



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 23, 2010

DATE: January 13, 2010

SUBJECT: Request to Advertise public hearings on proposed Zoning Ordinance amendments to Sections 1, 16, 18, 19, 20 (and its Appendix A), 21, 25A, 26, 28, 32A, 33 and 34 to 1) delete “automobile service station,” “public garage” and “tire shop” and instead add a new definition for, and references to “vehicle service establishment,” which use would include vehicle fueling sales, accessory retail sales and vehicle service and repair uses; 2) permit vehicle service and repair as provided for in the proposed “vehicle service establishment” definition, by use permit approval, in Section 19. “C-1” Local Commercial Districts, Section 20 (and its Appendix A) “CP-FBC” Columbia Pike Form Based Code Districts and Section 25A. “C-O-A” Commercial Office Building, Hotel and Apartment Districts; 3) create a new definition for and update references to “vehicle body shop” as a use that includes both repair uses and vehicle body work, painting and upholstering; and 4) update usage of automobile-related terms.

C.M. RECOMMENDATIONS:

Adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on March 1, 2010, and the County Board on March 13, 2010, on the attached ordinance to amend, reenact, and recodify the Zoning Ordinance, Sections 1, 16, 18, 19, 20, 21, 25A, 26, 28, 32A, 33 and 34, to 1) delete “automobile service station,” “public garage” and “tire shop” and instead add a new definition for, and references to “vehicle service establishment,” which use would include vehicle fueling sales, accessory retail sales and vehicle service and repair uses; 2) permit vehicle service and repair as provided for in the proposed “vehicle service establishment” definition, by use permit approval, in Section 19. “C-1” Local Commercial Districts, Section 20 (and its Appendix A) “CP-FBC” Columbia Pike Form Based Code Districts and Section 25A. “C-O-A” Commercial Office Building, Hotel and Apartment Districts; 3) create a new definition for and update references to “vehicle body shop” as a use that includes both repair uses and vehicle body work, painting and upholstering; and 4) update usage of automobile-related terms.

ISSUES: This is a request for authorization from the County Board to authorize advertisement of amendments to the Zoning Ordinance to permit, by use permit approval, vehicle service and repair uses in “C-1,” “CP-FBC” (and its appendix A) and “C-O-A” zoning districts, and to update and replace outdated vehicle service-related definitions throughout the Zoning Ordinance.

County Manager: BMD/GA

County Attorney: SM

Staff: Deborah Albert, DCPHD, Planning Division

PLA-5442

29.

SUMMARY: Staff was prompted to research the issue of automobile repair uses in the Zoning Ordinance by the issuance and subsequent appeal of two notices of violation to uses identified as “automobile services stations” in “C-1” Zoning Districts. Industry trends for gasoline service stations indicate that definitions and regulations related to automobile repair services in the Zoning Ordinance are outdated, and no longer reflect a viable service model. Two defined terms, for “automobile service station” and “public garage,” include vehicle fuel sales and minor services uses, respectively. However, typically, both fuel sales and repair services are incorporated into a single station, unlike earlier times, when gas stations generally provided only minimal repair services. Furthermore, in “C-1” Zoning Districts, only fuel sales (no repair services) are permitted, yet most existing automobile services stations in “C-1” Districts perform repair services, and therefore are nonconforming. In today’s market, gasoline retailers need additional services in order to run sustainable businesses. Staff concludes that permitting automobile service and repair services in commercial areas throughout the County, with impacts mitigated through the use permit process, would be a means of maintaining a sustainable community. Therefore, staff proposes to delete “automobile service station” and “public garage” from the Definitions Section of the Zoning Ordinance, and replace them with a single term, “vehicle service establishment,” which would be defined to include vehicle fuel sales, service and repair services, and accessory retail sales. This new term would also replace “tire shop,” which is not defined, but used in the Ordinance. Staff also proposes to define “vehicle body shop” to reference a use permitted in various zoning districts, but currently undefined, that includes auto body work, painting and upholstering. Finally staff proposes to permit vehicle service and repair uses in “C-1,” “CP-FBC” and “C-O-A” Districts, by adding “vehicle service establishment” as a permitted use, subject to use permit approval, and to update usage of auto repair-related terms throughout the Zoning Ordinance.

BACKGROUND: Two recent notices of violation issued to automobile service stations in “C-1” Districts and subsequent appeals to the Board of Zoning Appeals have prompted staff to examine automobile uses and regulation of such uses throughout the County in order to address issues related to sustainability and viable models for service stations in Arlington County.

DISCUSSION: As Arlington County continues to plan more areas for mixed-use development, traditional service commercial areas that support low intensity (up to 1.5 FAR) commercial uses are increasingly limited. While high intensity mixed-use development encourages and supports transit use, there continues to be a need for automobile vehicle fueling, repair and servicing within the County. In order to maintain a sustainable community, such uses should be available in major corridors throughout the County, with appropriate limitations.

