

SECTION 31. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions, except as permitted by site plan approval or otherwise specified in the district classifications:

A. Use.

1. *Row Dwellings:* (Deleted)
2. *Trailer Parking:* The parking of a trailer in any district is hereby prohibited; except that one (1) trailer may be parked or stored in an approved enclosed garage or accessory building; provided, that no living quarters shall be maintained, or any business practiced, in the trailer while such trailer is parked or stored. Unoccupied travel or recreation trailer of less than thirty (30) feet in length and less than eight (8) feet in width, including a pick-up coach, a utility trailer or tent trailer as is commonly used for camping and a mobile trailer which is propelled by its own power, shall be parked to the rear of the front line of the main building.
3. *Commercial Vehicle Parking:*
 - a. The following commercial vehicles shall not be parked in any "R" or "RA" Districts:
 - (1) Any tractor truck, trailer, semitrailer, garbage truck, dump truck, cement truck, or similar vehicles or equipment with any gross vehicle weight; or any commercial vehicle with a gross vehicle weight of more than sixteen thousand (16,000) pounds, regardless of the location of its parking space on the premises, except while loading or unloading, or being used in construction, or performing services such as repair or installation of equipment, all of which are accessory to the dwelling units on the premises.
 - (2) Any commercial vehicle which is not owned, leased, or operated by the occupant of the dwelling unit at which it is parked, regardless of its weight.
 - b. Parking of no more than one (1) commercial vehicle of that type described in subsections (1) and (2) below shall be permitted in "R" or "RA" Districts as follows:
 - (1) One (1) commercial vehicle with a gross vehicle weight of ten thousand (10,000) pounds or less may be parked behind the rear line of a main building or, in the case of a parcel used for multi-family residential purposes, in a private parking area; or
 - (2) One (1) commercial vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more but no more than sixteen thousand (16,000) pounds may be parked in a fully enclosed building on any parcel in an "R" or "RA" District.
In cases working a grave hardship on the resident, and in accordance with Subsection 36.G., the County Board may modify the number of commercial vehicles permitted to be parked in "R" or "RA" Districts or where they may be parked. In no event shall commercial vehicles as described in subsection 31.A.3.a.(1) be permitted in "R" or "RA" Districts, whether by use permit or otherwise.
4. *Merchandise in Setbacks:* No merchandise shall be displayed nor business conducted between the back of the curb 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.
5. *Basement Living Quarters:* (Deleted)
6. *Dwellings Erected in an "RA," "C" or "M" District:* Dwellings or apartment houses of any type erected or maintained as such in any "RA," "C" or "M" District shall comply with the regulations governing the erection and maintenance of the respective type of dwelling, as if erected or maintained in their respective districts. Any one-family dwelling erected in any district other than a one-family district shall conform to the "R-6" District regulations.
7. *Swimming Pools:*
 - a. Community, Semipublic and Commercial Swimming Pools:
 - (1) *Location:* No pool facility, building, structure, concession or other recreational use or space, except parking areas, shall be permitted in any required setback or yard area nor shall any such facility be permitted closer than one hundred (100) feet to the center line of any street in an "R" District or abutting property line in

- an "R" District. Community pool parking areas shall not be located closer to the front street line or front site boundary than the building line setback established in the district in which the site is located.
- (2) *Refreshments*: Refreshments shall be allowed only as an incidental part of a swimming pool development and shall be operated solely for convenience. Refreshments shall be available only during the hours and the season when the pool is open for operation, and no advertising signs shall be permitted.
- b. Private Swimming Pools: Private swimming pools shall be located in accordance with the regulations covering accessory uses in the district in which they are located.
 - c. All Swimming Pools:
 - (1) *Fencing*: The fencing or protection shall be as specified by the Arlington County Swimming Pool Codes, but no less than six (6) feet in height.
 - (2) *Lighting*: Where lighting is provided, all lights shall be arranged and hooded as to confine all direct light rays entirely within the boundary lines of the swimming pool property.
8. Residential Cluster Development: The purpose of this subsection is to allow, by site plan approval, the clustering of one-family dwellings, in order to preserve, maintain and enhance the character of one-family residential neighborhoods. It is intended that such clustering shall result in the preservation of natural land form, irreplaceable historical features, trees and foliage, and permit the preservation of major common open site area without increasing the overall density of land use otherwise allowed for the site.
- a. Residential Cluster Developments shall contain only one-family, semi-detached, and town house dwellings and associated open spaces, on a single site of at least one (1) acre, but no more than two (2) acres. (6-12-04)
 - b. Any Residential Cluster Development shall comply with the zoning requirements applicable to the site and the following requirements, unless the County Board, after finding that such modifications will better accomplish the purposes and intent of subsection 31.A.8., modifies some of those requirements by site plan approval, as permitted in subsection 31.A.8.c.:
 - (1) *Density*: The maximum number of dwelling units shall be determined by the County Board, depending on the design and configuration of the development, up to a maximum number arrived at by dividing the site area, together with the area of any parts of the site that have been dedicated for public right-of-way, by the required minimum lot area of the zoning district applicable to the site.
 - (2) *Minimum Right-of-Way Width of Internal Streets*: Streets located within the site which are publicly dedicated shall have right-of-way and pavement widths as specified in Chapter 23, Subdivisions, of the County Code. The minimum right-of-way width may be reduced to forty (40) feet and a pavement width to thirty (30) feet, by site plan approval, if the County Board finds that such modifications will better accomplish the purposes and intent of subsection 31.A.8. than would the development without those modifications. Private streets shall be constructed to Arlington County standards and shall be of sufficient width to serve the needs of the development.
 - (3) All buildings, including accessory buildings, shall have a minimum setback and/or yard of twenty-five (25) feet from all exterior boundaries of the site.
 - (4) There shall be a minimum side yard for detached units of five (5) feet.
 - (5) There shall be a minimum rear yard of fifteen (15) feet for each dwelling unit.
 - (6) *Site Coverage*: Every residential cluster development shall have a maximum coverage (building, right-of-way, parking and drives) not exceeding fifty (50) percent of the area of the site.
 - (7) *Common Open Area*: The common open area gained by the clustering of dwelling units shall be not less than one thousand (1,000) square feet per dwelling unit in "R-5" and "R-6" Districts, two thousand (2,000) square feet per dwelling unit in the "R-8" District, two thousand five hundred (2,500) square feet per dwelling unit in the "R-10" District, and ten thousand (10,000) square

