



ARLINGTON COUNTY, VIRGINIA

ZOA-2023-08 | FBC-31 | N-FBC-18

**(Food delivery, Ghost kitchens;
Shared commercial kitchens)**

Adopted June 10, 2023 | Effective June 10, 2023

At the County Board regular meeting on June 10, 2023, on a motion duly made by County Board Vice-Chair Libby Garvey and seconded by County Board Member Takis P. Karantonis, the Arlington County Board unanimously adopted the following ordinance, effective immediately, to amend, reenact, and recodify the Arlington County Zoning Ordinance, Articles 7, 8, 11, 12, 18, Section 3 of Appendix A (Columbia Pike Special Revitalization District Form Based Code) and Part 9 of Appendix B (Columbia Pike Neighborhoods Special Revitalization District Form Based Code) to facilitate the following:

- A. Amend the definition, modify from a primary to an accessory use, and allow the establishment of food delivery service in the RA4.8, R-C, RA-H-3.2, C-1, MU-VS, 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, CP-FBC, CPN-FBC, CM, M-1, M-2 DISTRICTS; and to incorporate references to the aforementioned use into the ACZO's Commercial/mixed use (C) districts accessory use table, Industrial (M) districts accessory use table, and the Columbia Pike Form Based Code district accessory use table as set forth herein; and
- B. Amend and expand the definition of shared commercial kitchens, and allow the establishment of the aforementioned use in the RA4.8, R-C, RA-H-3.2, C-1, MU-VS, 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, CP-FBC, CPN-FBC, CM, M-1, M-2 DISTRICTS; to amend or establish use standards within the retail, service and commercial use categories and commercial/mixed use standards; and to incorporate references to the aforementioned uses into the ACZO's retail, service and commercial use categories, Commercial/mixed use (C) districts principal use table, Industrial (M) districts principal use table, and the Columbia Pike Form Based Code district principal use table; and
- C. Amend the definition of "food catering service" to "food catering establishment, large scale" and define "food catering establishment, small scale" in the RA4.8, R-C, RA-H-3.2, C-1, MU-VS, 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, CP-FBC, CPN-FBC, CM, M-1, M-2 districts; and
- D. Condense and clarify the terms *restaurants, limited*, *restaurants, general*, *restaurants, drive through*, and *restaurants, fast food* in the RA4.8, R-C, RA-H-3.2, C-1, MU-VS, 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, CP-FBC, CPN-FBC, CM, M-1, M-2 districts; amend or remove references to the aforementioned uses into the ACZO's retail, service and commercial use categories, Commercial/mixed use standards, commercial/mixed use (C) districts principal use table, Industrial (M) districts principal use table, and the Columbia Pike Form Based Code district principal use table, and Article 18 definitions as set forth herein; and
- E. Make other editorial changes for improved clarity and for other reasons required by public necessity, convenience, general welfare, and good zoning practice.

* * *

Approved amendments are shown underlined to denote new text and ~~struck through~~ to denote deleted text.

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Article 7. Commercial/ Mixed Use (C) Districts

§7.1. Commercial/Mixed Use (C) Districts Use Tables

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

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

		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	C-2	C-TH	C-3	C-R	Use Standards
Specific Use Types																					
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)																					
Food Establishments (See §12.2.5.B)	Artisan beverage	S	P		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	§12.5.31
	Food catering establishment, small scale	S	S		S			P		S	S	S	S	P	S	S	P	P	P	S	
	Food delivery services	C	C		C		U	U		C	C	C	C	U	C	C	U	C	U	U	
	Restaurants, general	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.22
	Restaurants, limited	S	S		S	P	P	P		S	S	S	S	P	S	S	P	P	P	P	§12.5.23
	Shared commercial kitchen	P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	§12.5.34
	<u>Shared commercial kitchen, limited</u>	U	U		U	U	U	U		U	U	U	U	U	U	U	U	U	U	U	§12.5.34
	<u>Shared commercial kitchen, open air</u>	U	U		U	U	U	U		U	U	U	U	U	U	U	U	U	U	U	§12.5.34

§7.1.3. Commercial/mixed use (C) districts accessory use table

Accessory uses in commercial/mixed use (C) districts shall include the following uses, activities and structures:

COMMERCIAL/MIXED USE (C) DISTRICTS ACCESSORY USE TABLE																					
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: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
<u>Food delivery services</u>		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

§7.17. C-2, Service Commercial-Community Business District

§7.17.6. Use Limitations

- A. For all uses other than artisan beverage, artisan workshop, and shared commercial kitchens, there shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail at these establishments, except as allowed for food delivery service.

