

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, §5.1.2, §6.1.2, §7.1.2, AND §12.5.17, IN ORDER TO ALLOW OPEN-AIR MARKETS, SUBJECT TO SPECIAL EXCEPTION USE PERMIT APPROVAL, IN ALL RESIDENTIAL (R), MULTI-FAMILY (RA), AND CERTAIN COMMERCIAL/MIXED-USE, DISTRICTS (C) (RA4.8, R-C, RA-H, AND RA-H-3.2), AND TO AMEND USE STANDARDS FOR OPEN-AIR MARKETS TO INCORPORATE ADDITIONAL PROPOSED LIMITATIONS IN R AND RA DISTRICTS, AS SHOWN BELOW; AND 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.

Be it ordained that the Arlington County Zoning Ordinance provisions in §5.1.2, §6.1.2, §7.1.2, and §12.5.17 are hereby amended, reenacted and recodified as follows, in order to allow open-air markets, subject to special exception use permit approval, in residential districts (R), multi-family districts (RA), and certain mixed-use/commercial districts (C) (RA4.8, R-C, RA-H, and RA-H-3.2), and to amend use standards for open-air markets to incorporate additional proposed limitations in R and RA districts; and to facilitate the creation of a convenient, attractive and harmonious community; and to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice.

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Note: Text proposed to be added is shown with underline and text proposed to be removed is shown with ~~striketrough~~. Where paragraphs are inserted, all subsequent paragraphs and references throughout the Zoning Ordinance will be updated accordingly.

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§5.1.2 Residential (R) districts principal use table

Table §5.1.2 lists the principal uses allowed within the R districts.

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Retail, Service and Commercial Use Categories (See §12.2.5)										
Retail, Sales (See §12.2.5.G.2(a))	<u>Open-air markets</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>§12.5.17</u>
	All other retail sales uses									

§6.1.2 Multiple-family (RA) districts principal use table

Table §6.1.2 lists the principal uses allowed within the RA districts.

MULTIPLE-FAMILY (RA) DISTRICTS USE TABLE							
Category	Specific Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards	
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted							
Retail, Service and Commercial Use Categories (See §12.2.5)							
Retail, Sales (See §12.2.5.G.2(a))	Open-air markets		U	U	U	U	§12.5.17
	All other retail sales uses						

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

Table §7.1.2 lists the principal uses allowed within the C districts.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																							
Category	Specific Use Types	RA4-8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	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	C-TH	C-3	C-R	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																					
Retail, Service and Commercial Use Categories (See §12.2.5)																							
Retail, Sales (See §12.2.5.G.2(a))	Bakeries	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.21	
	Drug stores	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.5	
	Florist or gift shops	S	S		S		P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.8	
	Grocery stores, convenience	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.9	
	Grocery stores	S	S		S		P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.10	
	Kiosks					U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.5.12
	Meat or fish markets, and delicatessens	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.21	
	Large-format retail					U	U							U			U		U	U			
	Newsstands	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.21	
	Nursery, flower or plant stores	S	S		S		P			S	S	S	S	P	S	S	P	P	P	S		§12.5.15	
	Open-air markets	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	§12.5.17
	Secondhand stores	S	S		S		P	P	S	S	S	S	S	P	S	S	P	U	P	P	P	§12.5.24	
	All other retail sales uses	S	S		S		P	S		S	S	S	S	P	S	S	P	P	P	P	P	§12.5.21	

14 §7.5.17. Open-air markets

15 Open-air markets, which shall be subject to conditions approved by the County Board at the
16 time of use permit approval including but not limited to conditions governing customer and
17 vendor parking, landscaping, maintenance, impact on neighboring residential areas,
18 management of trash, management of noise, times and days of the week of operation, including
19 the number of vendors that would be permitted under the use permit. In addition, any open-air
20 market shall meet the following requirements:

- 21 A. No open-air market shall be located within 1,000 feet of another open-air market.
22 However, the County Board may modify this requirement as part of the use permit
23 review process, if it finds that the location of the open-air market in proximity to other
24 market(s) will not have a substantial adverse impact on surrounding neighborhoods;
- 25 B. In R and RA districts, open-air-markets shall be allowed only subject to the following:
 - 26 1. Open-air markets shall be allowed only on properties where there is an existing
27 public, civic or institutional use as provided in §12.2.4.
 - 28 2. Open-air markets shall be allowed only on properties that have frontage on a street
29 designated as a principal arterial, minor arterial, or local principal street as
30 designated in the Arlington County Master Transportation Plan.
- 31 C. No open-air market shall be located within 100 feet of an abutting R district property.
32 However, the County Board may modify this requirement as part of the use permit
33 review process if it finds that the location of the open-air market in proximity to the R
34 district property will not have a substantial adverse impact on the abutting property and
35 surrounding neighborhoods; and ~~No open-air market shall be located within 100 feet of~~
36 ~~the boundary of an R district. However, the County Board may modify this requirement~~
37 ~~as part of the use permit review process if it finds that the location of the open-air~~
38 ~~market in proximity to an R district will not have a substantial adverse impact on~~
39 ~~surrounding neighborhoods; and~~
- 40 D. An application for a use permit for an open-air market shall include a parking plan that is
41 drawn to scale, showing the number and location of customer and vendor parking
42 spaces. Customer and vendor parking identified as available for market use shall be
43 sufficient to not have a substantial adverse impact on the surrounding neighborhoods.

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