- feet per dwelling unit in the "R-20" District. In no case shall the common open area be provided by easement over individual lots on which units are situated, or over streets or parking areas.
- (8) Parking: Not less than two and one-half (2 1/2) parking spaces, at least one (1) of which shall be off-street, shall be provided on site for each dwelling unit.
- c. The County Board may modify the minimum site size, up to a maximum of ten percent (10%), upon a finding that, after the proposed modification, the subject development will still accomplish the purposes and intent of the Zoning Ordinance for Residential Cluster Development; the area and width of individual lots; any required setback and yard dimensions; site coverage; common open areas; the number and dimensions of parking spaces; and the height of main buildings, by site plan, if it finds that such modifications will better accomplish the purposes and intent of subsection 31.A.8. Reduction of the minimum site size or lot size shall not result in any greater density than would otherwise be permitted by the Ordinance provisions for Residential Cluster Development.
- d. Procedures for Residential Cluster Development Approval.
- (1) Residential Cluster Developments shall be permitted by site plan approval, as specified in Section 36.H.
- (2) Landscape and Site Improvement Plan: A preliminary landscape and site improvement plan shall be submitted with the site plan, including a means for preserving historical landmarks and significant trees and foliage and natural features on the site.
- (3) Site Plan Amendment: No site plan for a residential cluster development shall be modified or amended except as provided for in Section 36, subsection H; provided, however, that such minor modifications or amendments as are made necessary by conditions of site plan approval or judged to be within the purpose and intent of the site plan may be approved by the Zoning Administrator.
- e. Coverage: Every residential cluster development shall have a maximum coverage, (building, right-of-way, parking and drives) not exceeding fifty (50) percent of the area of the site. The common open area gained by the clustering of dwelling units shall be not less than one thousand (1,000) square feet per dwelling unit in the "R-5" and "R-6" District, two thousand (2,000) square feet per dwelling unit in the "R-8" District, two thousand five hundred (2,500) square feet per dwelling unit in the "R-10" District, and ten thousand (10,000) square feet per dwelling unit in the "R-20" District. In no case shall the common open area be provided by easement over individual lots on which units are situated, or over streets or parking areas.
- f. Internal Streets: Publicly dedicated internal streets shall have a minimum right-of-way width of fifty (50) feet and a minimum pavement width of thirty-six (36) feet. In special circumstances, by site plan approval, the minimum right-of-way width may be reduced to forty (40) feet and the minimum pavement to thirty (30) feet. Private streets shall be constructed to Arlington County standards and shall be of sufficient width to serve the needs of the development.
- g. Parking: Not less than two and one-half (2 1/2) parking spaces, at least one (1) of which shall be off-street, shall be provided on site for each dwelling unit.
- h. Landscape and Site Improvement Plan: A preliminary landscape and site improvement plan shall be submitted with the site plan, including a means for preserving historical landmarks and significant natural features on the site.
- i. Site Plan Amendment: No site plan for a residential cluster development shall be modified or amended except as provided for in Section 36, subsection H; provided, however, that such minor modifications or amendments as are made necessary by conditions of site plan approval or judged to be within the purpose and intent of the site plan may be approved by the Zoning Administrator.
9. *Condominium and Cooperative Conversion*: Whenever any land, buildings or structures or the use thereof are proposed to be converted to condominiums or cooperatives and such land, buildings or structures do not conform to the regulations of this Zoning Ordinance, then before such proposed conversion may take place, a special exception use permit pursuant to Section 36, subsection G,

hereof shall be obtained unless a variance of the requirements of zoning or land use regulations which may be granted by the Board of Zoning Appeals pursuant to Chapter 11 of Title 15.1 of the Code of Virginia is, in fact, granted. A request for such a special exception or variance filed after July 1, 1982 shall be granted if the applicant can demonstrate that the continuance of any existing nonconformities, as proposed by the conversion, is not likely to affect adversely the property or adjacent properties, the intention of the comprehensive plan, or the public welfare or safety. (9-11-76)

10. *Adult Book Stores:*
 - a. An establishment having at any point in time for sale or viewing for payment, at least twenty (20) percent of its books, magazines, newspapers, photographs, or other similar articles sexually oriented is defined as an "adult book store" and must have a use permit regardless of the zoning district in which it is located.
 - b. The requirement for a use permit shall apply to all such adult book stores existing after the effective date of this section, and to all such establishments existing on the effective date to the extent possible under the United States and Virginia Constitutions and under the statutes of Virginia.
 - c. A sexually oriented article is defined as a book, magazine, picture, newspaper, photograph or similar article which, when taken as whole, appeals to and is intended to appeal to, the prurient interest of a purchaser or viewer by means of one (1) or more of the following:
 - (1) Representation or description of ultimate sex acts, normal or perverted, actual or simulated.
 - (2) Representations or descriptions of masturbation or excretory functions.
 - (3) Lewd exhibition of the genitals.
 - d. In calculating the total number of books, magazines, newspapers, pictures, photographs or other similar articles which are in an establishment at any point in time, only those which are actually and regularly sold or viewed for payment at prices comparable to those charged for the sexually oriented articles shall be included. The twenty (20) percent limit shall apply to each type of sexually oriented article, i.e., if an establishment has sexually oriented magazines, the number of such magazines shall not exceed twenty (20) percent of all magazines unless permitted by use permit.
 - e. Nothing in this section shall be construed to permit the purveying of obscene materials prohibited by any criminal law.
11. *Outdoor Cafes:* Outdoor cafes, including any canopy or cover associated with such a cafe, shall be permitted within the required setback. Outdoor cafes within the required setback shall not be enclosed, except as specified elsewhere in the ordinance. Outdoor cafes may be permitted within public rights-of-way or easements for public use if a use permit is obtained as provided for in Section 36. Unless otherwise required by the County Board, outdoor cafes shall be exempt from any parking requirement. Outdoor cafes located in side or rear yards adjacent to or across an alley from an "R" or "RA" District shall not operate before 9:00 a.m. or after 11:00 p.m.
12. *Home Occupation,* as defined in Section 1, is permitted in dwelling units "R" and "RA" District regulations when such use is clearly subordinate or incidental to the principal use of the premises for dwelling purposes.
 - a. Home occupations which are conducted as limited by paragraph 12.c., below, and which have the general character of the following uses are permitted:
 - (1) Artist, photographer, sculptor.
 - (2) Author, composer, editor, translator, writer.
 - (3) Contractor or service business, provided that all requirements of this section are met as well as the following additional requirements:
 - (a) Not more than one (1) commercial vehicle, as defined in Section 1, shall be parked on the property and then only in accordance with applicable regulations of Section 31, subsection A.3, of this ordinance.
 - (b) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment

and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.

- (c) The dwelling is not an Accessory Dwelling.
 - (4) Dressmaker, seamstress and tailor.
 - (5) Home crafts such as lapidary work, macrame, model making and weaving,
 - (6) Office of an ordained minister of religion.
 - (7) Office of an accountant, architect, bookkeeper, broker, clerical service, computer programmer, consultant, dentist, engineer, instructor in the arts and crafts, insurance agent, land surveyor, landscape architect, lawyer, musician, physician, real estate broker or telephone service.
 - (8) Office of a salesman, sales representative or manufacturers representative.
 - (9) Repair services, such as musical instruments, watches and clocks, small household appliances, and toys or models.
- b. Home occupations not permitted include those with the general characteristics of the following:
- (1) Amusement or dance parlor.
 - (2) Antique shop.
 - (3) Barber shop or beauty salon.
 - (4) Funeral home or chapel.
 - (5) Gift shop.
 - (6) Kennel or other boarding of animals.
 - (7) Medical or dental clinic, hospital, nursing home.
 - (8) Motor vehicle repair or sales.
 - (9) Nursery school.
 - (10) Repair or testing of internal combustion engines.
 - (11) Restaurant or tearoom.
 - (12) Tourist home, boardinghouse, rooming house.
 - (13) Veterinary clinic or animal hospital.
- c. Home occupation uses shall be subject to the following limitations. All limitations apply together. No limitation shall be interpreted as relaxing another limitation.
- (1) Home occupation operators shall apply for and enter into an agreement with the Zoning Administrator certifying that they will comply with the requirements for a home occupation in the Zoning Ordinance. The Zoning Administrator shall approve the agreement only upon finding that the home occupation will comply with the Zoning Ordinance and that it will be clearly subordinate to the principal use of the premises for dwelling purposes.
 - (2) There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling.
 - (3) There shall be no signs.
 - (4) There shall be no outside display, storage, or sale of merchandise or equipment.
 - (5) There shall be no audible noise, detectable vibration or odor beyond the confines of the subject dwelling or accessory building, including transmittal through vertical or horizontal party walls.
 - (6) Only one (1) person, at any time, who is not a bona fide resident of the dwelling, may be employed or perform work on the premises. In addition, a disabled resident may employ assistance from one (1) person at a time who is not a resident and whose assistance is limited to overcoming the effect of the disability. A written statement identifying the person who will give the assistance, the kind of assistance that will be given and the time the person will be in the dwelling must be filed in the office of the Zoning Administrator as to each person permitted to be employed as an assistant to a disabled person before that person may be employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona fide residents of the dwelling may not be employed or perform work on the premises except one (1) non-resident

employee may be employed or perform work on the premises providing assistance to a disabled resident, as above.