Article 8. Industrial (M) Districts

§8.1. Industrial (M) Districts Use Tables

§8.1.2. Industrial (M) districts principal use table

Table §8.1.2 lists the principal uses allowed within the C districts.

INDUSTRIAL (M) DISTRICTS PRINCIPAL USE TABLE				
Use Category	Specific Use Types	CM	M-1	M-2 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)				
Food Establishments (See §12.2.5.B)	Artisan beverage	P	P	P §12.5.31
	Food delivery services	U	U	U
	Food c Catering establishment, small scale	P	P	P
	Restaurants, general	P	P	P §12.5.22
	Restaurants, limited	P	P	P §12.5.23
	<u>Shared commercial kitchen</u>	P	P	P §12.5.34
	Shared commercial kitchen, <u>limited</u>	P	P	P §12.5.34
	<u>Shared commercial kitchen, open air</u>	U	U	U §12.5.34
Industrial Use Categories (See §12.2.6)				
Manufacturing and Production (See §12.2.6.B)	Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or food large-scale catering establishments, <u>large scale</u>	P	P	P

§8.1.3. Industrial (M) districts accessory use table

Accessory uses in Industrial (M) districts shall include the following uses, activities and structures:

INDUSTRIAL (M) DISTRICTS ACCESSORY USE TABLE				
Use Types	CM*	M-1*	M-2*	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted				
<u>Food delivery services</u>	P	P	P	

Article 11. Overlay and Form Based Code Districts

§11.1. CF-FBC, Columbia Pike Form Based Code District

§11.1.5. Columbia Pike Form Based Code district principal use table

The following use table summarizes the principal use regulations of the CP-FBC district.

	Specific Use Types	CP-FBC	Use Standards
Retail, Service and Commercial Use Categories (See §12.2.5)			
Food Establishments (See §12.2.5.B)	Artisan beverage	P	§12.5.31
	Food catering establishment, small-scale	P	
	Food delivery service	U	
	Restaurant, general	P	§12.5.22
	Restaurant, limited	P	§12.5.23
	Shared commercial kitchen	P	§12.5.34
	Shared commercial kitchen, limited	U	§12.5.34
	Shared commercial kitchen, open-air	U	§12.5.34

§11.1.6. Columbia Pike Form Based Code district accessory use table

Accessory uses in Columbia Pike Form Based Code districts shall include the following uses, activities and structures.

COLUMBIA PIKE FORM BASED CODE DISTRICTS ACCESSORY USE TABLE		
Use Types	CP-FBC	Use Standards
<u>Food delivery services</u>	P	

§11.1.7. Use limitations

Accessory uses in Columbia Pike Form Based Code districts shall include the following uses, activities and structures.

- A. Except for artisan beverage and artisan workshop manufacturing, shared commercial kitchens, there shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail at these establishments.

Article 12. Use Standards

§12.2. Use Categories

§12.2.5. Retail, service and commercial use categories

B. Food Establishments

1. Characteristics

Establishments that prepare and sell food for on- or off-premise consumption.

2. Examples

Examples of food establishments include bakery; **food** catering establishments, small-scale; coffee shops; fast food; outdoor vendors with permanent facilities; shared commercial kitchens **(including limited and open-air)**; ~~food delivery establishments;~~ restaurants, ~~general;~~ ~~restaurant, limited;~~ and yogurt, ice cream or other specialty food shops.

3. Accessory Uses

Accessory uses include decks and patios for outdoor seating; drive-through facilities; live music; hookah bars; off-street customer and employee parking; outdoor cafés or service areas; **food delivery services; classrooms or meeting spaces;** and valet parking facilities.

4. Uses not included

~~Food catering establishment, large-scale~~ ~~Large-scale catering~~ (see Light Industrial Service).

