



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 17, 2008**

DATE: May 7, 2008

- SUBJECTS:**
- A. Request to Advertise public hearings on proposed Zoning Ordinance amendments to Sections 1., 3., 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance to amend, reenact, and recodify the Zoning Ordinance to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts within Arlington.

 - B. Request to Advertise public hearings on proposed amendments to Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code to amend, reenact, and recodify Chapter 30 to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts within Arlington; to extend the permitted time for on-street vending; to limit vending operations, unless specifically from a kiosk, in certain locales; and to allow the County Manager greater flexibility in establishing on-street vending zones.

C.M. RECOMMENDATIONS:

- A. Authorize advertisement of public hearings by the Planning Commission on July 7, 2008 and the County Board on July 19, 2008, on the attached ordinances to amend, reenact, and recodify the Zoning Ordinance provisions in Sections 1., 3, 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts within Arlington.

- B. Authorize advertisement of public hearings by the County Board on July 19, 2008, on proposed amendments to Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code to amend, reenact, and recodify Chapter 30 to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts within Arlington; to extend the permitted time for on-street vending; to limit vending operations, unless specifically from a kiosk, in certain locales; and to allow the County Manager greater flexibility in establishing on-street vending zones.

ISSUES: This is only a request to advertise for a future public hearing.

County Manager: _____

County Attorney: _____

Staff: Jill Griffin, Real Estate Development Group, AED

SUMMARY: In order to encourage and enliven street activity through an eclectic collection of small business owners who provide a variety of vending opportunities (i.e. food, crafts, goods) in a safe, healthy and manageable system, staff proposes amendments to the Zoning Ordinance and the Vending Ordinance. Currently, neither ordinance permits small, freestanding kiosks for vending opportunities. This proposal would define and permit the construction and operation of kiosks in certain zoning districts. Further, the amendments would clarify current practices in the Vending Ordinance; increase the possible number of locations where on-street vending zones could be created; limit vending operations, unless specifically from a kiosk, in certain locales; and extend the time for on-street vending from five (5) to sixty (60) minutes. These amendments would enhance the street activity; provide additional choices in foods, crafts and goods to the public; present additional opportunities for small business owners and entrepreneurs and encourage the operations of these uses within Arlington’s urban villages. The timing between this request to advertise and the proposed public hearings in July will allow staff to continue conversations with various stakeholders.

BACKGROUND: In reviewing additional ways to activate the streetscape, vending kiosks, as seen in numerous cities throughout the country and the world, can be a useful element. However, staff recognized that both the Zoning Ordinance and the Vending Ordinance do not address the placement or operations of such kiosks. Therefore, amendments to these ordinances would be required to facilitate the realization of kiosks in our urban villages. Additionally, staff determined that a few minor amendments, in addition to amendments to permit kiosk vending, would enhance, clarify and provide flexibility to the existing Vending Ordinance.

DISCUSSION: Arlington has been investigating ways to make its public spaces great public spaces. The Project for Public Spaces (PPS) is considered one of the preeminent nonprofit organizations dedicated to creating and sustaining public places that build communities. Recently, Arlington had the opportunity to work with PPS in the design of the George Mason University (Phase II) public plaza; kiosks and outdoor vending were an element within the plaza.

PPS was founded in 1975 in an effort to build upon William H. Whyte's pioneering studies of how people use public spaces. In his book, The Social Life of Small Urban Spaces, Whyte noted that “vendors are the caterers of a city's outdoor life.” PPS expanded on this quote and suggests that:

“...vending can add vitality to streets, provide an additional source of revenue, and contribute to an area's security. Furthermore, vending can serve as an amenity for residents, pedestrians, and visitors; increase contact with the community and among people of different backgrounds, social classes, and values; and foster partnerships among local businesses, public and private-sector property owners, and civic groups.”

Such activity is what Arlington seeks to add to the public spaces in its urban villages. As such, amendments to both the Zoning and Vending ordinances are required.

Zoning Ordinance Amendments: Staff recommends that the Zoning Ordinance be amended to permit kiosks, via a use permit, which would provide for flexible, site-specific, opportunities to encourage and enliven pedestrian activity within the streetscape and provide for an eclectic mix

of small businesses and community information in certain commercial zoning districts. The placement of kiosks, via a use permit process, would promote public use and enjoyment of the open area and would complement desirable uses in the surrounding area.

