

Attachment 2

In this draft:

-Underline is used to denote text proposed to be added;

-~~Strikethrough~~ is used to denote text proposed to be removed; and

-Explanatory notes are shown in yellow, as shown here, and are not meant to be adopted.

Article 4. Public (P) Districts

§4.1. Public (P) Districts Use Tables

§4.1.2 Public (P) districts principal use table

Table §4.1.2 lists the principal uses allowed within the P districts.

PUBLIC (P) DISTRICTS PRINCIPAL USE TABLE

Use Category	Specific Use Types	S-3A	S-D	P-S	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Other use categories (See §12.2.7)					
Agriculture (See §12.2.7.A)	All agricultural uses				
Resource Extraction (See §12.2.7.B)	All resource exaction uses				
Telecommunications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	
	Telecommunications facilities	P U	P U	P U	§12.7.2
	<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Unclassified (See §12.2.7.D)					

§4.1.4 Public (P) districts accessory uses table

Accessory uses in Public (P) districts shall include the following uses, activities and structures:

Public (P) Districts Accessory Uses				
Specific Use Types	S-3A	S-D	P-S	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted				
Small cell or micro-wireless facilities	P	P	P	
Telecommunications facilities	P U	P U	P U	§12.7.2
<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Family day care homes	P	P	P	§12.9.9

Article 5. Residential (R) Districts

§5.1. Residential (R) Districts Use Tables

§5.1.2. Residential (R) districts principal use table

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

RESIDENTIAL (R) DISTRICTS PRINCIPAL USE TABLE										
Use Category	Specific Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Other use categories (See §12.2.7)										
Agriculture (See §12.2.7.A)	All agricultural uses	P	P	P	P	P	P	P	P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses									
Telecommunications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	P	P	P	P	P	§12.7.2
	Telecommunications facilities	P U	P U	P U	P U	P U	P U	P U	P U	
	<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Unclassified (See §12.2.7.D)										

§5.1.4. Residential (R) districts accessory use table

Accessory uses in residential (R) districts shall include the following uses, activities and structures:

RESIDENTIAL (R) DISTRICTS ACCESSORY USE TABLE										
Use Types	R-20	R-10	R-10T	R-8	R-6	R-5	R15-30T	R2-7	Use Standards	
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted										
Small cell or micro-wireless facilities	P	P	P	P	P	P	P	P		
Telecommunications facilities	P U	P U	P U	P U	P U	P U	P U	P U	§12.7.2	
<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>	
Recreational vehicle or trailer parking	P	P	P	P	P	P	P	P	§12.9.16	
Vehicle maintenance and minor repairs, routine	P	P	P	P	P	P	P	P	§12.9.18	
Vehicle, unlicensed and/or uninspected.	P	P	P	P	P	P	P	P	§12.9.19	

Article 6. Multiple-Family (RA) Districts

§6.1. Multiple-family (RA) Districts Use Tables

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

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

Multiple-family (RA) Districts Use Table						
Category	Specific Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted						
Other use categories (See §12.2.7)						
Agriculture (See §12.2.7.A)	All agricultural uses	P	P		P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses					
Telecommunications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	P	
	Telecommunications facilities	P U	P U	P U	P U	§12.7.2
	Temporary telecommunication support structures	P	P	P	P	§12.7.3

§6.1.4 Multiple-family (RA) districts accessory use table

Accessory uses in residential apartment (RA) districts shall include the following uses, activities and structures:

MULTIPLE-FAMILY (RA) DISTRICTS ACCESSORY USE TABLE

Use Types	RA14-26	RA8-18	RA7-16	RA6-15	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
Small cell or micro-wireless facilities	P	P	P	P	
Telecommunications facilities	P U	P U	P U	P U	§12.7.2
<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Vehicle maintenance and minor repairs, routine	P	P		P	§12.9.18
Vehicle, unlicensed and/or uninspected	P	P		P	§12.9.19

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.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
	Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																					
Other use categories (See §12.2.7)																					
Agriculture (See §12.2.7.A)	All agricultural uses	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses																				
Tele-communications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Telecommunications facilities	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	P U	§12.7.2
	<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Unclassified (See §12.2.7.D)																					