- (7) Instruction of students (including delivery of materials clearly incidental to training) and service to clients or customers shall be limited to twelve (12) persons per day but in no event more than four (4) persons at any one time.
 - (8) The total floor area on any premises to be used for home occupation(s) shall not exceed a figure calculated by taking twenty-five (25) percent of the total floor area of the principal dwelling on the premises, excluding attached garages provided, however, that in no event shall more than ten (10) percent of the total floor area of the principal dwelling be used for specified storage of stock-in-trade. The storage of hazardous materials is prohibited.
 - (9) There shall be no stocks-in-trade displayed or sold on the premises, except for those produced at the premises.
 - (10) Each application for a home occupation agreement shall be accompanied by a sketch of all existing and proposed new parking spaces. Existing parking spaces, unless illegal, shall be permitted to remain. All new parking spaces shall comply with all applicable requirements in Section 32 and Section 33. No vehicles shall be parked or stored in any other spaces unless they comply with all provisions of the Zoning Ordinance.
 - (11) The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time. The application for approval shall show a sketch of the parking spaces customarily in use at the time of application and agree that parking shall not be increased during the period the approval is in effect. During the period the approval is in effect, no motor vehicle shall be parked at any place on the lot or property not represented as a parking space on the sketch attached to the application.
 - (12) No equipment may be used on the premises other than that which is usual for purely domestic or hobby purposes, or what is usual for a small business, professional, or medical office.
13. *Unified Residential Development:* The purpose of this subsection is to provide for flexible, site-specific solutions for the development of one-family detached dwellings in certain zoning districts, to implement the purposes of the General Land Use Plan and the Zoning Ordinance; promote the compatibility of one-family residential developments with surrounding neighborhoods by coordinating building forms, the bulk, scale and placement of new buildings, and the relationship between buildings and structures within the development and surrounding properties; and to preserve natural land forms, irreplaceable historical features, and significant trees and foliage.
- a. Unified Residential Development Limitations:
 - (1) The minimum site size for a Unified Residential Development is the minimum lot size for a one-family dwelling unit required by the applicable Zoning District regulations multiplied by two (2).
 - (2) Unified Residential Developments shall only be permitted in "R-20" One-Family Dwelling Districts, "R-10" One-Family Dwelling Districts, "R-8" One-Family Dwelling Districts, "R-6" One-Family Dwelling Districts, "R-5" One-Family, Restricted Two-Family Dwelling Districts, and "R2-7" Two-Family and Town House Districts.
 - (3) Unified Residential Development shall be permitted only on sites that have a minimum lot frontage of one hundred forty (140) feet in "R-20" One-Family Dwelling Districts; one hundred twenty (120) feet in "R-10" One-Family Dwelling Districts; one hundred ten (110) feet in "R-8" One-Family Dwelling Districts; one hundred (100) feet in "R-6" One-Family Dwelling Districts; and ninety (90) feet in "R-5" One-Family, Restricted Two-Family Dwelling Districts and "R2-7" Two-Family and Town House Districts.

- b. Any Unified Residential Development shall comply with the zoning requirements applicable to the site and the following requirements, unless the County Board, after it finds that such modifications will better accomplish the purposes and intent of subsection 31.A.13., modifies some of those requirements by use permit, as permitted in subsection 31.A.13.c.:
 - (1) Density: The maximum number of dwelling units shall be determined by the County Board, depending on the design and configuration of the development, up to a maximum number arrived at by dividing the site area, together with the area of any part of the site to be dedicated for public right-of-way, by the required minimum lot area of the zoning district applicable to the site.
 - (2) Minimum Right-of-Way Width of Internal Streets: The streets which are located within the site and will be publicly dedicated shall have rights-of-way and pavement widths as specified in Chapter 23, Subdivisions, of the County Code. The minimum right-of-way width may be reduced to forty (40) feet and a pavement width to thirty (30) feet, by use permit approval, if the County Board finds that such modifications will better accomplish the purposes and intent of subsection 31.A.8. than would the development without those modifications. Private streets shall be constructed to Arlington County standards and shall be of sufficient width to serve the needs of the development.
 - (3) Maximum Site Coverage: Fifty (50) percent.
 - (4) Minimum Parking Requirement: Two and one-half (2 1/2) parking spaces per dwelling unit, at least one (1) of which shall be off-street, shall be provided.
 - (5) Accessory buildings, such as garages or storage buildings, may be attached to other accessory buildings along common lot lines by use permit approval.
 - c. The County Board may modify the minimum site size, up to a maximum of ten percent (10%), upon a finding that, after the proposed modification, the subject development will still accomplish the purposes and intent of the Zoning Ordinance for Unified Residential Development; the area and width of individual lots; any required setback and yard dimensions; site coverage; the number and dimensions of parking spaces; and the height of main buildings by use permit if it finds that such modifications will better accomplish the purposes and intent of subsection 31.A.13. than would the development without those modifications. Reduction of the minimum site size or lot size shall not result in any greater density than would otherwise be permitted by the ordinance provisions for Unified Residential Development.
 - d. Procedures for Unified Residential Development Approval.
 - (1) Unified Residential Developments shall be permitted by use permit, as specified in Section 36.G.
 - (2) Amendments to the approved Unified Residential Development Plan: The approved use permit for a Unified Residential Development Plan shall be modified or amended as specified in Subsection 36.G.
 - (3) A preliminary plat shall be submitted at the time of application showing lot areas, lot dimensions, and buildable areas, consistent with all zoning and subdivision requirements.
14. *Bed and Breakfasts* may be permitted in any zoning district where one-family dwelling units are permitted with the following limitations:
- a. Any bed and breakfast must have a use permit, as specified in Subsection 36.G.
 - b. Bed and breakfasts shall comply with all applicable requirements of County and State Codes.
 - c. The operator of a bed and breakfast shall obtain a Certificate of Occupancy for that purpose before the operation of the bed and breakfast commences.
 - d. Each bed and breakfast shall maintain an accurate record of each guest and the duration of his stay. The record may be reviewed by the County upon notice.
 - e. Bed and breakfasts shall neither contain a restaurant or banquet facility nor provide meal service other than breakfast.

- f. Only one (1) nonresident employee at any time shall be permitted to work on the premises of a bed and breakfast.
- g. Bed and breakfasts shall be located only on minor arterial streets or principal arterial streets as those streets are defined by the County Master Transportation Plan.
- h. Bed and breakfasts must be located on lots that meet or exceed the minimum lot area requirement for the zoning district in which the lot is located.
- i. A minimum of one (1) on-site parking space per guestroom in a bed and breakfast shall be provided in addition to the parking space(s) required for the principal residence. The County Board may modify this requirement by use permit.
- j. The exterior of the one-family in which the bed and breakfast is operated shall maintain its one-family dwelling character.
- k. To assist the County in determining whether a bed and breakfast will maintain its residential character and will meet the standards for use permit approval set forth in Subsection 36.G.1., any use permit application for a bed and breakfast must be accompanied by a plan showing the type and location of proposed parking, landscaping and exterior lighting.

