



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT  
Planning Division

#1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201  
TEL 703.228.3525 FAX 703.228.3543 www.arlingtonva.us

# MEMORANDUM

TO: Planning Commission Members

FROM: Richard Tucker

DATE: September 9, 2011

SUBJECT: Revised Approach for Proposed "Big Box" Retail Zoning Ordinance Amendment

Please find attached revised proposed Zoning Ordinance text for your consideration at the Zoning Committee (ZOCO) meeting scheduled for Wednesday, September 14<sup>th</sup>.

In July, the County Board authorized advertisement of a proposed Zoning Ordinance Amendment to the "C-1" and "C-2" districts (and other districts, by reference) requiring County Board approval of a Use Permit for uses with a floor area exceeding 50,000 square feet (on any level) or providing 200 or more parking spaces. Since that time, staff has met with the Zoning Committee (ZOCO) of the Planning Commission, as well as NVBIA/NAIOP and the Government Relations Subcommittee of the Arlington Chamber of Commerce. In response to the input that has been received at these meetings, staff has developed a revised approach (attached) that will narrow the scope of the proposed Zoning Ordinance amendment to focus on large format retail operations, since it is the potential negative impacts of these uses, such as increased traffic, large impervious surface areas, and reduced tree canopy, that are of most concern. Specifically, staff proposes to define a new term - "*Large Format Sales Establishment*" - and require that only these uses, as defined, would be subject to Use Permit approval.

It is not anticipated that the revised approach will necessitate a re-advertisement by the County Board, since it is within the scope of the original advertisement. This matter will likely be brought forward, with final staff recommendations and subject to additional community review, at the October County Board Meeting.

1 \* \* \*

2  
3 **SECTION 1. DEFINITIONS**

4  
5 Large Format Sales Establishment. A use under one ownership, occupying a gross floor area, on  
6 any level, of 50,000 square feet or greater or that provides 200 or more parking spaces, wherein  
7 the primary activity is the sale of food, merchandise, and/or personal and business services for  
8 use or consumption by a purchaser. Additionally, a Large Format Sales Establishment shall not  
9 be deemed to include vehicle sales, rental, and service uses.

10 \* \* \*

11  
12  
13 **SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS**

14  
15 The purpose of the "C-1" District classification is to provide locations for low intensity  
16 development where retail and personal service uses predominate and where there is also limited  
17 opportunity for office uses and business service uses. "C-1" Districts should be located and  
18 developed as unified shopping centers consisting primarily of small individual shops of a linear or  
19 cluster design. Furthermore, development of "C-1" Districts should result in commercial centers  
20 which are compatible with the surrounding development in terms of scale and character.  
21 (Ord. No. 86-30, 6-1-87)

22  
23 The following regulations shall apply in all "C-1" Districts:

24  
25 **A. Uses Permitted.**

26  
27 The following uses are permitted, provided that they are not Large Format Sales Establishments,  
28 as defined in Section 1. Large Format Sales Establishments must obtain a use permit pursuant to  
29 Section 19.B.12 below.

- 30  
31 1. All uses permitted in "C-1-R" Districts.  
32 2. Antique shop.  
33 3. Art store, including art work, art supplies and framing materials.  
34 4. Automobile accessories and supplies, excluding installation.  
35 5. Bank or other financial institution.  
36 6. Book, stationery or card store.  
37 7. Clothing or wearing apparel shop.  
38 8. Department store restricted to sites that are a minimum of five (5) acres.  
39 9. Dry goods or notion store.  
40 10. Film processing kiosk (photo service).  
41 11. Florist or gift shop. Delivery of flowers to off-site locations is permitted when it involves  
42 less than thirty [30] percent of the amount of the sales from these stores.  
43 12. Grocery, fruit or vegetable store ~~without restriction or maximum gross floor area.~~  
44 Delivery of groceries to off-site locations is permitted when it involves less than thirty  
45 [30] percent of the amount of the sales from these stores.  
46 13. Hardware, paint or appliance store.  
47 14. Hobby or handcraft store.  
48 15. Home furnishings store.

- 1 16. Jewelry store.
- 2 17. Locksmith.
- 3 18. Medical office or clinic.
- 4 19. Office as regulated in subsection C.1., below.
- 5 20. Optical store.
- 6 21. Pet shop.
- 7 22. Photography studio.
- 8 23. Photo copy service.
- 9 24. Private postal service limited to a gross floor area of twelve hundred (1,200) square feet.
- 10 25. Repair shop (small appliance, television, radio).
- 11 26. Restaurant, including outdoor cafes associated with such uses (excluding restaurants with
- 12 drive-through windows and dancing or entertainment, except as provided for in
- 13 subsection B.6). Delivery of food and beverages to off-site locations is permitted when it
- 14 involves less than thirty [30] percent of the amount of the sales from these restaurants.
- 15 27. Secondhand or consignment shop.
- 16 28. Shoe store.
- 17 29. Sporting goods store.
- 18 30. Variety store.
- 19 31. Video tape or record store.
- 20 32. Uses and buildings customarily accessory to the above uses.
- 21 33. Properties that are located in the Columbia Pike Special Revitalization District may be
- 22 developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After
- 23 such development all uses permitted in Section 20 shall be permitted on the property,
- 24 subject to all regulations in Section 20.

