



MEMORANDUM

To: Zoning Committee of the Planning Commission (ZOCO) **Date:** June 11, 2026

From: Lindsey Klein, AICP, Principal Planner, and Stephen Risse, PRIM Supervisor
Department of Community Planning, Housing and Development

Subject: Zoning Ordinance Amendments – Code of Virginia Consistency

The purpose of this memo is to inform ZOCO members that staff is preparing a Request to Advertise for the July 18, 2026 County Board meeting, for a Zoning Ordinance amendment to update select provisions of the Arlington County Zoning Ordinance (ACZO) to ensure consistency with the Code of Virginia.

These updates include statutorily-required policy changes. Accordingly, a ZOCO meeting is scheduled to review and discuss the proposed amendments prior to County Board consideration of the Request to Advertise.

BACKGROUND

Recent legislative changes adopted by the Virginia General Assembly related to telecommunications facilities, which become effective July 1, 2026, necessitate updates to the Arlington County Zoning Ordinance (ACZO), including potential amendments to the Columbia Pike – Form Based Code. In addition, certain provisions of the Code of Virginia that have been in place for several years allow local governments to incorporate provisions in the Zoning Ordinance to facilitate enforcement, yet the ACZO has not been updated to reflect those provisions. Separately, the County Board adopted amendments on November 17, 2012, to incorporate delinquent tax provisions from the Code of Virginia, but those amendments were never fully incorporated into the ACZO. The proposed amendments are intended to align the ACZO with provisions of the Code of Virginia that govern telecommunications facilities, the payment of delinquent taxes and fees, and the civil penalties process.

DISCUSSION

Telecommunications Facilities

During the 2026 General Assembly session, [House Bill 876](#) (HB876) was enacted, which amended the Code of Virginia by adding § 15.2-2316.4:4 to establish requirements for regulating temporary telecommunication support structures, a new subtype of telecommunications facility defined as a “monopole or portable wireless communications facility used to provide wireless voice, data, or image transmission within a designated area. A temporary telecommunication support structure does not have a permanent location on the ground, including the pouring of a concrete footing or the laying of a permanent foundation.” The Code of Virginia requires these structures

to be permitted by local zoning ordinances for a limited duration (i.e., 180 days, with extension for up to two years total) and under defined conditions.

To comply with this statutory mandate, the proposed amendments would:

- Add "temporary telecommunication support structures" as a by-right use in all zoning districts;
- Establish new use standards to regulate the duration, eligibility, and removal of temporary telecommunications support structures in accordance with the statute;
- Update the use categories § 12.2.4.K, Utilities, and § 12.2.7.C, Telecommunications Facilities to incorporate this use; and
- Add a definition for "temporary telecommunication support structures."

These changes represent a modification to existing County policy; however, they are required to maintain compliance with the Code of Virginia. Failure to incorporate these provisions would result in such uses being permitted by-right without local oversight. The Code of Virginia continues to regulate all other wireless telecommunications facilities as already codified in the ACZO, thus requiring no additional changes for those types of facilities.

Payment of Delinquent Taxes and Fees

On March 21, 2012, the Governor of Virginia approved duly enacted legislation that amended and reenacted [§15.2-2286.B](#) of the Code of Virginia to read in relevant part:

Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

In 2012, the County Board adopted amendments to Section 36 of the ACZO to incorporate the above text from §15.2-2286.B. However, these amendments were never fully incorporated into the ACZO, which has since been substantially reformatted.

Code of Virginia §15.2-2286.B and the proposed amendments to the ACZO reflect the basic principle that no entity or individual should be granted a governmental privilege if it has not met its obligation to that government to pay timely all duly assessed taxes. Other jurisdictions that expressly require applicants to pay all delinquent real estate taxes in their respective zoning ordinances include the Counties of Albermarle (§33.4 - §34.6) and James City (§24-24) and the Cities of Charlottesville (§5.2), Manassas Park

(§31-52(d)), Newport News (§45-3203 – §45-3208), Richmond (§30-456 - §30-1160), and Roanoke (§ 36.2-510(a)(2)).¹

Because this provision was never fully incorporated into the ACZO, the proposed amendment would reintroduce and clarify this requirement within Article 15 of the ACZO to address those items in the provision that are administered under the Zoning Ordinance, to aid in the collection of delinquent taxes and thereby ensure fundamental fairness to all taxpayers and citizens.

Civil Penalties Process

As established in [§15.2-2311](#) of the Code of Virginia, appeals of zoning decisions must be filed within 30 days of the contested decision. However, [§15.2-2286.A](#) of the Code of Virginia establishes a shorter appeal period in certain cases, as read in relevant part:

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving (a) the storage or disposal of nonagricultural excavation material, waste, and debris or (b) temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

The Code of Virginia created the above provision in 2000, with amendments in 2009 and 2025, to allow local jurisdictions to establish shorter appeal periods (not less than 10 days) for notices of violation for certain uses. In 2009, the ACZO was amended to include limited application of this provision, creating a 10-day appeal period for: 1) parking of commercial trucks in residential districts, and 2) the maximum occupancy limitation of a residential dwelling unit. However, the Code of Virginia also grants local jurisdictions the ability to establish a 10-day appeal period for the storage or disposal of nonagricultural excavation material, waste, and debris, temporary or seasonal commercial uses, and short-term, recurring violations.

The proposed ACZO amendments would update Article 17 to clarify the County's statutory authority to enforce a 10-day appeal period for violations associated with the storage or disposal of nonagricultural excavation material, waste, and debris, temporary or seasonal commercial uses, and short-term, recurring violations. These amendments would provide the County with the ability to enforce short-term and temporary uses that may need to be addressed within a shorter timeframe than the standard 30-day provision allows, such as outdoor cafes or events of limited duration. In addition, the amendments would more closely align the ACZO with the Code of Virginia.

¹ Fairfax County and the City of Alexandria do not codify § 15.2-2286(B) in their zoning ordinances. The City of Falls Church includes an internal administrative check of tax status on its application forms and Loudoun County implements the provision administratively through application requirements, despite not codifying it in their zoning ordinances.

PUBLIC ENGAGEMENT:

In addition to this Zoning Ordinance Committee of the Planning Commission (ZOCO) meeting, the proposed amendments to align local zoning requirements with the Code of Virginia relating to telecommunications facilities, payment of delinquent taxes, fees, and other charges as a condition of any type of land use authorization, and the civil penalties process will be circulated to stakeholders including the Chamber of Commerce, NAIOP (Commercial Real Estate Development Association) of Northern Virginia, the Form Based Code Advisory Working Group, and the County's Business Improvement Districts (BIDs) and Partnerships.

SCHEDULE

The anticipated public hearing schedule for the proposed amendments is as follows:

- July 18, 2026: County Board Request to Advertise
- Not before October 5, 2026: Planning Commission final consideration
- Not before October 17, 2026: County Board final consideration

ATTACHMENTS

Attachment 1 – Draft Zoning Ordinance Amendments

Attachment 2 – Draft Columbia Pike Neighborhoods Form Based Code Amendments