(6-6-73; 9-7-74; 2-21-76; 5-22-76; 9-11-76; 5-14-77; 12-2-78; 6-9-79; 1-7-81; 2-21-81; Ord. No. 82-21, 5-20-82; Ord. No. 83-8, 3-19-83; Ord. No. 84-6, 3-3-84; Ord. No. 85-19, 6-1-85; Ord. No. 87-12, 5-2-87; Ord. No. 89-10, 5-13-89; Ord. No. 92-13, 4-25-92; Ord. No. 92-55, 12-12-92; Ord. No. 94-20, 7-9-94; Ord. No. 95-9, 4-29-95; Ord. No. 96-1, 1-20-96; Ord. No. 96-6, 5-11-96; Ord. No. 97-9, 5-17-97; Ord. No. 97-15, 7-19-97)

15. *Split-Lots*: Split-Lots shall be permitted, as a matter of right, only in “R-20” One-Family Dwelling Districts, “R-10” One-Family Dwelling Districts, “R-8” One-Family Dwelling Districts, “R-6” One-Family Dwelling Districts, and “R2-7” Two-Family and Town House Districts, as an alternative to pipe-stem lot development. Split-lot Residential Developments are permitted only when the applicant has demonstrated to the satisfaction of the Zoning Administrator, which may include a survey plat, that the property that is the subject of the split-lot application meets all ordinance standards to create one interior lot and one pipe-stem lot. The pipestem lot that can be created must have a minimum frontage of 40 feet on a public street. Except as specifically provided below, Split-Lot Residential Developments shall satisfy all applicable subdivision and zoning requirements, including those for minimum lot area, setback and yards, coverage, parking, and building height, and all of the following requirements:

- a. Split-Lot Residential Development shall be permitted only on sites that have a minimum lot frontage of one hundred forty (140) feet in “R-20” One-Family Dwelling Districts; one hundred twenty (120) feet in “R-10” One-Family Dwelling Districts; one hundred ten (110) feet in “R-8” One-Family Dwelling Districts; one hundred (100) feet in “R-6” One Family Dwelling Districts; and ninety (90) feet in “R-5” One-Family, Restricted Two-Family Dwelling Districts and “R2-7” Two-Family and Town House Districts.
- b. Split-Lot Residential Development shall be defined as the subdivision of one lot into two by adding a straight lot line that extends from the midpoint of the front lot line to the midpoint of the rear lot line.
- c. The minimum lot width for any lot created under the Split-Lot provision shall be: seventy (70) feet in “R-20” One-Family Dwelling Districts; sixty (60) feet in “R-10” One-Family Dwelling Districts; fifty-five (55) feet in “R-8” One-Family Dwelling Districts; fifty (50) feet in “R-6” One-Family Dwelling Districts; and forty-five (45) feet in “R-5” One-Family, Restricted Two-Family Dwelling Districts and “R2-7” Two-Family and Town House Districts.

16. a. Pipe-stem lots: Pipe-stem lots may only be created as part of a Unified Residential Development pursuant to Subsection 31.A.13. Development on pipe-stem lots shall satisfy all applicable zoning and subdivision requirements, including those for minimum lot area, setback and yards, coverage, parking and building height, and all the following requirements, unless otherwise modified by use permit:
- (1) In a “stem” portion of any pipe-stem lot: any side yard shall satisfy the requirements in Subsection 32.D.
 - (2) In the “pipe” section of any pipe-stem lot: any side yard shall be a minimum of twenty-five (25) feet in depth.

- b. Where no dwelling unit has been constructed on a pipe-stem lot that was recorded before March 18, 2003, a one-family dwelling unit may be constructed by-right in accordance with all applicable zoning requirement. Modification of these requirements may only be made by use permit approval pursuant to Section 36.G.
17. *Unified Commercial/Mixed Use Development:* the purposes of this subsection are to: (1) provide for flexible, site-specific solutions for the revitalization of existing shopping areas while preserving commercial service levels, including, in certain circumstances, new construction in “C-2” and “C-3” Districts to implement the purposes of the General Land Use Plan and Zoning Ordinance; (2) promote the compatibility of commercial developments within the commercial district and surrounding properties by coordinating building placement, orientation, scale, bulk, parking, signage, landscaping, streetscape, pedestrian facilities, and historical features where applicable; (3) provide for creative opportunities which encourage and retain local and small business; and (4) promote opportunities for affordable housing. Additionally, this subsection will provide for the construction of residential units within “C-2” and “C-3” Districts and within the “Clarendon Revitalization District,” also in “C-1” and “C-TH”, as part of a mixed use development, according to specific guidelines. Where there is a sector plan or similar document that is at variance with or in conflict with these requirements the County Board can modify the requirements as set forth in 31.A.17.a. to achieve a development that is more consistent with such plans.
- a. Any proposed Unified Commercial/Mixed Use Development shall comply with the standards below in 31.A.17.b, 31.A.17.c or 31.A.17.d, and with any zoning requirements that are consistent with those standards, unless through the use permit process, the County Board modifies such standards or requirements after finding that such modifications will better accomplish the purposes and intent of subsection 31.A.17. Provided, however, that in no event shall the County Board modify the standards in Section 31.A.17.b that pertain to the amount of residential density, building height or density, and in no event shall the County Board modify the standards in Section 31.A.17.d that pertain to the maximum building height (exclusive of penthouses). Projects within the Nauck Village Center Special Revitalization District can be approved pursuant to the requirements of Section 31.A.17.c. below.
 - b. Unified Commercial/Mixed Use Development Limitations: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use developments in the “C-2” and “C-3” districts where such a development is not within the Nauck Village Center Special Revitalization district, the Columbia Pike special Revitalization district, the Lee Highway-Cherrydale Special Revitalization District or the Clarendon Revitalization District and where the development meets the following requirements:
 - (1) Unified Commercial/Mixed Use Developments shall not include residential dwelling units, unless a project contains a minimum of .4 FAR of commercial or retail uses located on the first (ground) floor. Commercial or retail uses above .4 FAR may be located on any floor.
 - (2) Placement and Orientation: Buildings shall be sited to “build to” lines at the back of the sidewalk. At least 75% of a building’s façade must be immediately adjacent to the back of the sidewalk along any street designed as an arterial in the Master Transportation Plan. Retail uses shall be oriented to streets designated as either principal arterials or minor arterials in the Arlington Count Master Transportation Plan. Where a development parcel is located adjacent to an “R” district, all buildings must be setback a minimum of twenty feet (20’) from the “R” district.
 - (3) Streetscape: The periphery of any site fronting on a public right-of-way shall be landscaped by the provision of curb, gutter, sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building. Sites within the area of an applicable Sector Plan, Station Area Plan or Special Revitalization District Plan shall have all streetscape improvements constructed in a manner consistent with such plan, except as otherwise specifically approved. Except as otherwise approved, sites outside such areas and located along streets designated as arterials under the

Master Transportation Plan shall be constructed with a minimum 14' distance from face of curb to face of building and sidewalks of 10' minimum unobstructed width (such width shall not contain tree grates, light poles, or similar obstructions). Sites on all other street fronts shall include a minimum 10' distance from face of curb to face of building and 6' minimum sidewalk unobstructed width on all other street fronts. Outdoor restaurant seating may be allowed by the County Manager, so long as a straight 6' minimum sidewalk unobstructed width is maintained.