§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																				
Small cell or micro-wireless facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunications facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§12.7.2
<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Vehicle maintenance, routine	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.18

COMMERCIAL/MIXED USE (C) DISTRICTS ACCESSORY USE TABLE

Use Types	RA-4.8	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																				
Vehicle, unlicensed and/or inspected	P	P		P	P	P		P	P	P	P	P	P	P		P		P	P	§12.9.19

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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 M 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					
Other use categories (See §12.2.7)					
Agriculture (See §12.2.7.A)	All agricultural uses	P	P	P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses				
Tele- communications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	P	P	
	Telecommunications facilities	P U	P U	P U	§12.7.2
	<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Unclassified (See §12.2.7.D)					

§8.1.3. Industrial (M) districts accessory use table

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

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				
Swimming pools, private	P	P	P	§12.9.17
Recreational vehicle or trailer parking	P	P	P	§12.9.16
<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.7.3</u>
Vehicle maintenance, routine	P	P	P	§12.9.18
Vehicle, unlicensed and/or inspected	P	P	P	§12.9.19

Article 11. Overlay and Form Based Code Districts

§11.1. CP-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.

COLUMBIA PIKE FORM BASED CODE DISTRICT PRINCIPAL USE			
	Specific Use Types	CP-FBC	Use Standards
Other use categories (See §12.2.7)			
Agriculture (See §12.2.7.A)	All other agricultural uses	P	§12.7.1
Resource Extraction (See §12.2.7.B)	All resource extraction uses		
Tele- communications Facilities (§12.2.7.C)	Small cell or micro-wireless facilities	P	
	Telecommunications facilities	P U	§12.7.2
	<u>Temporary telecommunication support structures</u>	<u>P</u>	<u>§12.7.3</u>
Unclassified (See §12.2.7.D)	All unclassified uses		

Article 12. Use Standards

§12.2. Use Categories

§12.2.4. Public, civic and institutional use categories

K. Utilities

1. Characteristics

Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or the general community and may have on-site personnel (major utility).

2. Examples

(a) Minor

Examples of minor utilities include lift stations; public transit facilities, including bus shelters, bike share stations; stormwater retention and detention facilities; stormwater pumping stations; flood walls; traction power stations; and water and wastewater pump stations.

(b) Major

Examples of major utilities include electrical generating plants and substations; electrical transmission facilities; incinerators; telephone exchanges; television and radio broadcasting transmitters; static transformer stations; commercial and public utility radio towers; water and wastewater treatment plants; water storage facilities; railroads and railroad right-of-way and tracks.

3. Accessory uses

Accessory uses include car-sharing; control, monitoring, data or transmission equipment; parking; cell antennae; storage; and security measures, such as fences.

4. Uses not included

Governmental uses (see Governmental Facilities); maintenance or repair yards and buildings (see Light Industrial Service); park-and-ride facilities (see commercial parking); railroad car barns, yards, sidings and shops (see Heavy Industrial); reservoir (see Parks and Open Areas); small cell, wireless, and telecommunications facilities and temporary telecommunication support structures (see Telecommunications Facilities); TV and radio studios; and utility offices (see Office).

§12.2.7 Other use categories

C. Telecommunications facilities

1. Characteristics

Telecommunications facilities are signal distribution systems used or operated by a

telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) accessory building and equipment such as signal transmission cables and miscellaneous hardware.

2. Accessory uses

Accessory uses may include transmitter facility buildings.

3. Examples

Examples include small cell facilities, micro-wireless facilities, wireless facilities, attached telecommunications equipment, broadcast towers, temporary telecommunication support structures; point-to-point microwave towers; telecommunications support towers.

4. Uses not included

Amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator and receive-only antennas (see Accessory Uses); radio and television studios (see Office category); direct broadcast satellite dishes (see Household Living).

§12.7. Other Use Standards

§12.7.2 Telecommunications Facilities

Telecommunications facilities are permitted by-right, provided new facilities and structures less than 50 ft. above ground level are:

- A. Not more than 10 ft. above the tallest existing utility pole located within 500 ft. within the same public right-of-way or within the existing line of utility poles; and
- B. Not located within the boundaries of any local, state, or federal historic district; and
- C. Designed to support small cell facilities.

