



## ARLINGTON COUNTY, VIRGINIA

**ZOA-2023-12**

**(Use Permits for Public Space Design Processes)**

Adopted December 19, 2023

Effective December 19, 2023

At the County Board regular meeting on December 19, 2023, on a motion duly made by County Board Vice-Chair Libby Garvey and seconded by County Board Chairman Christian Dorsey, the Arlington County Board unanimously adopted the following ordinance, effective immediately, as shown in [Attachment 2 of the staff report](#) to amend, reenact, and recodify the Arlington County Zoning Ordinance, Articles 3, 4, 12, 13, and 14, to facilitate the following:

- A. Allowing modifications of maximum height and minimum setback standards by the County Board through use permit approval for structures in publicly owned and/or publicly operated parks and open spaces;
- B. Allowing modifications of maximum height standards for fences and walls by the County Board through use permit approval for fences and walls in publicly owned and/or publicly operated parks and open spaces;
- C. Allowing modifications of minimum parking requirements by the County Board through use permit approval for uses in publicly owned and/or publicly operated parks and open spaces;
- D. Establishing findings for the County Board to account for when approving modifications through use permit of the aforementioned standards;
- E. Allowing modifications of maximum height standards for athletic field lighting by the County Board through use permit approval at schools and in publicly owned parks and open spaces, so long as the lighting was an existing improvement as of the effective date of this zoning ordinance amendment;
- F. Revising sign standards to permit greater flexibility in the placement of flag poles and freestanding signs within publicly owned and/or publicly operated parks and open spaces; and,
- G. Making additional editorial changes for improved clarity, and for other reasons required by public necessity, convenience, general welfare, and good zoning practice.

\* \* \*

Approved amendments are shown with **bold underline** to denote new text and **~~bold strikethrough~~** to denote deleted text.

# Article 3. Density and Dimensional Standards

## §3.2. Bulk, Coverage and Placement Requirements

### §3.2.6. Placement

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval or as otherwise specifically provided in this Zoning Ordinance:

#### A. Setbacks (required yards)

1. ...

...

#### 3. Encroachments allowed into required yards and courts

The following encroachments shall be allowed into required yards and courts.

(a) No building or structure, or addition thereto, other than walls or fences, shall encroach into a required yard or court; except that:

(1) ...

...

(8) The following structures associated with publicly owned and/or publicly operated parks and open spaces, as specified in §12.2.4.F, may encroach into a required setback from any street:

- i. Accessory structures which serve the users of the park and/or open space, such as but not limited to seating, gateway/entrance features, shade structures, and planters;
- ii. Accessory structures which support athletic or leisure activity, such as but not limited to performance stages, athletic or small game courts, and, play equipment, and;
- iii. Pedestrian and trail lighting, not to exceed 15 feet in height.

(e) Fences and walls are permitted to encroach into required setbacks and yards as follows:

(1) Fences and walls up to 4 feet in height are permitted to encroach into any required street setback, except:

i. ...

ii. On any lot used for publicly owned and/or publicly operated parks and open spaces, as specified in §12.2.4.F, fences and walls up to 8 feet in height are permitted in any-required street setback.

(2) Fences and walls up to 7 feet in height are permitted in any required rear or side yard, except:

i. ...

- ii. On any lot used for publicly owned and/or publicly operated parks and open spaces, as specified in §12.2.4.F, fences and walls up to 8 feet in height are permitted in any required rear or side yard.

## Article 4. Public (P) Districts

## §4.2. S-3A, Special Districts

#### §4.2.4. District use standards

Use standards applicable to specific uses in the S-3A district include

### A. Elementary, middle and high schools

For schools as described in §12.2.4.I, the County Board may, subject to approval of a use permit as provided in §15.4:

1. ...

...

3. Modify setbacks in §3.2.6.A and the density and dimensional standards in §4.2.3 above for all buildings and accessory buildings, **as well as athletic field lighting existing as of December 19, 2023**, provided it finds that:

- (a)** The scale and massing of the school development project are compatible with existing and planned development abutting and across the street from the school development project;
- (b)** The school development project incorporates a design that facilitates utilization of the range of transportation options available in the vicinity of the school development project;
- (c)** The school development project balances opportunities for providing open space and recreational amenities within the school development project in a manner appropriate for the size and location of the development project; and;
- (d)** The school development project emphasizes energy conservation and environmental sustainability through architectural design, materials, construction methods, and site design.