- (4) Parking and Loading: surface and structure parking as well as all loading areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four (4) foot high solid wall; except that where parking areas abut an "R" district that is also designated "Low" residential on the General land Use Plan, the wall shall be at a height of six (6) feet. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building façade shall be provided for the parking areas. Parking structures shall be constructed so that commercial uses occupy the ground level floor on all street fronts. Automobile parking space is to be provided as required in Section 33, unless otherwise approved by the County Board.
- (5) Trash collection and storage areas shall be provided inside the main building or in a designated area outside the structure. Any such designated area shall be screened by a solid wall of materials similar to those used in the construction of the main building and which is a minimum of six (6) feet in height.
- (6) Building Height: building heights shall be limited to forty-five (45) feet. Penthouses may be permitted above the forty-five (45) feet height limit, provided that they are set back a distance equal to their height from the building edge and that the penthouse height does not exceed twelve (12) feet.
- (7) first Floor Height: Along any commercial frontage, where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a minimum clear height of twelve (12) feet for at least 75% of its gross floor area.
- (8) First Floor Fenestration: Where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a façade which is at least 70% transparent (i.e., 70% glass and 30% solid walls) for the area of the façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk. "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways or the like.
- (9) Building Entrances: Where possible, primary building entrances shall be located on streets designated as arterials in the Master Transportation Plan. Secondary entrances and entrances to individual residential units may be placed on any street type. Entrances on streets that are designated as arterials in the Master Transportation Plan shall be placed no more than 100 feet apart. When possible, retail entrances should be placed at street corners. Retail entrances shall have transparent doors.
- (10) Landscaping: Any Unified Commercial/Mixed Use Development which is proposed on a site of 20,000 square feet of land area or less shall have a minimum landscaped area of 10% of the total development site. Any development which is proposed on a site with a land area greater than 20,000 square feet shall provide a minimum landscaped area equivalent to 2,000 square feet plus 20% of the land area in excess of 20,000 square feet.

- (11) Density: Unified Commercial/Mixed Use developments may include both residential units and commercial uses up to a total FAR of 2.0, where the developments contain a minimum of .1 FAR and maximum of 1.1 FAR of residential uses. Any development that contains only commercial uses may develop at a density of up to 1.5 FAR.
- c. Unified Commercial/Mixed Use Development in Nauck Village Center Special Revitalization District: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use Developments in the Nauck Village Center Special Revitalization District where a proposal meets the following minimum requirements:
- (1) Density and Use: Unified Commercial/Mixed use developments may include both residential units and commercial uses up to a total FAR of 2.0, where the development fronts on a block face identified as “Retail Required” or “Retail Optional” within the Nauck Village Center Action Plan. On block faces specifying “Retail Required” within the Nauck Village Center Action Plan, the project must include retail uses totaling at least .4 FAR located on the ground floor along the frontages shown in the Nauck Village Center Action Plan. Commercial or retail uses above .4 FAR may be located on any floor. On block faces specifying “Retail Optional,” residential density of up to 1.5 FAR shall be permitted provided the total FAR for all uses on the site does not exceed 2.0. On block faces which are not identified as either “Retail Required” or “Retail Optional,” projects eligible for approval through this use permit process shall contain only residential uses, with allowances made for management and tenant amenity space, and shall be limited to 1.5 FAR, except as provided for in Section 31.A.17.c.(12) below relating to Affordable Housing.
 - (2) Placement and Orientation: Buildings shall be sited to “build to” lines at the back of the sidewalk, which “build to” line shall be determined through Use Permit approval. At least 75% of a building’s façade must be immediately adjacent to the back of the sidewalk along any street designated as an arterial in the Master Transportation Plan and along Shirlington road. Retail uses shall be oriented to the block face locations shown as “Retail required” or “Retail Optional” within the Nauck Village Center Action Plan, as relevant. Where a development parcel is located adjacent to an “R” district, all buildings must be setback a minimum of twenty feet (20’) from the “R” district.
 - (3) Streetscape: The periphery of any site fronting on a public right-of-way shall be landscaped by the provision of curb, gutter, sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building and conforming to the Streetspace and Streetscape Standards set forth in the Nauck Village Center Action Plan for the relevant block frontages. All streetscape improvements shall be constructed in a manner consistent with such plan, except as otherwise specifically approved. Outdoor restaurant seating may be allowed by the County Manager, so long as a clear and unobstructed 6’ minimum sidewalk width is maintained.
 - (4) Parking and Loading: Surface and structured parking as well as all loading areas shall be placed to the rear or to the side of buildings. However, structured parking above a level of ground floor retail may extend to the “build to” line, provided that it has façade treatments as further described below. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and four (4) foot high solid wall; except that where parking areas abut an “R” district that is also designated “Low” residential on the General Land Use Plan, the wall shall be at a height of six (6) feet. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building facades of the larger structures of which it is a part shall be provided for the parking area. Automobile parking space is to be provided as required in Section 33 with the following exceptions:

- i. Where a project has less than 8,000 square feet of retail space, at least one (1) parking space shall be provided for each 500 square feet of retail space above the first 1,000 square feet. No parking is required for the first 1,000 square feet of retail space in such projects.
 - ii. Residential projects or portions of projects shall provide at least 1 1/8 parking spaces per residential unit.
 - iii. When it finds that such approval will not have an adverse affect on the surrounding neighborhood and will contribute to a better overall transportation system in the area, the County Board may allow some or all of a project's parking requirement to be provided through the use of off-site committed parking, on-street parking, cash contributions for public parking purposes, or other similar mechanisms.
- (5) Trash collection and storage areas shall be provided inside the main building or in a designated area outside the structure. Any such designated area shall be screened by a solid wall that is of materials similar to those used in the construction of the main building and at least six (6) feet in height.
 - (6) Building Height: Building heights shall be limited to forty-five (45) feet. Penthouses may be permitted above the forty-five (45) feet height limit, provided that they are set back a distance equal to their height from the building edge and that the penthouse height does not exceed twelve (12) feet. The County Board may accommodate the various topographical conditions prevalent in Nauck by modifying the locations on a frontage from which building height is measured. However, such modifications shall not result in a building height of more than 48 feet, arrived at through the calculation method required by the Zoning Ordinance, except as provided for in 31.a.17.c(7). Provided further that in no event shall any portion of a structure located at the street frontage or build-to line, be taller than 45 feet from the adjoining curb grade, except as provided for in 31.A.17.c(7).
 - (7) Number of Stories: Notwithstanding the above provisions on Building Height at Section 31.A.17.c(6), projects north of 22nd Street South shall not exceed three stories, with allowances made for half-story attics with eaves. Unified Commercial/Mixed Use development projects south of 24th Street South applying under these use permit provisions may include five stories, provided the total height of the building does not exceed 56 feet as measured from the adjoining curb grade along Shirlington Road.
 - (8) Ground Floor Height: Along any frontage identified in the Nauck Village Center Action Plan as "Retail Required," the Ground Floor of any building shall have a minimum clear height of twelve (12) feet for at least 75% of the gross floor area of the ground floor that is retail uses.
 - (9) Ground Floor Fenestration: Along any frontage identified in the Nauck Village Center Action Plan as "Retail Required," the Ground Floor shall have a façade which is at least 70% transparent (i.e., 70% glass and 30% solid walls) for the area of the façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk grade. "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or any other material that could block a view.
 - (10) Building Entrances: Where possible, primary building entrances for pedestrians and guests shall be located on Shirlington Road. Secondary entrances and entrances to individual residential units may be placed on any street type. Primary entrances shall be placed no more than 100 feet apart. When possible, retail entrances should be placed at street corners. Retail entrances shall have door that are at least eight percent (80%) transparent.