Industry trends for vehicle services uses, as reported in mainstream news media (i.e. *The Washington Post*, *The New York Times*, etc.) over the last ten years, indicate that the gasoline service station that provides no additional services no longer reflects a viable business model. The low profit margin on retail gasoline sales, combined with increased credit card usage and fees, require a station owner to provide other products or services in order to stay in business. Based on this business model, staff review of the Zoning Ordinance indicates that terms defining vehicle repair and fueling in the Zoning Ordinance are outdated in today’s market, and that

regulation of such uses in “C-1” Local Commercial Districts, “CP-FBC” Columbia Pike Form Based Code Districts and “C-O-A” Commercial Office Building, Hotel and Apartment Districts are similarly outdated. Expanding and updating the definition of automobile service stations would allow owners of such businesses to diversify the services they provide in order to keep up with a changing market. Therefore, the intent of the proposed amendment is 1) to further clarify definitions for all vehicle repair and service-related uses throughout the Zoning Ordinance, without making changes to how uses are regulated in each zoning district (other than those listed below); and 2) to permit vehicle repair in “C-1,” “CP-FBC” and “C-O-A” Districts, where it is either currently not permitted (as in “C-1”), or ambiguous as to the level of service permitted (as in “CP-FBC” and “C-O-A”).

Definitions: There are currently two terms defined in the Zoning Ordinance that describe uses related to auto repair and fueling services. Additionally, there are undefined terms used to identify permitted uses within individual Zoning Ordinance sections that describe more intense repair uses, such as vehicle body work, painting and upholstering. The defined terms that currently exist are as follows, and neither provides any clarification as to what constitutes “minor” services or “repair,” which makes it difficult to administer:

“Automobile service station. Any premises used for supplying gasoline and oil, at retail direct to the customer, including minor accessories and services for automobiles”

“Garage, public. A building, or portion thereof, used for the care, repair or equipment of motor vehicles which is available to the public”

Undefined uses listed as permitted in some zoning districts include the following:

“Automotive painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like”

“Tire shop”

Furthermore, as discussed above, the forgoing definitions combined with the regulation of these uses in the Zoning Ordinance do not reflect industry trends for how gasoline sales work in today’s market. Staff supports a continued ability to provide such uses throughout the County as a means of maintaining a sustainable community. Therefore, staff recommends adding “vehicle service establishment” as a new defined term in the Zoning Ordinance, which use would include vehicle fuel sales, repair and service, and accessory retail sales of snacks, beverages and other merchandise. This new use would replace “automobile service station,” “public garage” and “tire shop.” In addition, staff recommends adding “vehicle body shop” as a new defined term to replace undefined uses that permit vehicle body work and other intense repair services, such as painting and upholstering.

Table 1 below shows a cross reference of the existing and proposed new terms and a list of zoning districts where they are currently permitted. All of the existing terms are proposed to be replaced with the new proposed defined terms in all zoning districts in which they occur throughout the Ordinance. In addition, it is proposed that all existing terms listed in Table 1 be updated in all places in which they occur in order to reflect the wording used in the defined term.

Permitted and Special Exception uses would be realphabetized accordingly within each zoning district as the new terms are inserted.

Table 1: Uses – Cross reference for existing and new (proposed) terms

Existing Term	New Proposed Term	Where Permitted	
		By right	Use Permit
Automobile Service Station	Vehicle service establishment	n/a	C-1, CP-FBC, C-2, C-3, CM, M-1, M-2, C-O-A
Automotive painting, upholstery, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like (not defined)	Vehicle body shop	CM, M-1, M-2	CP-FBC, C-2, C-3
Automotive Wrecking	No change	n/a	n/a
Public Garage	Vehicle service establishment		C-2, C-3, CM, M-1, M-2
Motor Vehicle Sales or Rental Lot	Vehicle Sales or Rental Lot	CP-FBC, C-2, CM	C-2, CM (if site <= 20,000 sf)
Motor Vehicle Storage Lot	Vehicle Storage Lot	CM	n/a
Tire Shop (not defined)	Vehicle service establishment	n/a	CP-FBC, C-2, C-3, CM, M-1, M-2, C-O-A

Regulation of Uses: In “C-1” Districts, “automobile service station” is currently permitted by special exception use permit, “provided that there is no incidental automobile repair.” Most existing service stations in “C-1” districts are nonconforming because they provide vehicle repair. While some may be legally nonconforming, many have further expanded their original uses and therefore may have become illegal. As discussed above, it is atypical for a service station not to provide other products and services in addition to fuel. Therefore, staff proposes that “vehicle service establishment” uses be permitted in “C-1” Districts, by use permit approval, in order to permit gas stations with service bays and/or accessory retail sales to be located in commercial zoning districts throughout the County. In “C-1” Districts, all such uses other than the sales of gasoline would be required to be fully enclosed within a building. Use permit conditions could allow other land use impacts to be mitigated, on a case by case basis.

In “CP-FBC” and “C-O-A” Districts, “tire shops” are currently permitted by use permit approval, as are “automobile service stations, provided any incidental vehicle repairs such as tube and tire repairing, battery charging and storage of merchandise and supplies shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven feet in height, is erected and maintained between such uses and any adjoining “R” District.” “Public garages” are not currently permitted in either district. With the proposed amendment, “public garage,” “automobile service station” and “tire shop” are proposed to be combined into “vehicle service establishment” which includes both repair uses and gasoline sales. Staff proposes to permit “vehicle service establishment,” by use

permit approval and with all of the existing restrictions described above, in order to allow such services to be provided in these areas, but with a better definition of the specific repair uses permitted. The “C-O-A” District typically corresponds with areas designated as “Coordinated Mixed Use Development District” on the General Land Use Plan, which exists in the Ballston area. The “CP-FBC” District may only be used within the “Columbia Pike Special Revitalization District.” As in “C-1” Districts, land use impacts of these uses could be mitigated with use permit conditions on a case by case basis.