## Article 12. Use Standards

### §12.4. Public and Civic Use Standards

#### §12.4.10. Parks and open space

Parks and open spaces as specified in §12.2.4.F. shall be allowed subject to the following conditions:

##### A. Modifications for publicly owned and/or publicly operated parks and open spaces

1. The County Board may, through use permit approval as specified in §15.4, modify the following regulations for structures located within publicly owned and/or publicly operated parks and open space:

(a) Maximum height requirements as specified in the district standards for the particular lot; or,

(b) Minimum setback requirements and maximum fence/wall height requirements, as specified in §3.2.6.A.

2. In addition to the required findings specified in §15.4.3, the County Board may modify the regulations specified in §12.4.10.A provided it finds that:

(a) The modification would result in improved recreational amenities appropriate for the size and scale of the lot; or,

(b) The modification would support the protection, restoration, and/or expansion of natural resources.

3. Notwithstanding the modification authority specified in §12.4.10.A.1, under no circumstances shall the County Board modify the maximum height of athletic field lighting unless the lighting was existing as of December 19, 2023.

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Article 13. Use Standards


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§13.10. Signs in Public Districts and on Public Property in any

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District

§13.10.6 Flags	
<b>A. Defined</b> A piece of cloth or other material affixed to a pole on two corners.	
<b>B. General standards</b>	
Maximum number of poles	3
Maximum height of pole	45 ft.
Maximum flags per pole	2
Maximum flag size	60 sq. ft.
Maximum total flag area	180 sq. ft.
Permit required?	No
Separate lighting?	Yes
Automatic changeable copy?	No
Commercial messages?	No
Included in aggregate sign area?	No
<b>C. Other standards</b> <del>Flagpoles shall be located as shown on an approved site plan; if there is no approved site plan for the property and no site plan is required, flagpoles shall be located within 30 feet of the principal entrance to the main building.</del>	



## §13.10.7 Freestanding signs

### A. Defined

A sign that is affixed to the ground, or to a wall that is not part of a building, or to a fence; freestanding signs include but are not necessarily limited to signs mounted on monument-style foundations, on poles, or on fences or other approved accessory structures.

### B. General Standards

Maximum size	60 sq. ft. per side; may be 2-sided
Maximum height	15 ft.
Number allowed	1 for each entrance, except as provided below
Permit required?	Yes
Minimum setback	10 ft. from back of sidewalk 5 ft. from other property lines
Separate lighting?	Yes
Automatic changeable copy?	Yes, subject to standards of §13.12
Commercial messages?	Yes
Included in aggregate sign area?	No

### C. Other standards

- Signs allowed by this subsection §13.10.7 may alternatively be installed as wall, canopy or awning signs with the same total sign area and dimensions.
- Notwithstanding the setback requirements in §13.10.7.B, freestanding signs in publicly owned and/or publicly operated parks and open spaces, as specified in §12.2.4.F., may encroach within a required setback. Visual clearance requirements as specified in §3.2.6.A.4 shall still be in effect.**

### D. Additional freestanding signs allowed in addition to signs in B above

- Signs not legible from any public right-of-way outside of the property and bearing no commercial message;
- Signs not legible from any public right-of-way outside of the property, may be erected by concessionaires and by sponsors of events for which a permit has been issued by the County and which are inside stadiums or arenas or at or abutting ball fields or other such facilities. Signs within an outdoor facility, if such facility is located 200 feet or more from the nearest right-of-way, shall be deemed not to be legible from such right-of-way even if they may be visible from some locations outside the facility;
- Signs for each athletic field in schools and parks, with no commercial messages, except as permitted by specific agreement with the County. Notwithstanding the provisions of §13.13, these signs shall be allowed automatic changeable copy elements of up to 25 percent of the sign. A sign as permitted by this subsection 3 shall not be considered a large media screen.
- See §13.15.3.B for additional freestanding signs.



## Article 14. Site Development Standards

### §14.3. Parking and Loading

#### §14.3.7. Required parking and standing space

A. ...

...

C. The County Board may, through Use Permit approval pursuant to §15.4, modify the regulations set forth in §14.3.7, as follows:

1. ...

...

**4. Modify the number of required off-street parking spaces and/or permit off-site parking associated with structures and amenities in publicly owned and/or publicly operated parks and open space, as specified in §12.2.4.F, when the County Board finds that:**

**(1) The recreational amenities located within the park or open space would not generate a need for the use of the required off-street spaces; or,**

**(2) The availability of transit or other transportation options, on-street parking, or parking at an off-site location would otherwise meet the parking needs for the park or open space and provide access and connection for non-motorists.**