§12.2.6. Industrial use categories

A. Light industrial service

1. ...

2. Examples

Examples of light industrial service include agricultural implement sales/service; building, heating, plumbing or electrical contractors; building maintenance facilities and services; **food** catering establishments, large-scale; contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site; carpet cleaning plants; clothing or textile manufacturing; commercial bakeries; crematoriums; dry cleaning plants; exterminators; mailing and stenographic services; manufacture or assembly of consumer equipment, instruments (including musical instruments), precision items and other electrical items; manufacture or production of artwork and toys; medical or dental laboratories; photo-finishing laboratories; printing, publishing and lithography, small scale; production of artwork and toys; research, testing and development laboratories; sign making; storage areas used as manufacturing uses; maintenance or repair yards and buildings; truck stop or truck plaza; vehicle and equipment maintenance facilities; vehicle storage lots and towing services; welding, machine and tool repair shops; woodworking, including cabinet makers and furniture manufacturing.

75 3. ...

76 4. **Uses not included**

77 Manufacture and production of goods from composting organic material (see Waste-
78 related Service); and **food** catering establishments, small-scale (see Food
79 Establishments); manufacture and maintenance of electric and neon signs, billboards,
80 or commercial advertising structures (see Manufacturing and Production); plumbing
81 or sheet metal shop (see Manufacturing and Production).

82 B. **Manufacturing and production**

83 1. ...

84 2. **Examples**

85 Bakery, large scale; boat works, small; **food** catering establishment, large-scale; food
86 and related products processing; food processing and packing; lumber mills;
87 manufacture or production of chemical, rubber, leather, clay (previously pulverized
88 only), bone, plastic, stone, or glass materials or products; manufacture or assembly of
89 appliances, heating or ventilating ducts and equipment, machinery, or vehicles;
90 manufacture and maintenance of electric and neon signs, billboards, or commercial
91 advertising structures; manufacture, production or fabrication of metals or metal
92 products including enameling and galvanizing, manufactured housing unit production
93 and fabrication; monument works; ornamental iron work shop; printing, publishing
94 and lithography, large scale; pulp and paper mills and other wood products
95 manufacturing; research laboratory, including but not limited to pure research,
96 product development, pilot plants and research manufacturing facilities; weaving or
97 production of textiles or apparel.

98 **§12.5. Commercial/Mixed Use Standards**

99 ~~§12.5.22. Restaurant, general~~

100 ~~Delivery of food and beverages to off-site locations is permitted when it involves less than 30~~
101 ~~percent of the amount of the sales from these restaurants, subject to approval of a use~~
102 ~~permit pursuant to the requirements of §15.4~~

103 ~~§12.5.23. Restaurant, limited~~

104 ~~Less than 50 percent of the food is served to conventional restaurant tables at which~~
105 ~~customers sit to order and eat. Delivery of food and beverages to off-site locations is~~
106 ~~permitted when it involves less than 20 percent of the amount of the sales from these~~
107 ~~restaurants.~~

108 **§12.5.34. Shared Commercial Kitchens**

109 A. **Shared Commercial Kitchens**

110 1. In commercial/mixed use (C) districts and industrial (M) districts, commercial kitchens
111 are permitted by-right.

- 112 2. A minimum of five percent (5%) of the gross floor area shall be required for retail, on-
113 site dining, and/or incubator education facilities on-site.
- 114 **B. Shared Commercial Kitchens, Limited**
- 115 1. In commercial/mixed use (C) districts, limited shared commercial kitchens are
116 permitted by use permit approval pursuant to the requirements in §15.4.
- 117 2. In industrial (M) districts, limited shared commercial kitchens are permitted by-right
118 unless considered a mobile food unit as specified in the Code of Virginia.
- 119 **C. Shared Commercial Kitchens, Open-Air**
- 120 1. In commercial/mixed use (C) districts and industrial (M) districts, open-air shared
121 commercial kitchens are permitted by use permit approval pursuant to the
122 requirements in §15.4.

Article 14. Site Development Standards

§14.3. Parking and Loading

§14.3.6. Parking in Metro station areas

A. Uses exempted from parking requirements

...

1. ...