New telecommunications facilities or structures that are 50 ft. or more above ground level require special exception use permit approval.

§12.7.3 Temporary Telecommunication Support Structures

A. Temporary telecommunication support structures are permitted by-right for a period of up to 180-days, provided that each application for a temporary telecommunication support structure shall demonstrate conformance with §15.2-2316.4:4.B of the Code of Virginia.

B. The Zoning Administrator may approve extensions beyond the initial approval period, provided:

- 1. Request is made in writing prior to the expiration of the initial approval period or current extended approval period; and

- 142 2. The applicant demonstrates that the extension is reasonably necessary to resolve or
143 accommodate the reasons for the initial approval; and
- 144 3. The total time approved for extensions, including the initial 180-day period, shall not
145 exceed two years.
- 146 C. Temporary telecommunication support structures shall be removed at the cost of the
147 owner and the site shall be restored to its previous condition within 48 hours of the end of
148 the approval period.

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Article 15. Administration and Procedures

§15.1. Common Procedures

§15.1.5. Fees

A. Fees

1. The County Board shall adopt a schedule of fees to be paid upon the filing of each application, permit and inspection required by this zoning ordinance.
2. Each application or other request for any permit, inspection or subdivision plat submitted for review for compliance with this zoning ordinance or site plan or use permit conditions shall be accompanied by a fee in accordance with the schedule adopted by the County Board.

B. Refunds

1. Refunds of Filing fees to applicants who have paid fees shall be provided upon written request to the zoning administrator, only under the following circumstances and in the amounts stated for the types of permits referenced below:
 - (a) Fifty percent of the amount of filing fees paid shall be refunded to the applicant upon written withdrawal of site plan applications or site plan amendment applications (other than administrative changes) within 90 days after submittal of such application and prior to any public meeting of the Planning Commission or committee thereof which meeting has the site plan application on its agenda;
 - (b) Fifty percent of the amount of filing fees paid shall be refunded to the applicant upon written withdrawal of use permit applications (other than use permits including new construction) prior to publication of notice of public hearing on such application;
 - (c) Fifty percent of the amount of filing fees paid shall be refunded to the applicant upon written withdrawal within of the following applications within 30 days after submittal of the subject application, and prior to commencement of review by any County staff person of such application:
 - (1) Applications for use permits involving new construction;
 - (2) Applications for administratively-reviewed Form Based Code developments;
 - (3) Applications for Board of Zoning Appeals use permits;
 - (4) Variance applications;
 - (d) Seventy-five percent of the amount of the filing fees paid shall be refunded to the applicant or reduced for the following applications if the subject application is withdrawn prior to commencement of review by any County staff person:
 - (1) Applications for administrative change;

- 188 (2) All applications for Special General Land Use Plan (GLUP) Studies and Special
189 GLUP Study Plus projects except for Initial Special GLUP Study and Initial
190 Special GLUP Study Plus applications.
- 191 (3) All other permit applications not otherwise specifically referenced in this
192 §15.1.5
- 193 (e) All filing fees paid shall be refunded to the applicant upon written withdrawal of
194 any application for a certificate of occupancy prior to any visit by the County to the
195 subject property for the purpose of inspection;
- 196 2. All filing fees paid shall be refunded to the applicant for applications administratively
197 withdrawn by the zoning administrator after a finding that the application was
198 accepted in error.

Note: the following paragraph was previously codified as 36.N on November 6, 2012, prior to the adoption of the reformatted Zoning Ordinance on May 18, 2013, but was never incorporated into the Ordinance. It is shown here, with markup, as §15.1.5.C

- 199 C. **Payment of Delinquent Taxes, Fees, and Other Charges as a Condition of**
200 **Issuance.**
- 201 Prior to the initiation of an application by ~~the a property~~ owner ~~of the subject property~~,
202 the owner's agent, or any entity in which ~~the an~~ owner holds an ownership interest
203 greater than 50 percent, for a special exception use permit, special exception site plan,
204 special use permit, variance, rezoning or other ~~land disturbing~~ permit involving the
205 disturbance of land, including building permits, for which review is regulated by this
206 zoning ordinance, including building permits and erosion and sediment control permits, or
207 prior to the issuance of final approval, the applicant shall produce satisfactory evidence
208 that any delinquent real estate taxes, nuisance charges, stormwater management utility
209 fees, and any other charges that constitute a lien on the subject property, that are owed
210 to the ~~locality~~ County and have been properly assessed against the subject property, have
211 been paid.

