

All amendments are shown below with underline to denote text to be added and ~~striketrough~~ to denote text to be deleted. Text **highlighted in yellow** is additional text included in the amendment authorized for advertisement by the County Board on January 27, 2015. This text has also been included in the full advertised draft: [http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2015/01/ZO\\_Update\\_Jan162015\\_PhaseIIC\\_RTADraft.pdf](http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2015/01/ZO_Update_Jan162015_PhaseIIC_RTADraft.pdf)

## Article 14. Site Development Standards

\* \* \*

### §14.3. Parking and Loading

\* \* \*

#### §14.3.7. Required parking and standing space

---

\* \* \*

- C. The County Board may, through Use Permit approval pursuant to Section 15.4 modify the ~~conditional and Community Service public, civic and institutional uses and retail and service commercial uses~~ regulations set forth in 14.3.7, as follows:
1. ~~or may~~ Modify regulations to permit off-site parking to be used for ~~public and private~~ elementary, middle and high schools and for uses associated with ~~public and private~~ noncommercial recreational and community center buildings and grounds, where the County Board finds that:
    - 1- ~~(a)~~ Such modifications will preserve or create recreational facilities such as playing fields, open space, playgrounds, and the like, that will reduce impervious surfaces, minimize grading and preserve existing trees, and
    - 2- ~~(b)~~ A transportation demand management plan submitted by the applicant demonstrates that the potential adverse impacts of parking demand and any potential disruption of parking patterns within affected neighborhoods that could result from the modification will be mitigated by utilizing available on-street parking ~~contiguous~~ abutting to the site, and through the implementation of measures such as, but not limited to:
      - ~~(a)~~ ~~(i)~~ Utilizing, by written agreement with another party in terms acceptable to the County, off-street parking spaces at a site owned or controlled by that same party; and/or
      - ~~(b)~~ ~~(ii)~~ Utilizing a managed or shared parking program at times when parking demand is highest; and/or
      - ~~(c)~~ ~~(iii)~~ Implementing Transportation Demand Management (TDM) strategies for the use, and/or demonstrating that transit or other transportation options exist that may offset parking demand.
  2. **Modify regulations to permit off-site parking to be used to meet required parking for day care uses as provided in §12.2.4.C, where the off-site parking**

spaces at a site located near the day care use, owned or controlled by another party, are committed through written agreement with that party in terms acceptable to the County, and where the County Board finds that the off-site parking will not result in parking being unavailable for the primary use of the site on which the parking is provided and will be conveniently usable without causing unreasonable:

(a) Hazard to pedestrians;

(b) Hazard to vehicular traffic;

(c) Traffic congestion;

(d) Interference with safe and convenient access to other parking areas in the vicinity;

(e) Detriment to the appropriate use of business property in the vicinity; or

(f) Detriment to any residential neighborhood.

All amendments are shown below with underline to denote text to be added and ~~striketrough~~ to denote text to be deleted. Text **highlighted in yellow** is additional text included in the amendment authorized for advertisement by the County Board on January 27, 2015. This text has also been included in the full advertised draft: [http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2015/01/ZO\\_Update\\_Jan162015\\_PhaseIIC\\_RTADraft.pdf](http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2015/01/ZO_Update_Jan162015_PhaseIIC_RTADraft.pdf)

## Article 16. Nonconformities

### §16.1. Nonconforming Lots

\* \* \*

### §16.2. Nonconforming Buildings and Structures

#### §16.2.1. Applicability

The provisions of this section shall apply to all nonconforming buildings and structures except as otherwise expressly stated in this zoning ordinance.