The proposed amendment would define a kiosk as: (a) a one-story, free-standing, structure which does not exceed 150 square feet in area; (b) constructed predominantly of materials such as glass, plastic, metal or fabric; and (c) occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands, information booths, ticket sales or other similar uses as determined by the Zoning Administrator. The proposed definition is in keeping with other ordinances found throughout the county. The definition would accommodate the numerous kiosk styles and models that staff reviewed in its research. Staff has worked with the Inspection Services Division to ensure that the definition would not run counter to adopted building codes and regulations. To encourage the placement of kiosks, and because the size of the structure is limited to 150 square feet, staff further recommends that the area of the kiosk be excluded from the definition of floor area ratio.

Staff recommends that the provision to permit placement of a kiosk, via a use permit, be added to the commercial districts in the Zoning Ordinance which include: “C-1-R” Restricted Local Commercial Districts, “C-1” Local Commercial Districts, and “C-1-O” Limited Commercial Professional Office Building Districts, and by reference, all other commercial and industrial districts. Staff recognized that, in the future, there may be a desire to permit kiosks within county-owned parks and open space and therefore, have proposed that the “S-3A” Special Districts section be amended as well. Additionally, the current proposal would limit kiosk placement to those locations, within the proper zoning districts, that have a publicly accessible open space or plaza area greater than 5,000 square feet which is contiguous to a public sidewalk.

In order to fulfill the goal of promoting public use and enlivening the pedestrian realm, the proposed amendment establishes standards for kiosks. These standards include, but are not limited to: operations – the number of hours per day (8 hours) and days per year (275 days) that the kiosk shall be open; maintenance of the kiosk; and placement – within setback requirements but maintaining adequate clear sidewalk widths and located on private property. However, staff recognizes that flexibility in regards to operations or placement is necessary and therefore the proposal would permit modification of these standards through a use permit process.

All applicants interested in constructing and operating a kiosk would be required to submit detailed plans, proof of available employee restroom facilities (if not within the kiosk), and documentation and review of the kiosk by the Department of Human Services – Environmental Health Bureau if the operator is vending food items. The Zoning Administrator would also make available the application to the affected civic associations, partnerships and/or business improvement districts (BIDs) to provide an opportunity for these entities to comment on the application prior to the public hearing of the use permit.

Vending Ordinance Amendments: To facilitate the placement and operations of kiosks, staff also recommends amendments to the Vending Ordinance to include references to the term kiosk as well as setting forth the appropriate guidelines for the operation of the kiosks as to the placement and hours of operation. Additionally, staff recognized that such amendments provided an opportunity to clarify the Vending Ordinance and provide additional flexibility to the ordinance. These amendments would exempt persons participating in an open-air market (defined in the Zoning Ordinance) from obtaining vending permits; expand the time for vending from a vehicle from five (5) minutes to 60 minutes and allow such vending where no person has requested the vendor to stop; restrict vending operations, unless specifically from a kiosk, in certain locales; and provide for additional locations for street vending zones to be created by the County Manager.

Open-air markets, with the exclusion of farmer's markets, are permitted in certain zoning districts with a use permit. The conditions of the use permit dictate the hours of operation, the boundaries of the market, vehicular and pedestrian passage, and so forth. It was the intent that vendors at these markets would operate similarly to those vendors at farmer's markets. However, in the adoption of the Zoning Ordinance amendments to permit the open-air markets, the Vending Ordinance was not amended concurrently. The proposed amendment would address this omission.

Currently, vendors are permitted to vend from their vehicles for a period not to exceed five (5) minutes. Staff has recognized that many vendors now offer prepared, rather than pre-packaged, food items from their vehicles. A stop limited to five (5) minutes often does not provide ample time to prepare and make the transaction for the several people that may queue at the vehicle to purchase the food items. Extending this period to 60 minutes would provide vendors and customers with ample time to make the transactions in a safe and orderly manner while having minimal impact to the surrounding area. Additionally, with the time extended to 60 minutes, vendors will be more apt to turn off their vehicle thus reducing emissions.

Recognizing that there are concerns of crowding, aesthetics and safety with extensive vending at certain areas that have higher concentrations of pedestrian traffic, staff recommends limiting vending opportunities at metro stations which have daily ridership levels greater than 24,000 people. Currently, those stations include: Ballston, Crystal City, Pentagon, Pentagon City and Rosslyn. Specifically, the draft transit modal element of the Master Transportation Plan suggests that, "ridership at several local stations, namely Rosslyn, Pentagon City, Ballston and the Pentagon are reaching levels at which peak-hour demands are approaching the facility capacities." To facilitate pedestrian travel and limit pedestrian conflicts around these metro station entrances, staff recommends that vending be only from properly sited kiosks.