25

26 **B. Special Exceptions.**

27

28 The following uses may be established subject to obtaining a use permit under the procedures

29 established in Section 36:

- 30
- 31 1. Amusement game arcade.
- 32 2. Food delivery services.
- 33 3. Health club.
- 34 4. Indoor and outdoor tennis, racquet or handball courts.
- 35 5. Public parking area whether with or without improvements deferred, as regulated in
- 36 Section 33.B.1.b.
- 37 6. Restaurant providing live entertainment and/or dancing.
- 38 7. Schools (private, elementary and high), kindergartens, day nurseries and day care
- 39 facilities.
- 40 8. Vehicle service establishment, provided that any portion of the use except the sale of
- 41 gasoline shall be conducted wholly within a building.
- 42 9. Any use otherwise permitted in this district with a drive-through window.
- 43 10. Uses permitted and conducted in kiosks in accordance with the requirements of Section
- 44 31.A.18.
- 45 11. Uses in projects that are within the Clarendon Revitalization District and are part of a
- 46 Unified Commercial/Mixed Use Development as set forth in section 31.A.17.
- 47 12. Large Format Sales Establishment.

48

\* \* \*

**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; and provided that they are not Large Format Sales Establishments, as defined in Section 1. Large Format Sales Establishments must obtain a use permit pursuant to Section 26.B.21 below.

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.
15. Medical or dental laboratory.
16. Music conservatory or music instruction.
17. Nursery, flower or plant store, provided that all incidental equipment and supplies, including fertilizer, empty cans and garden tools are kept within a building or in designated areas outside as approved by the Zoning Administrator, provided that the location does not impede pedestrian or vehicular movement on the property.
18. Office, without restriction on location within structures.

- 1 19. Palmistry.
- 2 20. Pawnshop.
- 3 21. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed
- 4 building.
- 5 22. Printing, lithographing or publishing.
- 6 23. Public parking area of up to fifty (50) spaces or of a lot area of up to twenty thousand
- 7 (20,000) square feet, when located and developed as required in Section 33.
- 8 24. Public service, including electric distributing substation, fire or police station, telephone
- 9 exchange, and the like.
- 10 25. Retail stores or business in addition to those permitted in "C-1-R" and "C-1" Districts.
- 11 26. Sign painting shop, if conducted wholly within a completely enclosed building.
- 12 27. Trade or commercial school, if not objectionable due to noise, odor, vibration or other
- 13 similar causes.
- 14 28. Upholstery shop, if conducted wholly within a completely enclosed building.
- 15 29. Vehicle dealership, sales or rental lot, provided that the use is located on a site which is
- 16 more than twenty thousand (20,000) square feet in area, and where the use complies with
- 17 the standards identified in subsection C.4., shall be permitted as a matter of right. In
- 18 addition, vehicle dealership, sales or rental lot that is located on a site ten thousand
- 19 (10,000) square feet or smaller shall not be permitted.
- 20 30. Wedding chapel.
- 21 31. Other uses which, in the judgment of the Zoning Administrator, are of the same general
- 22 character as those listed in this subsection and will not be detrimental to the district in
- 23 which located.

24  
25 **B. Special Exceptions.**

26  
27 Any of the following uses may be established subject to obtaining a use permit as provided in

28 Section 36, "Use Permits," for each such use:

- 29 1. Audio-visual production studio.
- 30 2. Bowling alley.
- 31 3. Car wash.
- 32 4. Carpet and rug cleaning establishments, excluding dyeing.
- 33 5. Food delivery service.
- 34 6. Any use otherwise permitted in this district with a drive-through window.
- 35 7. Indoor and outdoor skating rink.
- 36 8. Massage parlor and the like.
- 37 9. Miniature golf course.
- 38 10. Mortuary or funeral home, including a cremation unit within a mortuary or funeral home.
- 39 11. Reserved.
- 40 12. Nightclubs and restaurants providing live entertainments, including dance halls.
- 41 13. Outdoor swimming pool.
- 42 14. By site plan approval under Section 36.H., use regulations for areas designated as
- 43 "Special Revitalization Districts" on the General Land Use Plan may be modified under
- 44 the following conditions, and an additional F.A.R. of .5 may be allowed under the
- 45 following conditions applicable to such increases in density:

- 1 a. Height limit: No building, nor the enlargement of any building, shall exceed the  
2 height standard in the revitalization area or six (6) stories not including  
3 mechanical penthouses.
- 4 b. Density: The ratio of the total gross floor area of all uses, excluding one- and  
5 two-family dwellings, to the total area of the site shall not exceed 1.5 to 1. A  
6 building which has solely residential use above the second floor level shall be  
7 permitted to have a residential F.A.R. of 1.5 and a first floor retail commercial  
8 use F.A.R. of up to .5. In no case shall the total F.A.R. of such a building exceed  
9 2.0.
- 10 c. The first floor of any office building shall be designed and used for retail  
11 commercial uses. A plan specifying the proposed retail commercial uses shall be  
12 developed and shall be consistent with the adopted plan for the "Special  
13 Revitalization District."
- 14 d. Automobile parking space is to be provided as required in Section 33, except that  
15 parking may be reduced by site plan approval to no less than one (1) off-street  
16 parking space per one (1) dwelling unit and one (1) off-street parking space for  
17 each five hundred eighty (580) square feet of the total office and retail gross floor  
18 area.
- 19 e. Screening walls and/or landscaping consistent with the goals and standards of the  
20 adopted plan for the revitalization area shall be provided where a parking area  
21 abuts a street, sidewalk, alley, or other public right-of-way and where a parking  
22 area abuts "R" and "RA" districts.
- 23 f. Streetscape improvements consistent with the standards of the adopted "Special  
24 Revitalization District" plan for the area shall be implemented on the periphery  
25 of the site fronting on public right-of-way.
- 26 g. A coordinated sign plan shall be required. Standards for signs shall be those set  
27 forth in the adopted "Special Revitalization District" plan for the area.
- 28 h. All aerial utilities in the public right-of-way at the periphery of the site and  
29 within the site shall be placed underground.
- 30 15. Public parking area of more than fifty (50) spaces or of a lot area of more than twenty  
31 thousand (20,000) square feet.
- 32 16. Vehicle body shop, so long as such activities are conducted entirely within a building.
- 33 17. Vehicle dealership, sales or rental lots located on-sites of twenty thousand (20,000)  
34 square feet or less but more than ten thousand (10,000) square feet in area shall be  
35 permitted by use permit, provided that the use complies with the standards identified in  
36 subsection C.4.
- 37 18. Vehicle service establishment, provided that any vehicle repairs and storage of  
38 merchandise and supplies shall be conducted wholly within a building, and that any  
39 lubrication or washing not conducted wholly within a building shall be permitted only if a  
40 masonry wall, seven (7) feet in height, is erected and maintained between such uses and  
41 any adjoining "R" District.
- 42 19. Uses in projects that are not within the Columbia Pike Special Revitalization District or  
43 the Lee Highway-Cherrydale Special Revitalization District but are part of a Unified  
44 Commercial/Mixed Use Development as set forth in section 31.A.17.
- 45 20. In addition, if any use permitted under subsection 26.A. includes classes or  
46 instruction to children and, either twenty (20) percent or more of the total number  
47 of students enrolled in classes and/or instruction are children under eighteen (18)

1 years of age or the total number of children under eighteen (18) years of age  
2 enrolled in classes scheduled to be held at any one time is ten (10) or more, the  
3 use may only be established subject to obtaining a use permit as provided in  
4 Section 36, "Use Permits," for each such use.

5 21. Large Format Sales Establishment.

6  
7  
8  
9

\* \* \*

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

11

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

17

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

19

20 **A. Uses Permitted.**

21 All of the uses listed below are permitted, provided, however, that All of the uses listed below are  
22 permitted, provided, however, that if a use provides classes or instruction to children and, either  
23 twenty (20) percent or more of the total number of students enrolled in classes and/or instruction  
24 are children under eighteen (18) years of age or the total number of children under eighteen (18)  
25 years of age enrolled in classes scheduled to be held at any one time is ten (10) or more, the use  
26 may only be established subject to obtaining a use permit as provided in Section 36, "Use  
27 Permits," for each such use; and provided that they are not Large Format Sales Establishments, as  
28 defined in Section 1. Large Format Sales Establishments must obtain a use permit pursuant to  
29 Section 27A.B.13 below.

30

- 31 1. All uses permitted in the "C-1" District.
- 32 2. Art or antique shop.
- 33 3. Bird store, pet shop or taxidermist.
- 34 4. Department, furniture or household appliance store.
- 35 5. Film exchange.
- 36 6. Hotels and tourist courts.
- 37 7. Indoor swimming pools.
- 38 8. Indoor theaters.
- 39 9. Interior decorating store.
- 40 10. Medical or dental clinics and laboratories.
- 41 11. Music conservatory or music instruction.
- 42 12. Newsstand.
- 43 13. Multifamily dwelling units.

44

45 **B. Special Exceptions.**

46

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

23  
24  
25 \* \* \*  
26  
27