#### §16.2.2. Qualification of nonconforming one-family dwellings

- A. Existing nonconforming one-family dwellings and accessory buildings or structures shall be permitted to be added to or expanded, provided that the addition or expansion complies with all current provisions of this zoning ordinance. The provisions of this section shall not preclude construction, within applicable height limits, of an addition over an existing one-family dwelling encroaching on a required setback or yard area provided there is no more of an encroachment into the required setback or yard than that of the existing wall below it, and providing that new construction may not take place over encroaching garages or porches.
- B. Notwithstanding any provision to the contrary in this Ordinance, existing nonconforming one- and two-family dwellings, and nonconforming accessory buildings and structures located in the R-20, R-10, R-8, R-6, R-5 and R2-7 districts shall be permitted to make interior repairs and alterations, whether structural or non-structural, provided the repair or alteration is wholly contained within the existing exterior walls of the dwelling, building or structure.
- C. Existing main and accessory buildings or structures shall be permitted to be rebuilt within the building footprint and height and stories as they existed prior to damage or destruction if structures are damaged or destroyed by fire, wind, earthquake or other force majeure, and if construction commences within two years from the date of such damage or destruction. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years within which to complete the repairs, rebuilding, or replacement. As used herein, "force majeure" shall mean any natural disaster or phenomena, including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake

or fire caused by lightning or wildfire or other accidental fire (accidental fire shall not include arson committed under Va. Code Ann. §§18.2-77 or 18.2-80).

### **§16.2.3. Maintenance permitted**

---

Nonconforming buildings or structures may be maintained, except as otherwise provided in this section.

### **§16.2.4. Repairs, alterations**

---

Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration ~~(as structural alternation is defined in the Virginia Uniform Statewide Building Code, as it may be amended from time to time)~~ shall be made except those required by law or ordinance, or as provided by §16.2.2. Repairs and alterations to a nonconforming dwelling, building or structure not otherwise permitted under this Zoning Ordinance are prohibited, unless approved under a use permit or variance pursuant to sections 15.6.4 and 15.6.6.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
Specific Use Types	RA4.8	RC	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS <sup>1</sup>	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2 <sup>2</sup>	C-TH *	C-3 <sup>3</sup>	C-R <sup>4</sup>	Use Standards	
	KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																				
Group homes Institutional homes and institutions of an educational or philanthropic nature; except those of a correctional nature	U	U	U	U	U	U		U	U	U	U	U	U	U	U	U		U	U	U	§12.3.6
Nursing homes Institutional uses including hospitals, nursing homes and group care facilities									S	S											§7.10.4.A
Institutional uses including hospitals, nursing homes and group care facilities										S											§11.1.1.A.1
<b>Public, Civic and Institutional Use Categories (§12.2.4)</b>																					
Colleges (§12.2.4.A)	Colleges and universities <sup>1</sup> Institutional homes and institutions of an educational or philanthropic nature; except those of a correctional nature	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.3.8
	Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, except those of a correctional nature																U				
	Post-secondary education																U				
	Schools and colleges and other public and private educational institutions, nursery schools, child care centers																U				
Community Service (See §12.2.4.B)	Community buildings	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	Community centers, fire stations, and libraries	U	U	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	Community swimming pool Clubs and grounds for games or sports, including community swimming pools	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.4.8
	Clubs and grounds for games or sports, including community swimming pools	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§11.1.1
	Libraries Community centers, fire stations, and libraries	U	U	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
	Museums and art galleries or studios Community centers, fire stations, and libraries	U	U	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	

Add museums and art galleries/studios by use permit, to MU-VS and C-TH, to correct an error from 2013 reformat in the MU-VS district; and to allow for consistency with all other commercial/mixed-use districts, in the C-TH district

<sup>1</sup> Added to MU-VS: should have been allowed due to 1950 Ordinance reference to C-2 uses.

1974  
1975  
1976  
1977  
1978  
1979  
1980  
1981  
1982  
1983  
1984  
1985  
1986  
1987  
1988  
1989  
1990  
1991  
1992  
1993  
1994  
1995  
1996  
1997  
1998  
1999  
2000  
2001  
2002  
2003  
2004  
2005  
2006  
2007  
2008  
2009  
2010  
2011  
2012

be removed at the time of issuance of the final certificate of occupancy, or as otherwise required by building code.

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

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

**A. Applicability**

- 1. The buildings or building space used for indoor events shall be approved for retail, service and commercial use(s) as provided in §12.2.5 or industrial use(s) as provided in §12.2.6;
- 2. The entrance to the building shall be on a street designated as a principal or minor arterial in the Arlington County Master Transportation Plan.
- 3. A permit for short term use shall not be required for any use consistent with all provisions of the subject zoning district and all relevant site plan or use permit conditions for the subject property, and for such use, provisions of this §12.10.5 shall not apply.