- (11) Landscaping: Any development on a site of 20,000 square feet of land area or less shall have a minimum landscaped area of 10% of the total development site. Any development on a site with a land area greater than 20,000 square feet shall provide a minimum landscaped area equivalent to 2,000 square feet plus 20% of the land area in excess of 20,000 square feet.
 - (12) Affordable Housing Bonus: For projects with at least 1.0 FAR of housing, up to an additional .5 FAR of density shall be allowed if the project contains a total of 10% or more of its total housing units as affordable dwelling units, pursuant to the definition of affordable dwelling units in use by the County at the time of the application. However, in no case may the total FAR of all uses on the site exceed 2.0.
- d. Unified Commercial/Mixed Use Development in “Clarendon Revitalization District”: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use Developments in areas designated “Service Commercial” on the General Land Use Plan and that are within the “Clarendon Revitalization District,” where a proposal meets the following requirements or where the County Board modifies the following requirements by Use Permit:
- (1) Density and Use: Unified Commercial/Mixed Use Developments shall include: residential, commercial, hotel and/or retail uses up to a total FAR of 1.5, except as provided for in Section 31.A.17.d (12) below; and ground floor retail that substantially complies with the Frontage Type guidelines in the Clarendon Sector Plan shall be provided where Retail Frontages are designated on the Use Mix Map (Section 27, Map 2).
 - (2) Placement, Orientation and Massing: New buildings shall be built to the back of the streetscape where Build-To Lines are shown on the Build-To-Lines Map (Section 27, Map 6), for at least 75 percent of the build-to line on each street frontage of the site. The location of the build-to Line will be based upon street cross-sections shown in the Clarendon Sector Plan. Facades of new structures along a build-to line shall be composed as a simple plane (limited jogs less than 24 inches are considered a simple plane within this requirement) interrupted only by bay windows, shopfronts, other entries to the building, café seating, or for compatibility with a preserved structure.
 - (a) Where a building frontage or facade identified for preservation in the Clarendon Sector Plan is preserved, a step-back of at least 20’ for a frontage and 10’ for a facade, shall be provided immediately above the preserved portion of the project, pursuant to Sections 31.A.17.d (11) and 31.A.17.d (12)(c)i. below, unless the County Board finds, in a particular case, that a lesser step-back or no step-back is more appropriate to ensure a contextually appropriate definition between the preserved structure and new buildings.
 - (b) New buildings on parcels north of Wilson Boulevard and east of North Garfield Street that abut “R” districts shall incorporate a setback of twenty-five (25) feet from the abutting “R” lot, and shall be limited to a maximum of three (3) floors and forty (40) feet in height; provided, however, that a portion of the building may be constructed up to forty-five (45) feet if step-backs of twenty-five (25) feet each are provided at the twenty-five (25) and thirty-five (35) foot height limits facing the “R” district, unless the County Board finds, in a particular case, that an alternative design that includes a lesser step-back or no step-back would provide appropriate transition to the abutting low density residential properties. Except where a Build-To Line is required pursuant to 31.A.17.d (2) above, all other new buildings that abut “R” districts shall incorporate the aforementioned setback of twenty-five (25) feet from the abutting “R” lot and shall provide step-backs or other reductions from the maximum height, as approved by the County Board in order to

provide appropriate height transition to the abutting low-density residential properties.

- (c) Where a parcel abuts an “R” or “RA” district, a masonry wall of a height of six (6) feet, or such other height as the County Board determines will reasonably protect residential properties shall be provided at the property line.
- (3) Streetscape: Any street frontage, including any new street as designated in the Master Transportation Plan, shall be improved with streetscapes consistent with the Streetscapes Map (Section 27, Map 5) and Sidewalk Design guidelines (Section 27, Table 1). The clear walkway zone (an unobstructed area serving as circulation space for pedestrians) shall be maintained at a width no less than six (6) feet. All streetscape improvements shall be constructed in a manner consistent with such plan. All aerial utilities on and at the periphery of the site shall be placed underground with redevelopment or new construction.
- (4) Parking and Loading:
- (a) The proposal shall include parking as permitted and regulated in Section 27.D.1.g.
 - (b) Surface Parking proposed along streets designated as Main Street or 10th Street frontages on the Frontage Types Map (Section 27, Map 7), shall only be located behind a structure containing other uses. In all other locations, if surface parking lots are provided, the provisions of Section 32A.B. shall apply regardless of the number of parking spaces. Furthermore, surface parking shall be screened as required in Section 32A.B.5 except that any surface parking lot facing a public right-of-way (where no structure containing another use is between the right-of-way and the parking) shall comply with the minimum streetscape requirements in Section 31.A.17.d (3) above and in addition, any such parking area is screened by a masonry wall between 42 inches and 48 inches tall (measured as described in Section 32a.B.5.b.), and placed at the back of the required streetscape. This wall shall be designed to partially screen vehicles from pedestrian view from adjacent sidewalks, to provide separation between pedestrians, and parking areas and to continue the build-to line as required in Section 31.A.17.d (2) above. Reasonable interruptions to this wall are allowed to accommodate vehicular access, as provided in Section 31.A.17.d (4)(c) below. In addition, any vehicular access to a surface parking lot shall include sidewalks, a minimum of four (4) feet wide, along each side of the driveway to permit pedestrian access from the street frontage into the parking lot. Additional breaks in the masonry wall shall be allowed to accommodate pedestrian access but each break shall be a maximum of 48 inches wide.
 - (c) Off-street parking entrances/exits and loading areas shall be provided as required in Section 33 except that these areas shall be located only in areas designated for “Service” frontages on the Frontage Types Map (Section 27, Map 7). If a site does not include any site area designated for Service frontage, the County Board may approve an alternate location for service and/or parking entrances/exits that balances the following considerations: a) the proposed location limits pedestrian and vehicle conflicts; b) the project as designed maximizes the site’s potential for pedestrian street activation along major pedestrian routes; and c) the project is designed to maximize consolidation of loading and/or vehicular entrances with other properties on the same block.
- (5) Trash collection and storage areas shall be provided inside a main building or in a designated area screened by a solid wall made of materials similar to those

used in the construction of the main building and that is at least six (6) feet above the ground.

- (6) **Building Height:**
 - (a) No building, except for penthouses or rooftop structures for the housing of elevator or other mechanical equipment, shall be erected to exceed the overall maximum height (feet) shown on the Maximum Height Limits Map (Section 27, Map 1). Under no circumstances shall the County Board approve a Use Permit for a building (exclusive of the penthouse) that exceeds the overall maximum height (feet) as shown on the Maximum Heights Limits Map.
 - (b) The proposal shall comply with the Maximum Number of Floors shown on the Maximum Height Limits Map (Section 27, Map 1), except as provided for in Section 31.A.17.d (12) below.
 - (c) All equipment above the roofline shall be screened from view by walls of equal height, and materials similar to the facades of the building, set back a distance at least equal to their height from the building edge and the height limit line and shall not exceed twelve (12) feet. No penthouse or rooftop structure or any space above the height limit shall include additional floor space.
- (7) **Ground Floor Height:** Ground floor space shall be designed and constructed with a Structural Clear Height (the space bounded by the top of one slab, or other structural portion of one floor, and the bottom of the next slab, or structural portion of a floor) of at least fifteen (15) feet, except where the County Board finds that such Structural Clear Height would adversely affect the historical aspects of a structure designated in the Clarendon Sector Plan for full or partial preservation.
- (8) **Ground Floor Transparency:** The Ground Floor of all buildings shall provide a minimum transparency consistent with the Frontage Type, as designated on the Frontage Types Map (Section 27, Map 7). "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or any other material that could block a view.
- (9) **Building Entrances:** Functional entries that substantially comply with the Frontage Type guidelines set forth in the Clarendon Sector Plan shall be provided, except where the County Board finds that such entries would adversely affect the historical aspects of a structure designated in the Clarendon Sector Plan for full or partial preservation.
- (10) **Landscaping:** Any Unified Commercial/Mixed Use Development shall provide a minimum landscaped area of 10% of the total development site.
 - (a) When a proposal preserves a building designated for preservation according to the Building Preservation Map (Section 27, Map 4), and in accordance with the standards set forth in subsection 31.A.17.d(11) below, the area of the footprint of the structure being preserved may be excluded from the required landscaped area as provided in Section 31.A.17.d (10) above.
- (11) **Historic Preservation:** When a site includes a structure identified for preservation in the Clarendon Sector Plan, the structure shall be preserved in a manner consistent with the Clarendon Sector Plan, other regulations set forth in the District, and the regulations set forth below in Subsection 31.A.17.d (12)(c). New development within the site shall be compatible with the existing structures in terms of material, color, texture, size and fenestration of doors and windows, and cornice lines.
- (12) **Bonus Density:** Subject to the Maximum Height Limits in 31.A.17.d (6), the County Board may approve optional increases in density above 1.5 F.A.R. by