Table 2 (on the next page) summarizes regulation of automobile repair-related uses currently defined or used in the Zoning Ordinance. Other than in “C-1,” “CP-FBC” and “C-O-A” Districts, all uses discussed would continue to be regulated as they are currently permitted.

Community Process: The proposed amendment was discussed at the Zoning Committee of the Planning Commission (ZOCO) meetings on December 10, 2009, and January 6, 2010. Discussion focused on the distinction between those services proposed to be defined as vehicle service establishment versus vehicle body shop. It was suggested by some ZOCO members that expanding the level of vehicle repair and service permitted in commercial zoning districts could be beneficial in order to allow Arlington County residents to have their vehicles serviced and repaired within the County, at places within walking distance of their homes. Following this discussion, staff broadened the proposed definition of “vehicle service establishment” to include repair of engines and transmissions, which had previously been proposed to be included only in the “vehicle body shop” definition. Staff supports expanding “vehicle service establishment” definition, as the intent of the amendment is to promote a sustainable community where such services are provided throughout the County. Additionally, a special exception use permit would be required for such use in all commercial Zoning Districts in which it is permitted, and therefore impacts could be addressed on a case by case basis.

CONCLUSION: Staff recommends that the County Board authorize advertisement of the proposed amendments to Sections 1, 16, 18, 19, 20, 21, 25A, 26, 28, 32A, 33 and 34 of the Arlington County Zoning Ordinance in order to delete both the definitions of and references to “automobile service station,” “public garage” and “tire shop” and replace them with a new definition for and references to “vehicle service establishment” to include vehicle fueling sales and service, accessory retail sales and/or vehicle repair uses, and to create a new definition for and references to “vehicle body shop” to include repair uses in addition to vehicle body work; to permit vehicle service establishment by use permit approval in “C-1,” “CP-FBC” and “C-O-A” Districts; and to update usage of automobile service and repair-related terms throughout the Zoning Ordinance.

Table 2. Regulation of Automobile Service Uses as Currently Permitted in the Zoning Ordinance

	C-1	CP-FBC	MU-VS	C-2*	C-O-A	CM	M-1
Automobile Service Station	Use Permit - Provided there is no incidental automobile repair	Use Permit – Provided . . . (see C-2)	Not permitted	Use Permit - Provided that any incidental vehicle repairs such as tube and tire repairing, battery charging and storage or merchandise and supplies shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven (7) feet in height, is erected and maintained between such uses and any adjoining "R" District.	Use Permit (as in C-2)	Use Permit (as in C-2)	Use Permit (as in C-2)
Automotive painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like (not defined)	Not permitted	Use Permit – Provided that all uses are conducted within an enclosed structure	Not permitted	Use Permit - Provided that all uses are conducted within an enclosed structure	Not permitted	By Right – Provided the use is conducted wholly within an enclosed building (except for on-site parking of delivery vehicles that are incidental thereto). Also includes auto-assembling, tire retreading or recapping, battery manufacturing and the like.	By Right (as in CM)
Automotive Wrecking	Not explicitly permitted in any district						
Public Garage	Not permitted	Not permitted	Not permitted	Use Permit	Not permitted	Use Permit (as in C-2).	Use Permit (as in C-2)

	C-1	CP-FBC	MU-VS	C-2*	C-O-A	CM	M-1
Motor Vehicle Sales or Rental Lot	Not permitted	By Right – Provided the use complies with the stds id'd in 26.C.4, and provided that indoor and/or outdoor display areas do not exceed 300 linear feet along Main St. or Ave. frontage. Motor vehicle dealerships are specifically prohibited on Neigh. and Ave. sites.	Not permitted	By Right - Provided the use is located on a site which is > 20,000 sf, and where the use complies with the stds id'd in 26.C.4. NOT permitted on sites <= 10,000 sf. Use Permit – on sites <= 20,000 sf but >10,000 sf, provided the use complies with the stds id'd in 26.C.4.	Not permitted	As permitted in C-2, and further developed in accordance with Section 33. Provided the use is conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or uniformly painted board fence, not less than 6-ft in height.	By Right (as in CM) – within or without a building or an enclosed area.
Motor Vehicle Storage Lot	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	By Right – and towing services; Provided the use is conducted within an enclosed building or w/in an area enclosed on all sides with a solid wall or uniformly painted board fence, not less than 6 ft in height.	By Right – and towing services; Provided the area is located and developed as required in Section 33 and that any incidental repair of automobiles or trailers is conducted and confined wholly within a building
Tire Shop (not defined)	Not permitted	Use Permit	Not permitted	Use Permit	Use Permit (as in C-2)	Use Permit (as in C-2)	Use Permit (as in C-2)

* And by reference, C-3, CM, M-1, M-2, C-O-A, MU-VS (unless otherwise indicated above)

Note: Text to be added is shown with an underline and text to be deleted is shown with ~~strikethrough~~. Formatting comments are shown in [brackets].