**B. Uses**

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

- 1. Allowed indoor uses shall be those allowed in the subject zoning district, and shall include indoor markets at which groups of individual sellers offer new or used goods for sale;
- 2. Allowed outdoor events and activities shall include:
  - (a) Art galleries, carnivals, circuses, festivals, fairs, dog or horse shows, outdoor retail sales events that are not associated with an established retail business on the premises, and seasonal stands for the sale of Christmas trees, pumpkins, flowers, fireworks, fruits and vegetables and the like, not associated with an established retail business on the premises, and other uses, which in the judgment of the Zoning Administrator, are of the same general character;
  - (b) Outdoor cafes associated with a use with an approved Certificate of Occupancy for a restaurant located within 2,000 feet of the short term use, shall be allowed for one consecutive day.

Clarify that art galleries are allowed as a short term outdoor use

**C. Frequency and length of events**

- 1. Short term events and activities in any individual building or on any individual property shall be allowed for a total of 90 days per year. Provided, however, that community service uses, as provided in §12.2.4.B, that have been operating in compliance with all applicable standards, may be renewed for an additional 90 days, up to three times (for a maximum of 360 days total).

Allow certain short term uses (community service uses) to be renewed up to 3 times for a total of one year (while continuing to limit other types of short term uses to 90 days). Community service uses are defined in the use classification system, and include uses such as community centers, libraries, museums and art galleries or studios, cultural exhibits, philanthropic institutions, recreation centers, senior centers.

- 2013 **D. Signs**
- 2014 1. Subject to §13.7, all signs for which no permit is required shall be allowed for indoor
- 2015 and outdoor events, for up to one week prior to the public opening of the event and
- 2016 during the time period for which the certificate of occupancy is issued, notwithstanding
- 2017 comprehensive sign plan provisions for the subject property.
- 2018 2. All other signs that are allowed by Article 13 and consistent with any comprehensive
- 2019 sign plan for the property shall be allowed.

2020 **E. Additional provisions for outdoor events**

2021 Outdoor events shall be subject to the following additional standards:

- 2022 1. Temporary buildings or structures allowed for outdoor events shall include tents,
- 2023 shipping containers, and other similar temporary structures, subject to bulk, coverage
- 2024 and placement provisions in §3.2, and subject to all by-right height limitations in the
- 2025 subject zoning district.
- 2026 2. All outdoor spaces subject to the permit for short term use shall be restored to prior
- 2027 conditions or to conditions otherwise required by the site plan or use permit
- 2028 controlling the subject property, upon conclusion of the approved time period for short
- 2029 term use.

2030 **§12.10.6. Pop-up parks**

2031 Pop-up parks may be allowed on vacant properties in C and M districts, and on unbuilt portions  
2032 of properties governed under site plan or use permit, for up to three years and subject to  
2033 renewal at the end of three years if the use has been operating in compliance with all applicable  
2034 standards, as follows:

Allow up to 3 years for pop-up parks (rather than 1 year)

- 2035 A. Pop-up parks shall be open to the general public.
- 2036 B. Other short term uses within pop-up parks shall be subject to the provisions of §12.10.5;
- 2037 and may also include open air markets where such use is allowed and subject to all
- 2038 provisions of the approved use permit for the open-air market.

2039 **§12.10.7. Portable storage devices**

2040 Portable storage devices, of a maximum of 8½ feet in height and width and 18 feet in length, for  
2041 storage of household and other goods that in the judgment of the Zoning Administrator, are of  
2042 the same general character, are permitted in R districts for up to 90 [or 180] consecutive days,  
2043 one time per year, subject to the following standards:

- 2044 A. Portable storage devices shall be placed no closer than five feet to any lot line.
- 2045 B. No permit for short term use shall be required.
- 2046 C. Portable storage devices that meet all requirements of §3.2 shall not be subject to the 90
- 2047 [or 180] day limitation.

2048