approving additional floors above the Maximum Number of Floors established in 31.A.17.d (6)(b), as follows in 31.A.17.d (12)(a), (b) and (c) below. Density approved pursuant to this subsection 31.A.17.d (12) may be accommodated on-site or transferred to another site within Clarendon, except as provided in 31.A.17.d (12)(a)ii.

- (a) Affordable Housing: When a project includes affordable dwelling units (ADUs), pursuant to the definition of ADUs in use by the County at the time of the application, or an equivalent cash contribution, the County Board may permit up to an additional 1.5 FAR of density, as set forth below:
 - i. For residential rental projects, ADUs shall be provided on-site as part of the Use Permit Project as a total of at least 10% of the gross square footage (GFA) of the bonus density permitted under this subsection 31.A.17.d (12)(a) when the required 10% of the GFA is equal to four thousand (4000) square feet or more.
 - ii. For all other projects, ADUs shall be provided on-site as a total of at least 10% of the gross square footage of the bonus density permitted under this subsection 31.A.17.D (12)(a), or the applicant shall make a cash contribution to the Affordable Housing Investment Fund of \$15.00 per square foot of the gross floor footage of the bonus density. The cash contribution will be indexed to the Consumer Price Index for Housing in the Washington-Baltimore MSA as published by the Bureau of Labor Statistics and shall be adjusted annually based on the January changes to such index for that year, beginning in January, 2010. Revised amounts apply only to Use Permit plans filed after the adjustment date. Amounts for the calculation of the cash option are established at the time the Use Permit application is filed. Bonus density permitted through a cash contribution shall be accommodated on-site and shall not be available to transfer to another site.
- (b) Sustainable Design: For projects that provide green building design (LEED) and comply with established County policies for bonus density, the County Board may approve additional density by Use Permit approval in an amount equivalent to that identified in established policy for Site Plan projects.
- (c) Historic Preservation: When the County Board finds that a structure identified for preservation in the Clarendon Sector Plan is preserved in accordance with 31.a.17.d(11) above, and when the County Board (after review and comment by the Historical Affairs and Landmarks Review Board at least 45 days in advance of a public hearing by the County Board, and upon consideration by the County Board of the HALRB's recommendation), has determined that the project is consistent with the historic preservation objectives of the adopted polices, then the County Board may approve an increase above the otherwise allowable density as follows:
 - i. When an entire building is preserved, the project's gross floor area may be increased by an amount of up to 500% of the first 10,000 square feet of gross floor area preserved and up to 300% of any square feet of gross floor area preserved beyond 10,000 square feet.
 - ii. When a building frontage or façade is preserved, the project's gross floor area may be increased by an amount of up to 500% of the square feet of gross floor area preserved. The square

feet of gross floor area preserved shall be calculated by multiplying the linear feet of building façade or frontage preserved by the depth of preservation.

- e. Procedures for Unified Commercial/Mixed Use Development Approval.
 - (1) Unified Commercial/Mixed Use Developments shall be permitted by use permit approval, as specified in Section 36G.
 - (2) An approved use permit for a Commercial/Mixed Use Development Plan may be modified or amended as specified in Subsection 36.G. (Ord. No. 09-03, 4-28-09)
- 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 parks, 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); however, this shall not preclude the clustering of two (2) or more kiosks within a larger open area.
 - (3) Kiosk Placement shall not impede or be located within any pedestrian circulation path. Kiosks, and any directly associated merchandise, 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 or any directly associated merchandise may be placed with 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 between the hours 6:30 a.m. and 10:00 p.m.
 - (2) Kiosks shall be exempt from any parking requirement.
 - (3) Kiosks shall be operated by a licensed vendor under the provisions of Chapter 30, Peddlers, Vendors and Canvassers, of the Arlington County Code.
 - 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. (1) and c.(2).
 - (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(es), and manufacturer(s) of the kiosk, seating, trash receptacles, and any other landscape elements or structures.
- vi. proposed sign elements and the transparency of the structure;
- vii. 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
- viii. 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, County public-private partnership and/or business improvement district (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 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, in accordance with Section 36.G. "Use Permits," modify the placement and/or the hours of operation of the kiosk which do not meet the regulations as set forth in Section 31.A.18.a. and b. The County Board, in any such approval, shall find that, after the proposed modification(s), the subject kiosk will still accomplish the purposes and intent of the Zoning Ordinance for kiosks.

19. Accessory Dwellings are allowed by permit within or attached to one-family dwellings provided they comply with the following:

- a. Accessory Dwellings are permitted on lots containing one-family dwellings in all "R" Districts, not including "RA" Districts, subject to issuance of a permit by the Zoning Administrator.
- b. Accessory Dwellings are permitted only on lots that meet the following criteria:
 - (1) Subject to a minimum lot width of fifty (50) feet, the lot conforms to all zoning regulations for the zoning district in which the lot is located, including the minimum lot area for recordation of newly created lots in the district.
 - (2) On a lot containing a structure with legal nonconforming conditions, including side and rear yards, setbacks and coverage, any modifications to the structure to create the Accessory Dwelling shall conform to all zoning regulations for the district in which the lot is located.
 - (3) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.

- c. Not more than one (1) Accessory Dwelling shall be permitted on a lot.
- d. The gross floor area of an Accessory Dwelling shall not exceed fifty (50) percent of the gross floor area of the main dwelling (or a third of the combined gross floor area), up to a maximum of seven hundred fifty (750) square feet; except, if the gross floor area of the main dwelling is one thousand (1000) square feet or less, the Accessory Dwelling shall not exceed eighty (80) percent of the gross floor area of the main dwelling up to a maximum of 500 square feet. For the purposes of this section, gross floor area shall be calculated to include all floor area within the inside perimeter of the exterior walls, including basement, corridors, stairways, closets and interior walls.
- e. A valid Certificate of Occupancy shall have been issued for the Accessory Dwelling.
- f. Before approval of a building permit, the Owner shall record a covenant on the property in a form acceptable to the Zoning Administrator, which identifies the Accessory Dwelling use and that it is subject to the restrictions imposed by the zoning ordinance.
- g. The following shall be filed with the Zoning Administrator with the application for an Accessory Dwelling permit:
 - (1) A floor plan of the Accessory Dwelling that also identifies its relationship to the rest of the dwelling and that provides such further details as may be required by the Zoning Administrator.
 - (a) No Accessory Dwelling shall have a separate entrance on the same side of the main dwelling as the main entrance of the main dwelling.
 - (b) On a corner lot, no Accessory Dwelling shall have its entrance visible from the street.
 - (c) No Accessory Dwelling with an entrance above the first floor shall have exterior stairs to that entrance visible from the street.
 - (2) A certified plat of the lot.
- h. If a parking survey conducted by the County determines that the block on which the main dwelling is located is more than sixty-five (65) percent parked and there is on-site, existing before issuance of the Accessory dwelling permit:
 - (1) Exactly one (1) standard-size space, then such a space shall be maintained; or
 - (2) Two (2) or more standard-size spaces that are not tandem, then at least two (2) such spaces shall be maintained; or
 - (3) No standard-sized parking spaces, then at least one (1) on-site parking space shall be provided. The Owner shall be responsible for providing evidence of creation of the additional parking space to the Zoning Administrator. All new parking spaces shall be constructed to meet all applicable requirements in Section 32 and Section 33 (including coverage); and
 - (4) In any other case, at least two (2) standard-sized parking spaces shall be maintained, at least one (1) of which must provide direct vehicular access.