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTIONS 1, 16, 18, 19, 20 (AND ITS APPENDIX A), 21, 25A, 26, 28, 32A, 33 AND 34 OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE MARCH 1, 2010, PLANNING COMMISSION AND THE MARCH 13, 2010, COUNTY BOARD MEETINGS IN ORDER TO 1) DELETE “AUTOMOBILE SERVICE STATION,” “PUBLIC GARAGE” AND “TIRE SHOP” AND INSTEAD ADD A NEW DEFINITION FOR, AND REFERENCES TO “VEHICLE SERVICE ESTABLISHMENT,” WHICH USE WOULD INCLUDE VEHICLE FUELING SALES, ACCESSORY RETAIL SALES AND VEHICLE SERVICE AND REPAIR USES; 2) PERMIT VEHICLE SERVICE AND REPAIR AS PROVIDED FOR IN THE PROPOSED “VEHICLE SERVICE ESTABLISHMENT” DEFINITION, BY USE PERMIT APPROVAL, IN SECTION 19. “C-1” LOCAL COMMERCIAL DISTRICTS, SECTION 20 (AND ITS APPENDIX A) “CP-FBC” COLUMBIA PIKE FORM BASED CODE DISTRICTS AND SECTION 25A. “C-O-A” COMMERCIAL OFFICE BUILDING, HOTEL AND APARTMENT DISTRICTS; 3) CREATE A NEW DEFINITION FOR AND UPDATE REFERENCES TO “VEHICLE BODY SHOP” AS A USE THAT INCLUDES BOTH REPAIR USES AND VEHICLE BODY WORK, PAINTING AND UPHOLSTERING; 4) UPDATE USAGE OF AUTOMOBILE-RELATED TERMS; AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO FACILITATE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves to authorize advertisement of the following amendments to Sections 1, 16, 18, 19, 20 (and its appendix A), 21, 25A, 26, 28, 32A, 33 and 34 of the Arlington County Zoning Ordinance for public hearings at the February 8, 2010, Planning Commission and the February 20, 2010, County Board meetings. This amendment would amend, reenact and recodify the Zoning Ordinance provisions in order to 1) delete “automobile service station,” “public garage” and “tire shop” and instead add a new definition for, and references to “vehicle service establishment,” which use would include vehicle fueling sales, accessory retail sales and vehicle service and repair uses; 2) permit vehicle service and repair as provided for in the proposed “vehicle service establishment” definition, by use permit approval, in Section 19. “C-1” Local Commercial Districts, Section 20 (and its Appendix A) “CP-FBC” Columbia Pike Form Based Code Districts and Section 25A. “C-O-A” Commercial Office Building, Hotel and Apartment Districts; 3) create a new definition for and update references to “vehicle body shop” as a use that includes both repair uses and vehicle body work, painting and upholstery; and 4) update usage of automobile-related terms; and in order 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:

Request to Advertise
Vehicle Service Uses

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1 **SECTION 1. DEFINITIONS**

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4 Vehicle body shop. Any premises where vehicle body work; straightening of body
5 parts; painting; welding; or other similar work is performed on vehicles. Vehicle service
6 establishment uses may be permitted as part of a vehicle body shop, however, vehicle
7 body shop shall not be deemed to include vehicle sales or rental lots, vehicle storage lots
8 or automotive wrecking.

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10 Vehicle service establishment. Any premises used for supplying vehicle fuel and oil, at
11 retail direct to the customer, including accessories and/or where the following services and other
12 similar work may be rendered and sales made:

- 13 1. Sales and servicing of spark plugs, batteries and distributors, distributor parts and other
14 vehicle related items;
- 15 2. Tire sales servicing and repair, but not recapping or regrooving;
- 16 3. Replacement of mufflers and tail pipes, catalytic converters, water hoses, serpentine
17 belts, brake fluid, light bulbs, fuses floor mats, windshield wipers and wiper blades,
18 grease retainers, wheel bearings, mirrors and the like;
- 19 4. Greasing, lubrication and radiator flushing;
- 20 5. Servicing and repair of engines, carburetors, air conditioning, fuel pumps, oil pumps,
21 water pumps and lines and minor motor adjustments;
- 22 6. Major mechanical work and servicing and repair of transmissions and differentials;
- 23 7. Emergency wiring repairs;
- 24 8. Adjusting and repairing brakes;
- 25 9. Emissions and safety inspections;
- 26 10. After-market installation of items such as audio or security systems;
- 27 11. Sales of beverages, snack foods, and other retail merchandise as an accessory use. The
28 area devoted to retail merchandise sales shall not exceed 400 square feet of gross floor
29 area, which shall include the cashier's area and space used for the display of sale items, to
30 include cooler space, but not to include storage areas.

31 Vehicle service establishment uses shall not include vehicle body shop; straightening of body
32 parts; painting, welding; vehicle sales or rental lots; vehicle storage lots; or automotive wrecking.

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34 Automobile service station. Deleted. Any premises used for supplying gasoline
35 and oil, at retail direct to the customer, including minor accessories and services for
36 automobiles.

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38 Automotive wrecking. The dismantling or wrecking of used motor vehicles or trailers,
39 or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked
40 vehicles or their parts.

