



## ARLINGTON COUNTY, VIRGINIA

**ZOA-2023-03**

**(Stormwater Management)**

Adopted March 18, 2023

Effective March 18, 2023

At the County Board regular meeting on March 18, 2023, on a motion duly made by County Board Member Katie Cristol 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 Articles 3, 4, 5, 6, 7, 8, 11, 12, and 18 of the Arlington County Zoning Ordinance (ACZO) to facilitate the following:

- A. Permitting stormwater management facilities and other types of minor utilities in the S-3A, S-D, and P-S zoning districts;
- B. Allowing stormwater management facilities to be located within required setbacks;
- C. Increasing the maximum height of fencing for stormwater management facilities and for publicly operated parks and open spaces to 8 feet;
- D. Establishing a maximum height of 14 feet for flood walls;
- E. Allowing certain types of accessory structures to be located within required setbacks in parks and similar public spaces;
- F. Permitting fencing associated with stormwater management facilities and parks and similar public spaces greater than 4 feet in height to encroach into a required street setback;
- G. Excluding handrails and guardrails from the calculations for maximum height of a wall;
- H. Establishing use standards for the location and enclosure of pumps and backup generators for stormwater management facilities;
- I. Listing stormwater pumping stations and flood walls as examples of minor utilities in the Utilities use category (§12.2.4.K);
- J. Enabling County Board modification through use permit approval for the aforementioned use standards and for the maximum height of a flood wall;
- K. Incorporating references to use standards for utilities referenced in §12.4.9 in the Zoning Ordinance's use tables;
- L. Establishing a definition for flood walls;
- M. Make additional editorial changes for improved clarity; and,
- N. 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. ...

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#### 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) ...

...

(7) Stormwater retention and detention facilities, flood walls, and stormwater pumping stations, as specified in §12.2.4.K, may encroach into a required yard.

(8) The following structures associated with publicly operated parks and open spaces 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.

(b) ...

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~~(e) The front, side and rear yard requirements of this zoning ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four feet high; provided, however, that a fence or wall along the rear lot line or along a side lot line to the rear of the required setback line may be erected to a height not exceeding seven feet; provided, further, that in side and rear yards of corner lots, fences up to six feet in height may be erected in the required setback in order to permit the enclosure of the side and rear yards for privacy so long as the requirements of §3.2.6.A.4, relating to visual clearance are maintained. No fence exceeding four feet in height shall be placed within three feet of any public right of way. This provision shall not be interpreted to prohibit the erection of~~

~~any open mesh type fence enclosing any school or playground.~~ 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. In side and rear yards of corner lots, fences up to 6 feet in height may be erected in the required street setback.**
- ii. On any lot used for publicly operated parks and open spaces, fences and walls up to 8 feet in height are permitted in any required street setback.**
- iii. On any lot used for stormwater management facilities in accordance with §12.2.4.K, fences and walls up to 8 feet in height are permitted to encroach into any required street setback, but no closer than 3 feet from any public right-of-way.**
- iv. Flood walls up to 14 feet in height are permitted to encroach into 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. On corner lots, fences and walls up to 7 feet in height are only permitted within rear or side yards when located to the rear of the required street side setback line, per §3.2.6.A.3.e.1.i above.**
- ii. On any lot used for publicly operated parks and open spaces, fences and walls up to 8 feet in height are permitted in any required rear or side yard.**
- iii. On any lot used for stormwater management facilities in accordance with §12.2.4.K, fences and walls up to 8 feet in height are permitted in any required rear or side lot line setback.**
- iv. Flood walls up to 14 feet in height are permitted in any required rear or side lot line setback.**

**(3) Handrails and guardrails affixed to the top of a wall which are required by the Virginia Uniform Statewide Building Code for purposes of safety shall be excluded from the calculations for maximum height for a wall.**

**(4) All fences and walls, including handrails and guardrails permitted per §3.2.6.A.3.e.3 above, are subject to the visual clearance requirements in §3.2.6.A.4.**

**(5) Any open mesh type fence enclosing any school or playground is permitted in any required setback.**

## 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.

A. ...

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#### G. Use Categories

All of the use categories listed in the table below are described in §12.2. The first column of the use table lists the sub-categories. The second column of the use table lists the specific use types included within the respective sub-categories.