2. Retail and service-commercial uses

Retail and service-commercial uses for the first 5,000 sq. ft. of floor area per main building, except the following uses which shall not be granted the exemption blueprinting or photostating; **food** catering establishment, large-scale; feed or fuel store; frozen food lockers; ice storage house; indoor swimming pools; medical or dental offices, clinics and laboratories; vehicle sales, rental or leasing facilities ; vehicle storage lots; music conservatory or music instruction; plumbing or sheet metal shops; printing, lithographing or publishing; public service, including electric distribution substation, fire or police station, telephone exchange and the like; sign making shop; trade or commercial school; vehicle service establishment.

Article 18. Definitions

§18.2. General Terms Defined

Food catering ~~establishment service, large scale.~~ A business establishment of greater than 8,000 square feet that provides food or beverages or both, along with the necessary accessories for serving these products for social, institutional or business events at sites off the business establishment's premises. ~~Food or beverages prepared for ordinary, in-home meals or for individual, resident or guest consumption is not "catering" but when delivered, it is a "food delivery service."~~

Food catering establishment, small scale. A business establishment of no more than 8,000 square feet that provides food or beverages or both, along with the necessary accessories for serving these products for social, institutional, or business events at sites off the business establishment's premises.

Food delivery service. A service provided by a food establishment, as specified in §12.2.5.B, that preparation of food and beverages to fills delivers orders of prepared food and beverages to off-site locations for customers via automobile, pedestrian, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped.

~~Restaurant, drive through. Any restaurant constructed to sell, or which sells food and beverages to customers who are in a motor vehicle. See also "restaurant, fast food".~~

~~Restaurant, fast food. A restaurant where the principal business is the sale of food and/or beverages in a ready-to-consume state for consumption and whose principal method of operation is characterized by the service of food and/or beverages in disposable containers, to be consumed either (1) Within the restaurant building; (2) Within a motor vehicle on the premises; or (3) Off premises as carry-out orders, including drive-through facilities. (See also §12.9.7)~~

Shared commercial kitchen. ~~A~~ food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products ~~for that includes related services~~ such as on-site consumption, delivery, or small-scale distribution, as well as additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services. ~~one or both of the following characteristics:~~

~~(1) Two or more operators utilizing the same facility for a fee.~~

~~(2) One or more operator utilizing the same facility for food and beverage-related workshops.~~

Shared commercial kitchen, limited. A shared commercial kitchen which provides services including delivery, small-scale manufacturing and distribution, and/or small-scale catering but does not include additional services such as retail, on site dining, or culinary educational/incubator training.

Shared commercial kitchen, open air. A limited shared commercial kitchen that is considered a mobile food unit as specified in Code of Virginia and is located in off-street, private locations.

Columbia Pike Form Based Code (Appendix A)

Part 3. Regulation Plans

Table 3.1: Form Based Code Ground Story Use Table

Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Restricted on Principal Arterials per III.B.5.D	ACZO Use Standards
Key; P – allowed by-right; U = requires use permit approval; Blank cell = not permitted				
Retail, service and Commercial Use Categories				
Food Establishments (see §12.2.5.B)	Restaurant, general	P		§12.5.22
	Restaurant, limited	P		§12.5.23
	Food delivery service	P U	Yes	
	Food Catering establishment, small scale	P U on Principal Arterials	Yes	
	Shared commercial kitchens	P		§12.5.34
	Shared commercial kitchens, limited	U		§12.5.34
	Shared commercial kitchens, open air	U		§12.5.34

Columbia Pike Neighborhoods Form Based Code (Appendix B)

Part 9. Building Use Standards

Section 901. Building Use Table

Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	ACZO (§) and N-FBC (Section) Use Standards
Ground Story Commerce			
Food Establishments (see §12.2.5.B)	Shared commercial kitchens	P	§12.5.34
	Shared commercial kitchens, limited	U	§12.5.34
	Shared commercial kitchens, open air	U	§12.5.34
	Food catering establishment, small scale	P	
	All other food establishments		
Retail			
Food Establishments (see §12.2.5.B)	Restaurant, limited	P	§12.5.23
	Food delivery service	U P	
	Restaurant, general	P	§12.5.22