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43 *Garage, public. Deleted. A building, or portion thereof, used for the care, repair or*
44 *equipment of motor vehicles which is available to the public. (Ord. No. 83-9, 3-19-83)*

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48 *Motor-vehicle sales or rental lot. Any land or building where two (2) or more vehicles*
49 *of any kind that are in operating condition are:*

- 50 (a) Offered for sale or rent;
51 (b) Displayed for sale or rent; or
52 (c) Stored prior to sale or rent. (Ord. No. 85-43, 2-1-86; Ord. No. 86-10, 11-15-86)

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54 *Motor-vehicle storage lot. Any land or building where two (2) or more wrecked,*
55 *abandoned or impounded vehicles of any kind are stored prior to repair, disposal, claim or sale,*
56 *but does not include the repair, wrecking, dismantling or salvaging of said vehicles or their*
57 *parts. (Ord. No. 85-43, 2-1-86; Ord. No. 86-10, 11-15-86)*

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61 **SECTION 16. "RA4.8" MULTIPLE-FAMILY DWELLING DISTRICTS**

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65 By site plan approval as specified herein: Multiple-family dwellings. By site plan
66 approval, commercial uses as permitted in "C-1-R" Districts, or as otherwise approved by the
67 County Board, may be permitted, provided that they are located at street level and do not exceed
68 a five-tenths (0.5) Floor Area Ratio (F.A.R.). No drive-in type uses such as drive-in banks or
69 drive-in restaurants or automobile-oriented uses such as public garages, service stations, vehicle
70 service establishments, vehicle body shops, car washes, motor-vehicle sales or automotive
71 oriented repair uses of any type shall be permitted.

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75 **SECTION 18. "RA-H-3.2" MULTIPLE-FAMILY DWELLING AND HOTEL**
76 **DISTRICTS**

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78 **B. Special Exceptions.**

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80 By site plan approval as specified herein: multiple-family dwellings and/or hotel
81 development. Commercial uses may also be permitted provided that they are located at street
82 level and do not exceed a five-tenths (5/10) floor area ratio (F.A.R.). No drive-in type uses such
83 as drive-in banks or drive-in restaurants or automobile-oriented uses such as public garages,
84 service stations, vehicle service establishments, vehicle body shops, car washes, motor-vehicle
85 sales or automotive oriented repair uses of any type shall be permitted.

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SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS

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B. Special Exceptions.

The following uses may be established subject to obtaining a use permit under the procedures established in Section 36 [all uses to be realphabetized and renumbered accordingly]:

- ~~17.~~ Schools (private, elementary and high), kindergartens, day nurseries and day care facilities.
- ~~23.~~ Health club.
- ~~38.~~ ~~Automobile service station,~~ Vehicle service establishment, provided that any portion of the use except the sale of gasoline shall be conducted wholly within a building. there is no incidental automobile repair.
- 4. Indoor and outdoor tennis, racquet or handball courts.
- ~~56.~~ Restaurant providing live entertainment and/or dancing.
- ~~61.~~ Amusement game arcade.
- ~~79.~~ Any use otherwise permitted in this district with a drive-through window.
- ~~85.~~ Public parking area whether with or without improvements deferred, as regulated in Section 33.B.1.b.
- ~~92.~~ Food delivery services.
- 10. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18.

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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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- 31. ~~Motor v~~Vehicle dealership, sales or rental lot, provided that the use complies with the standards identified in subsection 26.C.4, and provided that indoor and/or outdoor display area(s) do not exceed 300 linear feet along Main Street or Avenue frontage. ~~Motor v~~Vehicles dealerships sales or rental lots are specifically prohibited on Neighborhood and Avenue Sites.
- 32. Music conservatory or music instruction.
- 33. 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.

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B. Special Exceptions.

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- 1. 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 on the second level (above grade) or below.
- 2. Audio-visual production studio.
- 3. ~~Automobile service station~~, Vehicle service establishment, provided that any ~~incidental~~ vehicle repairs ~~such as tube and tire repairing~~, battery charging and storage of merchandise and supplies shall be conducted wholly within a building and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven (7) feet in height, is erected and maintained between such uses and any adjoining "R" district.
- 4. ~~Automotive painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like~~ Vehicle body shop, so long as such activities are conducted entirely within an ~~enclosed structure~~ building. [realphabetize this list and renumber all uses accordingly]
- 5. Bowling alley.
- 6. Carpet and rug cleaning establishments, excluding dyeing.
- 7. Food delivery service.
- 8. Restaurant with drive-through window.
- 9. Massage parlor and the like.
- 10. Miniature golf course.
- 11. Mortuary or funeral home, including a cremation unit within a mortuary or funeral home.
- 12. Nightclubs and restaurants, providing live entertainment, including dance halls.
- 13. Outdoor swimming pool.
- 14. Public storage facilities.
- ~~15. Tire shop.~~ [renumber subsequent uses accordingly]
- 16. Any other use otherwise permitted in this district with a drive-through window, provided that the drive-through operation has no more than two lanes. Drive-through access may not be from Main Street frontage.

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

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Section 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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Secondary Retail
*The following uses are permitted with Special Exception Use Permit
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Audio-visual production studio
Automobile service station
Carpet and rug cleaning (excluding dying)
Food delivery service
Miniature golf course
Mortuary or funeral home
Tire shop
Upholstery shop
Vehicle service establishment

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SECTION 21. "MU-VS" MIXED USE – VIRGINIA SQUARE DISTRICTS

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A. Uses Permitted

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1. All uses as permitted in the "C-2" District except that the following uses shall not be permitted:
 - a. Uses permitted in the "R-6" or "RA8-18" Zoning Districts.
 - b. Any use with a drive-thru window.
 - c. Apartment houses or townhouses.
 - d. ~~Automobile painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like~~ Vehicle body shop.
 - e. ~~Automotive service station, including tube and tire repairing, battery charging and storage or merchandise and supplies~~ vehicle service establishment. [realphabetize this list and re-letter all uses accordingly]
 - f. Bowling alley.