Finally, staff recommends that the County Manager have additional flexibility in creating street vending zones. The Vending Ordinance limits the location of such vending zones to metro station areas which have at least two million square feet of office space (Rosslyn, Courthouse, Ballston and Crystal City). Staff recommends that the definition be expanded to include Clarendon, Virginia Square and Pentagon City – which would require the amount of office space to be reduced to one million square feet. Additionally, staff recommends that the County

Manager have the authority to create street vending zones in other areas of the county which are commercial or industrial. The creation of any street vending zone would require review of the land use activity, the parking resources of the area and a traffic engineering study.

CONCLUSION: Staff recommends that the County Board authorize advertisement of public hearings by the Planning Commission on July 7, 2008 and the County Board on July 19, 2008, on the attached ordinance to amend, reenact, and recodify the Zoning Ordinance provisions in Sections 1., 3, 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts within Arlington.

Additionally, staff recommends that the County Board authorize advertisement of public hearings by the County Board on July 19, 2008, on the attached ordinance to amend, reenact, and recodify Chapter 30 to define the term kiosk and allow for the operation of such kiosks in certain zoning districts within Arlington; to extend the permitted time for on-street vending; restrict vending operations, unless specifically from a kiosk, in certain locales; and to allow the County Manager greater flexibility in establishing on-street vending zones. These amendments would enliven the pedestrian streetscape; encourage the growth of small businesses; facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, would promote convenience and general welfare and good zoning practice. The timing between this request to advertise and the proposed public hearings in July will allow staff to ensure notification of and discussions with stakeholders.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTIONS 1., 3., 18A., 19., 22., AND 31. OF THE ARLINGTON COUNTY ZONING ORDINANCE, AT THE JULY 7, 2008 PLANNING COMMISSION AND THE JULY 19, 2008 COUNTY BOARD MEETINGS TO DEFINE THE TERM KIOSK AND ALLOW FOR THE OPERATION OF SUCH KIOSKS IN CERTAIN COMMERCIAL ZONING DISTRICTS WITHIN ARLINGTON.

The County Board of Arlington County hereby resolves to advertise the following amendments to Sections 1., 3., 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance for public hearings at the July 7, 2008 Planning Commission and the July 19, 2008 County Board meetings. This amendment would amend, reenact and recodify the proposed Zoning provisions in order to enliven the pedestrian streetscape; to encourage the growth of small businesses; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

* * *

SECTION 1. DEFINITIONS

A. [Terms defined.]

* * *

Kiosk: A free-standing structure which is: one-story (ten (10) feet to the eaves); no greater than 150 square feet in area; and constructed predominantly of materials such as glass, plastic, metal or fabric. Any area occupied by a kiosk shall not be used in the calculation of floor area ratio.

* * *

SECTION 3. "S-3A" SPECIAL DISTRICTS

A. Uses Permitted.

* * *

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

* * *

k. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

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

A. Uses Permitted.

* * *

17. Conditional uses: The following uses may also be permitted subject to securing a use

permit as provided in Section 36.G., “Use Permits”:

- a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

B. Use Limitations.

* * *

- 2. All business shall be conducted wholly within an enclosed building, except as follows:
 - a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18, may have outdoor displays of merchandise that extend no more than two (2) feet from the exterior wall of the kiosk and cover no more than twenty (20) square feet.

* * *

SECTION 19. “C-1” LOCAL COMMERCIAL DISTRICTS

* * *

B. Special Exceptions.

* * *

- 10. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

C. Use Limitations.

* * *

- 2. All business shall be conducted wholly within an enclosed building, except as provided in the following:
 - i. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18, may have outdoor displays of merchandise that extend no more than two (2) feet from the exterior wall of the kiosk and cover no more than twenty (20) square feet.

* * *

SECTION 22. “C-1-O” LIMITED COMMERCIAL PROFESSIONAL OFFICE BUILDING DISTRICTS

A. Uses Permitted.

* * *

- 4. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., “Use Permits”:
 - a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

SECTION 31. SPECIAL PROVISIONS

A. Use.

* * *

4. Merchandise in Setbacks: No merchandise shall be displayed nor business conducted between the street line and the building setback line unless directly associated with kiosk operations and located within the kiosk or within two (2) feet from the exterior wall of the kiosk.

* * *

18. Kiosks: The purpose of this subsection is to provide for flexible, site-specific, opportunities to encourage and enliven pedestrian activity within the streetscape and provide for an eclectic mix of small businesses and community information in certain commercial zoning districts. The placement of kiosks should promote public use and enjoyment of the open area and should complement permitted uses in the surrounding area.