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Article 17. Violations, Enforcement and Penalties

§17.3. Civil Penalties

- A. Except in case of the violation of any provisions of this zoning ordinance listed in §17.3.3, any violation of the provisions of this zoning ordinance shall be deemed a civil violation and, upon an admission of liability or finding of liability, the owner, lessee, tenant or agent shall be subject to a civil penalty of \$200 for the first violation. Any person who continues to violate such provision of this zoning ordinance after the imposition of the first penalty, shall be subject to a civil penalty of not more than \$500, or such lesser amount so that the total amount of fines imposed will not exceed a total of \$5,000 arising out of the same set of facts, for each subsequent violation. No person shall be cited for a violation more than once in any 10-day period, and no person shall be fined more than a total of \$5,000 for all violations arising out of the same set of facts.
- B. Civil penalties shall be assessed only after a written violation notice has been issued to the owner shown in the property tax records, which violation notice has provided a reasonable period of time to correct, or in instances where corrective measures will take time to complete, to commence and diligently pursue correction of the violation. Except for good cause shown, a reasonable period of time shall be a minimum of 10 days. Civil penalties shall be imposed by the issuance of a civil summons/ticket by the zoning administrator or deputy. Any person served with a summons/ticket shall be informed of his/her right to stand trial and of his/her responsibility to request within 30 days, said trial in General District Court. Any person may waive his/her right to trial by appearing in person or by mail and executing a Waiver of Trial and Admission of Liability and paying the fine to the Treasurer of Arlington County, Virginia. Aggrieved persons also have the right to appeal the violation Notice to the Board of Zoning Appeals within 30 days of the date of the violation notice. An aggrieved person may elect instead, at his/her option, to appeal a ticket/summons to the Board of Zoning Appeals within 30 days of issuance, or within 10 days for those violations listed in §17.3.C, below. In the event a person served with a violation notice and/or summons/ticket has, within 30 days of the date of violation notice and/or summons/ticket, or within 10 days for those violations listed in §17.3.C, neither:
1. Requested a hearing date in General District Court; nor
 2. Admitted liability and paid the fine; nor
 3. Filed an appeal of the violation notice with the Board of Zoning Appeals, then the determination of a violation shall be final and not subject to further appeal.
- C. As provided for in the Code of Virginia the following violations shall have the right to appeal a violation notice within 10 days of the date of issuance:
1. Parking of commercial trucks in residential districts.
 2. Maximum occupancy limitation of a residential dwelling unit.
 3. The storage or disposal of nonagricultural excavation material, waste, and debris.

256 4. Temporary or seasonal commercial uses.

257 5. Similar, short-term recurring violations.

258 D. The demolition, razing or moving of a building or structure which is located in a historic
259 overlay district without the prior approval of the Historical Affairs and Landmark
260 Review Board (Review Board) and/or the County Board as provided in §15.7 shall be
261 punishable by civil penalty.

262 1. Such penalty shall not exceed twice the market value of the property as
263 determined by the assessed value of the property at the time of destruction or
264 removal of the building or structure, and shall include the value of any structure
265 and the value of the real property upon which any such structure was located.

266 2. Enforcement under the sections shall be by bringing an action in the name of the
267 county in Circuit Court by the county attorney, upon request of the zoning
268 administrator, and such action shall be brought against the party or parties
269 deemed responsible for such violation.

270 3. The remedies provided for in the sections are not exclusive and shall be in addition
271 to any other remedies provided by law.

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274 Article 18. Definitions

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277 §18.2. General Terms Defined

278 For the purposes of this zoning ordinance certain terms and words used herein shall be defined and
279 interpreted as follows.

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282 Temporary telecommunication support structure. A monopole or portable wireless communications
283 facility used to provide wireless voice, data, or image transmission within a designated area. A
284 temporary telecommunication support structure does not have a permanent location on the
285 ground, including the pouring of a concrete footing or the laying of a permanent foundation.

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