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					
Public, Civic and Institutional Use Categories (§12.2.4)					
Utilities, Major (See §12.2.4.K)	Electrical generating plants and substations			P	
	Wastewater treatment plants			P	
	Water storage facilities			P	
	All other major utilities	U		U	§12.4.9
Utilities, Minor (See §12.2.4.K)	Bus shelters; bike share stations	U		U	§12.4.4
	Wastewater pump stations			P	
	Water pump station			P	
	<u>All other minor utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§12.4.9</u>

## 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 P districts.

A. ...

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#### H. Use Categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective sub-categories.

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										
Public, Civic and Institutional Use Categories (§12.2.4)										
Utilities, major (See §12.2.4.K)	All major utilities	U	U	U	U	U	U	U	U	§12.4.9
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	U	U	U	U	U	U	U	
	All other minor utilities	P	P	P	P	P	P	P	P	<u>§12.4.9</u>

## Article 6. Multiple-Family (RA) Districts

### §6.1. Multiple-Family (RA) Districts Use Tables

#### §6.1.2. Residential (R) districts principal use table

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

A. ...

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#### H. Use Categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective sub-categories.

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						
Public, Civic and Institutional Use Categories (§12.2.4)						
Utilities, major (See §12.2.4.K)	All major utilities	U	U	U	U	§12.4.9
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	U	U	U	
	All other minor utilities	P	P	P	P	<u>§12.4.9</u>

# Article 7. Commercial/ Mixed Use (C) Districts

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

### §7.1.2. Residential (R) districts principal use table

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

A. ...

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#### H. Use Categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective sub-categories.

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
		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																					
Public, Civic and Institutional Use Categories (§12.2.4)																					
Utilities, major (See §12.2.4.K)	All major utilities	U	U	U	U	U	U	P	U	U	U	U	U	U	U	U	P	P	U	U	§12.4.9
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		
	All other minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§12.4.9

## 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 P districts.

A. ...

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#### G. Use Categories

All of the use categories listed in the table below are described in §12.2. The second column of the use table lists some of the specific use types included within the respective sub-categories.

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					
Public, Civic and Institutional Use Categories (§12.2.4)					
Utilities, major (See §12.2.4.K)	Public utility service yard or electrical receiving or transforming station	P	P	P	§12.6.5
	Railroads and railroad right-of-way and tracks		P	P	
	Wastewater treatment plants		P	P	
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	U	U	
	Wastewater pump station		P	P	
	All other minor utilities	P	P	P	<u>§12.4.9</u>

## Article 11. Overlay and Form Based Code Districts

### §12.2. Use Categories

#### §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 PRINCIPAL USE TABLE			
	Specific Use Types	CP-FBC	Use Standards
Public, Civic and Institutional Use Categories (§12.2.4)			
Utilities, major (See §12.2.4.K)	All major utilities	P	
Utilities, minor (See §12.2.4.K)	Bus shelters; bike share stations	U	
	All <u>other</u> minor utilities	P	<u>§12.4.9</u>



## 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 station; 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; ~~stormwater pumping station~~; 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); telecommunications towers and facilities (see Telecommunications Towers and Facilities); TV and radio studios; and utility offices (see Office).

## §12.4. Public and Civic Use Standards

### §12.4.9. ~~Utilities, major~~

#### A. Pumps and generators

##### 1. Location

Generators associated with stormwater management facilities shall be subject to setback standards specified in §3.2.6.A.

##### 2. Enclosure

(a) Pumps associated with stormwater management facilities shall be located either below ground or within a fully enclosed structure.

(b) Generators associated with stormwater management facilities shall be located within a fully enclosed structure.

#### B. Appearance

The exterior appearance of any ~~building~~structure associated with ~~major~~ utilities shall be in keeping with the character of the neighborhood in which it is located.

#### C. Modifications

1. The County Board may, through use permit approval as specified in §15.4, modify the regulations set forth in §12.4.9.

2. The County Board may, through use permit approval as specified in §15.4, modify the maximum height of a flood wall as specified in §3.2.6.A.3.e.

### §12.4.10. ~~Utilities, minor~~

~~The exterior appearance of any building associated with minor utilities shall be in keeping with the character of the neighborhood in which it is located.~~

## Article 18. Definitions

### §18.2. General Terms Defined

**Flood wall.** An artificially erected, freestanding barrier typically consisting of steel, masonry, and/or concrete used in an area of special flood hazard that is designed and engineered to prevent the encroachment of water for the purpose of protecting structures and/or property.