- (a) Kiosk Use: Kiosks may be occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands, information booths, ticket sales or other similar uses as determined by the Zoning Administrator.
- (b) Kiosk Placement:
- (1) Kiosks, as defined in Section 1, and any directly associated merchandise on display within the kiosk or within two (2) feet from said kiosk, may be permitted, on privately owned property, within the required setback or within public rights-of-way or easements for public use subject to regulations set forth herein and upon approval of a use permit as provided for in Section 36.G. Use Permits.
 - (2) One kiosk shall be permitted for every 5,000 square feet of publicly accessible, contiguous open area adjacent to a sidewalk or street right-of-way (e.g. plaza).
 - (3) Kiosk placement shall not impede or be located within any pedestrian circulation path. Kiosks must allow at least ten (10) feet of the sidewalk (public rights-of-way or easements) to remain clear for pedestrian traffic.
 - (4) No kiosk may be placed within ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, or a taxi stand.
 - (5) No kiosk may be placed within the vision clearance area as defined in Section 32.D.4.
- (c) Kiosk Operation:
- (1) Kiosks must be in operation and provide service a minimum of 275 days per year and a minimum of eight (8) hours on each day.

- (2) Kiosks shall be exempt from any parking requirement.
- (d) Procedures for Approval of a Kiosk:
- (1) Kiosks that comply with the provisions of this Section and are allowed in the applicable zoning district may be permitted upon determination by the County Board, that:
- (i) a party has been identified who is responsible for maintenance and upkeep of the kiosk;
 - (ii) as located, the kiosk will not obstruct visual or physical access to and throughout the streetscape and will not create a distraction or other danger to vehicular traffic; and
 - (iii) the kiosk is in accordance with the requirements set forth in Section 31.A.18.a., b., c.(i) and c.(ii).
- (2) All applications for the placement of kiosks shall include a detailed plan(s) showing location and design of the kiosk indicating compliance with the provisions of this Section. The plan(s), at a scale of 1 inch = 25 feet, shall include, at a minimum, the following:
- (i) vicinity map with major streets labeled;
 - (ii) verification, by means of survey, that there are no conflicts between the proposed kiosk, street trees and utilities;
 - (iii) location and dimensions between the proposed kiosk and any traffic signal poles and control cabinets, utility meters, fire hydrants, standpipes, utility lines and any and all easements;
 - (iv) topography at two (2) foot intervals, and the finished first floor elevation of the kiosk;
 - (v) details of proposed furnishings for the plaza areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of the kiosk, seating, trash receptacles, and any other landscape elements or structures;
 - (vi) if no restroom facility for employee use is provided within the kiosk, proof of available restroom facilities for employee use, within 500 feet of the kiosk structure, during kiosk business hours; and
 - (vii) if food items are to be served from the kiosk, documentation of review and approval by the Arlington County Department of Human Services – Environmental Health Bureau.
- (3) The Zoning Administrator/County Manager shall provide notice of the application(s) to the affected civic association, partnership and/or BID. The County Board may approve the placement of a kiosk for a period of ten years unless earlier revoked as provided below, and upon application, the use permit may be renewed by the County Board. However, in the event the use is abandoned or discontinued for a period of two (2) years, the structure shall be removed.

- (4) Failure to comply with the provisions of this Section 31.A.18 will result in revocation of the kiosk use. Termination of the kiosk use shall be effective after:
 - (i) A finding by the Zoning Administrator of violation;
 - (ii) Notice with thirty (30) day opportunity to correct the violation; and
 - (iii) A finding by the Zoning Administrator after thirty (30) days that evidence has not been provided that the violation has been corrected.

- (5) The County Board may, by use permit in accordance with Section 36.G. "Use Permits," modify the placement and/or the hours of operation of the kiosk do not meet the regulations set forth in Section 31.A.18.a. and b., upon finding that, after the proposed modification(s), the subject kiosk will still accomplish the purposes and intent of the Zoning Ordinance for kiosks.

* * *

SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS

* * *

D. Placement.

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

* * *

3. *Projections Allowed into Yards and Courts:*

* * *

- i. The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful kiosk meeting the requirements of Section 31.A.18.; provided, however, that a kiosk shall not be placed within the vision clearance area as defined in Section 32.D.4.

* * *

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENTS TO CHAPTER 30. PEDDLERS, VENDORS AND CANVASSERS OF THE ARLINGTON COUNTY CODE, AT THE JULY 19, 2008 COUNTY BOARD MEETING TO DEFINE THE TERM KIOSK AND ALLOW FOR THE OPERATION OF SUCH KIOSKS IN CERTAIN COMMERCIAL ZONING DISTRICTS WITHIN ARLINGTON; TO EXTEND THE PERMITTED TIME FOR ON-STREET VENDING; TO LIMIT VENDING, UNLESS FROM KIOSKS, IN CERTAIN LOCALES; AND TO ALLOW THE COUNTY MANAGER GREATER FLEXIBILITY IN ESTABLISHING ON-STREET VENDING ZONES.