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- 204 g. Car wash.
- 205 h. Carpet and rug cleaning establishments.
- 206 i. Miniature golf course.
- 207 j. Mortuary or funeral home, including the cremation unit within a mortuary
- 208 or funeral home.
- 209 k. ~~Motor vehicle dealership~~, sales or rental lot, ~~or storage lot.~~
- 210 l. Vehicle storage lot. [re-letter subsequent uses accordingly]
- 211 l. Outdoor swimming pool.
- 212 m. Pawnshop.
- 213 n. Plumbing or sheet metal shops.
- 214 o. Printing, lithography or publishing.
- 215 p. ~~Public garage~~ [see e. above – light automobile service station replaces both
- 216 automotive service station and public garage. Re-letter subsequent uses
- 217 accordingly]
- 218 q. Public parking area of more than 20 spaces.
- 219 r. Sign painting shop.
- 220 s. ~~Tire shop.~~ [re-letter subsequent uses accordingly]
- 221 t. Trade or commercial school.
- 222 u. Upholstery shop.
- 223 v. Wedding chapel.

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C. Bulk, Streetscape, Landscaping and Parking Requirements

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4. Parking

- a. Parking requirements shall be calculated as specified in Section 33.
- b. However, to encourage and promote pedestrian-related commercial activity in the Metro Station areas, to provide relief for expanding, existing commercial uses, and to promote the efficient use of parking spaces in the East End “Special Coordinated Mixed Use District”, no parking shall be required for commercial uses for the first five thousand (5,000) square feet of floor area per main building, except that the following uses shall provided all parking that is otherwise required: blueprinting or photostating; business college; catering establishment; feed or fuel store; frozen food lockers; ice storage house; indoor swimming pools; medical or dental clinics and laboratories; ~~motor vehicle sales or rental lots;~~ vehicle storage lots; music conservatory or music instruction; plumbing or sheet metal shops; printing, lithographing or publishing; public service, including electric distribution substation, fire or police station, telephone exchange and the like; sign painting shop; ~~tire shop;~~ vehicle service establishment; trade or commercial school.

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SECTION 25A. "C-O-A" COMMERCIAL, OFFICE AND APARTMENT DISTRICTS

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A. Uses Permitted.

- 1. All uses as permitted and regulated in the "C-2" District, except that the following shall not be permitted: [realphabetize this list and re-letter subsequent uses accordingly]
 - a. ~~Automotive painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and the like~~ Vehicle body shop.
 - b. Car wash.
 - c. ~~Motor v~~ Vehicle sales or rental lot storage lots.
 - d. Vehicle storage lot. [re-letter subsequent uses accordingly]
 - d. Plumbing or sheet metal shops.
 - e. ~~Public garage~~ Vehicle service establishment.
 - f. Drive-in restaurant.

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

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A. Uses Permitted.

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- 16. ~~Motor v~~ Vehicle dealership, sales or rental lot, provided that the use is located on a site which is more than twenty thousand (20,000) square feet in area, and where the use complies with the standards identified in subsection C.4., shall be permitted as a matter of right. In addition, ~~motor-vehicle dealership~~, sales or rental lot that is located on a site ten thousand (10,000) square feet or smaller shall not be permitted.

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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: [re-alphabetize this list and re-number all uses accordingly]

- 1. Audio-visual production studio.
- 2. ~~Automobile service station~~, Vehicle service establishment provided that any

292 incidental vehicle repairs such as ~~tube and tire repairing~~, battery charging and
293 storage ~~or~~ of merchandise and supplies shall be conducted wholly within a
294 building, and that any lubrication or washing not conducted wholly within a
295 building shall be permitted only if a masonry wall, seven (7) feet in height, is
296 erected and maintained between such uses and any adjoining "R" District.

- 297 3. ~~Automotive painting, upholstering, rebuilding, reconditioning, body and fender~~
298 ~~work, truck repairing or overhauling and the like~~ Vehicle body shop, so long as
299 such activities are conducted entirely within an ~~enclosed structure~~ building.

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303 16. ~~Public garage~~ [see 2. above – vehicle service establishment replaces both
304 “automobile service station” and “public garage”. Renumber subsequent uses
305 accordingly]

- 306 17. ~~Tire shop~~ [see 2. above – vehicle service establishment replaces both “automobile
307 service station” and “public garage”. Renumber subsequent uses accordingly]

- 308 18. By site plan approval under Section 36.H., use regulations for areas designated as
309 "Special Revitalization Districts" on the General Land Use Plan may be modified
310 under the following conditions, and an additional F.A.R. of .5 may be allowed
311 under the following conditions applicable to such increases in density:

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315 19. Public parking area of more than fifty (50) spaces or of a lot area of more than
316 twenty thousand (20,000) square feet.

