinance will be updated accordingly]

§12.6. Industrial Use Standards

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§12.6.2. Dry-cleaning plants carpet and rug cleaning

Dry-cleaning plants may be permitted provided that equipment employed shall use synthetic, nonflammable solvent and have an aggregate maximum rated capacity of not more than 40 pounds and that not more than one truck or vehicle is employed for pickup and delivery. No cleaning establishment shall serve any other retail branches. Carpet and rug cleaning uses shall additionally allow dyeing, only in M districts.

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Article 18. Definitions

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Large-format retail establishment. A building 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 one principal land use; including any building used for the sale of any combination of food, merchandise, and/or personal and business services (personal and business services include banks, dry-cleaning, laundry and laundromats drop-off stations, 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 retail sales establishment shall not be deemed to include vehicle sales, rental, or leasing facilities or vehicle service establishment.

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Appendix A: Columbia Pike Special Revitalization District Form Based Code

III. The Regulating Plans

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B. Rules for the Regulating Plan and New Development Plans

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5. RETAIL

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Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Primary (1) or Secondary (2)	Use Standards
Primary Retail				
Retail, Service and Commercial Use Categories				
Retail, Personal-Service (see §12.2.5.F.2(b))	* * *			
	<u>Dry cleaning, laundry and laundromat</u>	<u>P</u>	<u>2</u>	<u>§12.5.6</u>
	* * *			
Industrial Use Categories				
Light Industrial Service (see §12.2.6.A)	* * *			
	Carpet and rug cleaning (excluding dyeing)	U	2	<u>§12.6.2</u>
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APPENDIX B

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Part 9. Building Use Standards

901. Building Use Table

The following uses are permitted in the *Columbia Pike Neighborhoods Special Revitalization District* as specified further in the Building Envelope Standards.

When specific Use Standards are referenced below, they may be found in the *Arlington County Zoning Ordinance*.

USE CATEGORY	SPECIFIC USE TYPES	PERMITTED (P) or USE PERMIT (U)	USE STANDARD
* * *			
GROUND STORY COMMERCE			
* * *			
Retail, personal service (see §12.2.5.F.2(b))	* * *		
	Dry cleaning, <u>laundry and laundromat</u> , drop-off stations	P	§12.5.6
	Laundromats	P	§12.5.13
* * *			
Light industrial (see §12.2.6.A)	* * *		
	Carpet and rug cleaning plants	U	<u>§12.6.2</u>
	* * *		

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