The County Board of Arlington County hereby resolves to advertise the following amendments to Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code for a public hearing at the July 19, 2008 County Board meeting. This amendment would amend, reenact and recodify the proposed Chapter provisions in order to enliven the pedestrian streetscape; to encourage the growth of small businesses; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare:

* * *

§ 30-2. Definitions.

* * *

(b) *Vendor* is one who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the county. "Vending" is the act of offering merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the county.

* * *

(h) *Kiosk* is as defined and regulated by the Arlington County Zoning Ordinance. (7-15-61; 10-9-61; 5-28-78; 6-27-78; 9-29-79; Ord. No. 85-39, 11-16-85)

* * *

§ 30-2.1. Exemption from permit requirements.

(a) The following shall be exempt from the permit requirements of this chapter:

* * *

(3) Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Arlington County for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes; ~~and~~

(4) Peddlers or vendors of religious, political or written materials; ~~and~~

- (5) Persons participating in an open-air market as defined and permitted in the Arlington County Zoning Ordinance.

* * *

§ 30-8. Use of the streets and other public places--Vending or canvassing from a stationary location.

No peddler, vendor, or canvasser shall have any exclusive right to any location on public property, unless operating from an established kiosk; nor shall he or she:

- (a) Be permitted a stationary location on any sidewalk unless at least ten (10) feet of the sidewalk remains clear for pedestrian traffic;
- (b) Be permitted a stationary location closer than ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location;
- (c) Be permitted to occupy a space greater than eight (8) feet long, five (5) feet wide, and seven (7) feet six (6) inches high on a sidewalk, excluding umbrellas, unless operating from an established kiosk;
- (d) Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- (e) Make any sale or delivery to any person while such person is standing in the roadway;
- (f) Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
- (g) Conduct business from any highway service road or center median strip of any boulevarded street;
- (h) Restrict access to any legally parked vehicle;
- (i) Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
- (j) Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and ~~6:30~~ ~~7:00~~ a.m.; however, a vendor operating from an established kiosk may conduct business until 10:00 p.m.; or
- (k) Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and ~~6:30~~ ~~7:00~~ a.m.; or

- (l) Display any kiosk items for sale or have any display racks (or similar items) more than two (2) feet from the kiosk between the hours of 10:00 p.m. and 6:30 a.m or during any non-business hours; or
- (m) Conduct any business on any public street or sidewalk within 200 feet of any entrance to a metro station at which average weekday ridership exceeds 24,000 people, unless operating from an established kiosk.

Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

(9-29-79; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 87-14, 5-16-87; Ord. No. 90-1, 1-16-90; Ord. No. 9925, 12-15-99)

* * *

§ 30-9. Same--Vending from vehicles.

* * *

- (b) The vehicle is stopped to make sales to persons ~~who direct the vendor to stop~~, in which case the vehicle must remain stopped for no longer than sixty (60) five (5) minutes and must stop only in a space where motor vehicle parking is permitted pursuant to Chapter 14 of this Code; or

* * *

§ 30-10. Same--Designation of street vending zones.

(a) Whenever it appears, after a survey of land use activity, parking resources and a traffic engineering study, that there is a need to do so, the county manager may designate street vending zones within the county for use by peddlers and vendors in compliance with the following criteria:

- (1) A zone or zones may be created in any area of the county that lies within twelve hundred (1,200) feet of a Metro station and contains at least one two-million (1,000,000) (2,000,000) square feet of office space or in any commercial or industrial area of the county, as defined by the Arlington County General Land Use Plan;
- (2) The total area designated as street vending zones or zone in each area may not exceed one hundred thirty-five (135) feet in length and eight (8) feet in width; and

(3) A zone shall only be located adjacent to sidewalks at least ten (10) feet in width.

(b) The hours of operation within each street vending zone shall be set by the county manager so as not to interfere with pedestrian and vehicle traffic, but in no case shall vending in street vending zones be permitted between 7:30 a.m. and 9:00 a.m. on weekday mornings nor between 4:00 p.m. and 6:00 p.m. on weekday afternoons.

(c) Street vending zones designated by the county manager shall be subject to review and renewal at least every two (2) years after each designation and the county manager may renew, remove or alter the site or size of zones after such review unless removal or alteration is required sooner by a change in conditions in the area where the zone is designated.

* * *