- 317 20. ~~Motor v. Vehicle dealership~~, sales or rental lots located on-sites of twenty
318 thousand (20,000) square feet or less but more than ten thousand (10,000) square
319 feet in area shall be permitted by use permit, provided that the use complies with
320 the standards identified in subsection C.4.

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324 **C. Use Limitations.**

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326 1. There shall be no manufacturing, compounding, processing or treatment of
327 products other than that which is clearly incidental and essential to a retail store or
328 business and where all such products are sold at retail at these establishments,
329 except as set forth in subsection B.7.

- 330 2. Such uses, operations or products shall not adversely affect any contiguous district
331 through the dissemination of odor, dust, smoke, fumes, noise, vibrations, creation
332 of trash, garbage or litter, or other similar causes.

- 333 3. Steam exhausts for cleaning and laundering establishments shall be within said
334 building.

- 335 4. ~~Motor v. Vehicle dealership~~, sales and rental lots shall comply with the following

- 336 standards as well as any use permit conditions or requirements:
- 337 a. Delivery of automobiles shall be limited to the hours between 7:00 a.m.
- 338 and 9:00 p.m., Monday through Saturday only. A plan shall be agreed
- 339 upon with the police department for time and place of the delivery of
- 340 automobiles and this plan shall be submitted to the Zoning Administrator.
- 341 b. All incidental repair services shall occur within the service bay facility. No
- 342 vehicle parts and repair tools shall be stored or displayed outside the repair
- 343 facility.
- 344 c. Vehicles placed in the custody of the persons conducting the ~~motor~~ vehicle
- 345 use shall be kept on the premises of the ~~motor~~ vehicle use in compliance
- 346 with the parking plan approved by the Zoning Administrator consistent
- 347 with the Zoning Ordinance and shall not be tested or parked on streets that
- 348 are designated as neighborhood streets in the Master Transportation Plan.
- 349 d. Lighting on the property shall be directed and shielded so as not to affect
- 350 adversely, through the dissemination of light rays, any "R" or "RA" district
- 351 which is contiguous to or across a street, alley, sidewalk or other public
- 352 right-of-way from the use.
- 353 e. The property shall be developed as required in Section 32A, Landscaping,
- 354 and Section 33, Automobile Parking, Standing and Loading Space. A
- 355 screening wall or solid wood fence with a minimum height of four (4) feet
- 356 shall be provided where a parking area for the storage or display of
- 357 vehicles, including customer parking, abuts any street, sidewalk, alley or
- 358 other public right-of-way, or separating the site from "R" or "RA"
- 359 Districts.
- 360 f. Parking areas shall be arranged and used so that vehicles which are parked,
- 361 displayed and stored on the property do not overhang or protrude outside
- 362 the prescribed limits of the parking area into the required setback or onto
- 363 the public right-of-way.
- 364 g. All trash receptacles located outside the building shall be screened from
- 365 public view by a brick wall or solid wood fence on three sides which is a
- 366 minimum of six (6) feet in height.
- 367 h. Use of a public address system or loudspeaker shall comply with the
- 368 standards and regulations in Chapter 15, Noise Control Ordinance, or the
- 369 Arlington County Code, except that use of such system shall not be
- 370 permitted after 9:00 p.m., daily.
- 371 i. Submission requirements: New ~~motor~~ vehicle ~~dealerships~~, sales or rental
- 372 lots, or existing ~~motor~~ vehicle ~~dealerships~~, sales or rental lots that are
- 373 required to obtain a certificate of occupancy shall submit the following to
- 374 the Zoning Administrator: (1) parking lot layout plan, showing parking
- 375 spaces, buildings, and landscaped area, drawn to scale, and certified by a
- 376 surveyor or engineer. (2) Lot calculation table showing the total site area,
- 377 and the size and location of each area occupied by ~~motor~~ vehicle display
- 378 space, customer parking, employee parking, office, and landscaping and
- 379 buffer.

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SECTION 28. "CM" LIMITED INDUSTRIAL DISTRICTS

The intent of this classification is to provide areas for light manufacturing, wholesale businesses and distribution centers and other uses inappropriate to residential or service business areas.(6-25-77)

The following regulations shall apply in all "CM" Districts:

A. Uses Permitted.

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- 2. Uses to be conducted wholly within a completely enclosed building except for on-site parking of delivery vehicles which are incidental thereto:

* * *

- f. ~~Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like~~ Vehicle body shop.
[realphabetize this list and re-letter uses accordingly]
- g. Stone monument works employing not more than five (5) persons.
- h. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rate capacity, drop hammers and automatic screw machines.
- i. Foundry casting lightweight nonferrous metal not causing noxious fumes, noise or odors.
- j. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- k. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishments.
- l. Wholesale business, storage buildings and warehouses.
- m. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
- n. Laboratories; experimental, photo or motion picture, film or testing.
- o. Veterinary or dog or cat hospitals, and kennels.
- p. Poultry- or rabbit-killing incidental to a retail business on the same premises.

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- 4. ~~Uses to be Vehicle sales or rental lot, as permitted and regulated in "C-2" Districts, provided the use is conducted in areas that are developed as required in Section 33 and that ancillary vehicle service establishment uses are where any incidental repair of vehicles shall be~~ conducted only wholly within a building.