For the purposes of this section, a standard-sized space shall be as defined in Section 33.A.3 and shall be exclusive of sidewalk area.
- i. Conditions for Accessory Dwellings:
 - (1) No more than two (2) persons shall occupy the Accessory Dwelling.
 - (2) The Owner shall occupy one of the dwelling units and for approval of an initial accessory dwelling, shall have occupied one of the dwelling units for a minimum of one (1) year immediately prior to approval of the Accessory Dwelling permit.
 - (3) Before a Certificate of Occupancy is issued for the Accessory Dwelling, the Owner shall file an affidavit of compliance with the Zoning Administrator in a form acceptable to the Zoning Administrator attesting to compliance with the conditions of this section, and shall do so annually thereafter, as well as when a new occupant(s) occupies the Accessory Dwelling and when any structural modifications are made to the Accessory Dwelling.
 - (4) The Owner shall permit annual inspections of the Accessory Dwelling by the Zoning Administrator or his designee upon reasonable notice to ensure compliance with the conditions of this section.

- (5) The Owner shall cooperate with the Zoning Administrator and his designee in ensuring compliance with conditions of this section and in the investigation of complaints of violations of this section.
- (6) The Owner shall advise all tenants of the Accessory Dwelling of the annual inspection requirement and obligation to cooperate with the Zoning Administrator in ensuring compliance with the conditions of this section.
- (7) Accessory uses shall not be permitted in the Accessory Dwelling except Home Occupations as permitted and regulated in Section 31.A.12.
- j. Failure to comply with the conditions in Subsection 31.A.19 will result in revocation of an Accessory Dwelling permit and of the Certificate of Occupancy for the Accessory Dwelling by the Zoning Administrator. Revocation of the Accessory Dwelling permit and revocation of the Certificate of Occupancy shall be effective after:
 - (1) A finding by the Zoning Administrator of violation;
 - (2) Notice with thirty (30) day opportunity to correct the violation; and
 - (3) A finding by the Zoning Administrator after thirty (30) days that the violation has not been corrected.
- k. Notwithstanding subsection 31.A.19.j, if more than three (3) violations of the provisions of subsection 31.A.19 are found to exist by the Zoning Administrator within a (1) one-year period, the permit may be revoked.
- l. The Zoning Administrator may approve not more than twenty-eight (28) permits for accessory dwellings in any one calendar year, excluding accessory dwelling permits approved under the provisions of this section to conform existing units created prior to January 1, 2009 to the requirements of this section.

(6-6-73; 9-7-74; 2-21-76; 5-22-76; 9-11-76; 5-14-77; 12-2-78; 6-9-79; 1-7-81; 2-21-81; Ord. No. 82-21, 5-20-82; Ord. No. 83-8, 3-19-83; Ord. No. 84-6, 3-3-84; Ord. No. 85-19, 6-1-85; Ord. No. 87-12, 5-2-87; Ord. No. 89-10, 5-13-89; Ord. No. 92-13, 4-25-92; Ord. No. 92-55, 12-12-92; Ord. No. 94-20, 7-9-94; Ord. No. 95-9, 4-29-95; Ord. No. 96-1, 1-20-96; Ord. No. 96-6, 5-11-96; Ord. No. 97-9, 5-17-97; Ord. No. 97-15, 7-19-97; 12-1-98; 3-18-03; 11-15-03; 7-10-04; Ord. No. 08-06, 07-21-2008; Ord. No. 08-06, 1-1-2009; Ord. No. 09-04, 4-25-09)

B. Height.

- 1. *Aircraft Landing Approach Area:* No building shall be erected, constructed, reconstructed, structurally altered, enlarged or moved within the limits of the Aircraft Navigational Aid Effect Area or Aircraft Landing Approach Area, as set forth and designated on the map entitled, "County of Arlington, Virginia--Zoning Plan--July 15, 1950, as amended," unless the Zoning Administrator shall have received a letter of clearance from the Federal Aviation Agency.
- 2. *Structures Permitted Above Height Limit*
 - a. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, radio towers, steeples, flagpoles, chimneys, smokestacks or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. Such structures shall not exceed twenty-three (23) feet. Penthouses shall be concealed by exterior architectural material of the same type or quality as that used on the exterior walls of the building.
 - b. Noncommercial radio towers or masts, excluding amateur radio antennas permitted by Subsection 31.B.2.e., may exceed the height limit by no more than twenty-five (25) feet.
 - c. Chimneys and smokestacks which are an integral part of a penthouse may exceed the height limit by no more than twenty-seven (27) feet.
 - d. County government and public school communication facilities may be erected to exceed the height limit or height of existing structures by no more than fifty (50) feet.
 - e. Amateur radio antennas shall not exceed seventy-five (75) feet in height above the ground level. In addition, they shall comply with all of the following requirements:

- (1) No amateur radio antenna, or support structure therefore shall be located in a front yard, or within twenty-five (25) feet from any street setback line or within ten (10) feet from any side or rear property line.
- (2) Amateur radio antennas shall be located only in side or rear yards. In a zoning district that does not require a rear yard, the antenna may be placed on a building's main roof, but not on the penthouse of the building. Amateur radio antennas are permitted to be placed in the side yard, only when they are attached to the existing main structures.

(Ord. No. 87-23, 9-1-87; Ord. No. 99-17, 7-13-99)

C. Area.

1. *Front Yards--Gasoline Pumps:* Gasoline pumps shall be erected at least ten (10) feet behind the building restriction line.
2. *Lot Area--Hotel:* A hotel shall have a lot area of not less than six hundred (600) square feet for each individual sleeping or living unit.
3. *Placement of Easements on Lots and Yards:* In town house or cluster development no required or provided lot or yard areas for a dwelling unit, in situations where there is one (1) dwelling per lot, shall be encumbered by common use or access easements.
4. *Erection of Building:* Every building hereafter erected shall be located on a lot with frontage on a public street having a minimum width of 30 feet as defined in this ordinance. In all "R" Districts, except in town house dwelling developments, there shall be no more than one (1) main residential building and its accessory buildings on one (1) lot.

(Ord. No. 82-18, 5-8-82)

D. Provision for Development on Certain Streets.

The Zoning Administrator shall have the authority to permit residential development on streets otherwise meeting the width requirements of this ordinance but on which a dwelling or dwellings, in existence before the adoption of this ordinance, encroach into the street right-of way; provided, however, that the proposed development shall not be permitted unless it is otherwise proper and the Zoning Administrator has approved a traffic engineering plan for the proposed development designed to minimize any adverse impact on health and safety caused by the encroaching dwelling or dwellings or increased by the proposed development.

(Ord. No. 88-1, 1-9-88)