424 enclosed structures:
425 a. ~~Motor vehicle dealership, sales or rental lot.~~

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429 **SECTION 32A. LANDSCAPING**

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433 **B. Additional Landscaping Requirements for Parking Areas, Public and Private.**

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- 437 5. *Screening Requirements:* The following regulations apply in all districts to all
438 uses including ~~motor~~ vehicle sales or rental lots ~~and~~ ~~or~~ vehicle storage lots:
- 439 a. A landscaped strip a minimum of five (5) feet wide shall be provided
440 where a parking area abuts streets, sidewalks, street right-of-way and
441 alleys separating "C" Districts from "R," "RA," and "S-3A" Districts.
442 Deciduous trees shall be spaced every twenty-five (25) linear feet, to be
443 measured along the property line, in the planting areas with a minimum of
444 three (3) evergreen shrubs, planted on center, which attain a minimum
445 height of three (3) feet at maturity, planted between.
- 446 b. Except between abutting "RA" zoned lots or where topography achieves
447 the same effect, any part of a parking area located closer than fifty (50)
448 feet to a side or rear lot line of a lot in an "R" or "RA" District or where
449 such parking extends into an "R" or "RA" District as a permitted
450 transitional use, a minimum of a five-foot wide landscaped strip with a
451 wall or fence shall be required. The wall or fence shall be placed within
452 ten (10) feet of, and generally parallel to, the boundary of the parking area
453 and the "R" or "RA" lots. The landscaped strip may be placed on either
454 side of the wall or fence. Such wall or fence shall consist of durable
455 material so arranged that direct light cannot penetrate the face thereof.
456 Such wall or fence shall have a minimum height of six (6) feet above the
457 finished surface of the area that it bounds, measured at the wheel bumper,
458 where such exists, and of six (6) feet above the ground surface of the side
459 exposed to abutting properties. The height of the wall or fence shall be
460 reduced to four (4) feet when located in the required setback. In parking
461 areas with less than twenty (20) spaces, the five-foot landscaped strip may
462 be deleted; however, in all cases the wall or fence shall be required. (3-4-
463 78)
- 464 c. A landscaped strip five (5) feet wide shall be provided where "C"
465 properties abut "R," "RA," and "S-3A" properties.
- 466 d. Planting which is required for screening may be considered as partial or
467 complete fulfillment of the site landscaping requirement.

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SECTION 33. AUTOMOBILE PARKING, STANDING AND LOADING SPACE

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B. Required Improvements.

Every parcel of land hereafter used as a private or public standing or parking area, other than parking required for one-and two-family dwellings, a loading space, ~~or a motor-vehicle sales or rental lot or a vehicle~~ storage lot (referred to in this section as "parking area") shall be provided with safe and convenient access to a street and shall be improved in accordance with the following requirements:

* * *

C. Required Off-street Parking and Standing Space.

* * *

- 3. *Parking in Metro Station Areas:*
 - a. *Uses exempted from parking requirements:*

* * *

- (2) Retail and service-commercial uses for the first five thousand (5,000) square feet of floor area per main building, except the following uses which shall not be granted the exemption: blueprinting or photostating; business college; catering establishment; feed or fuel store; frozen food lockers; ice storage house; indoor swimming pools; medical or dental clinics and laboratories; ~~motor~~ vehicle sales or rental lots; ~~or vehicle~~ storage lots; music conservatory or music instruction; plumbing or sheet metal shops; printing, lithographing or publishing; public service, including electric distribution substation, fire or police station, telephone exchange and the like; sign painting shop; ~~tire shop~~; vehicle service establishment trade or commercial school.

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- 4. *Required Parking and Standing Space:* Parking shall be provided for all uses in accordance with the following standards unless specified otherwise in this or other sections of this ordinance:

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- c. Retail and Service Uses: One (1) space for each two hundred fifty (250) square feet of floor area on the first floor in a building, plus one (1) space for each three hundred (300) square feet of floor area located elsewhere in the building, except:
 - (1) ~~Automobile service station and public garage~~ Vehicle service establishment and vehicle body shop: Three (3) standing spaces for each wash rack, lubrication rack, repair bay or similar facility for the servicing or repair of ~~motor~~ vehicles, not including said rack or bay as a space, plus one (1) parking space for each employee.

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SECTION 34. NAMEPLATES, SIGNS, AND OTHER DISPLAYS OR DEVICES TO DIRECT, IDENTIFY, AND INFORM*

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G. Signs Permitted in All "C" and "M" Districts With Permits.

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- 4. ~~Automobile service station~~ Vehicle service establishments may elect not to have the signs permitted in subsections G.1. and G.2. above and display signs as follows:
 - a. One (1) freestanding sign not exceeding sixty (60) square feet in area, mounted on a base no more than three (3) feet in height, with an overall height of no more than ten (10) feet. One (1) additional freestanding sign not exceeding sixty (60) square feet in area, mounted on a base no more than three (3) feet in height, with an overall height of no more than ten (10) feet, may be approved on a corner lot or on a lot with frontage on two (2) or more streets, subject to the standards in subsection D.2.
 - b. A group of pumps may have signs not exceeding an aggregate area of twelve (12) square feet for each pump island. Cloth or paper signs relating to price may be displayed without a permit.
 - c. Authorized establishments may display not more than one (1) sign, not exceeding nine (9) square feet in area per face, indicating state and emissions inspection service.
 - d. Portable signs for any purpose are prohibited