



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of November 11, 2023

DATE: November 3, 2023

SUBJECT: Request to advertise public hearings on an ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance (ACZO) relating to:

- A. Allowing modifications of maximum height and minimum setback standards by the County Board through use permit approval for structures in publicly and/or publicly operated owned 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.

All as set forth in Attachment 2.

County Manager: [Signature]
County Attorney: MNC [Signature]
Staff: Nick Rogers, AICP, CZA, DCPHD, Planning Division
Irena Lasic, DPR, Planning and Development
Walter Gonzalez, DPR, Planning and Development

**C. M. RECOMMENDATION:**

Adopt the attached resolution (Attachment 1) authorizing advertisement of public hearings by the Planning Commission on December 4, 2023, and the County Board on December 16, 2023, to consider amendments to the ACZO relating to:

- 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.

All as set forth in Attachment 2.

**ISSUES:** This is a request to authorize advertisements of public hearings to consider several amendments to the ACZO that would improve the Department of Parks and Recreation’s (DPR’s) ability to provide amenities and facilities within County-owned public spaces that are smaller in size and/or have environmentally sensitive areas on-site. Although DPR consistently precedes improvement projects within public spaces with community engagement, certain members of the public have expressed concerns with the potential for adverse impacts on the public space system. These concerns include members of the public being unaware of new improvements in public spaces, net losses in open space within public spaces, undersupply of automobile parking for public spaces, proximity to public space features for homes on abutting properties, and intrusive glare from lighting spilling over on to neighboring properties.

**SUMMARY:** The Department of Parks and Recreation (DPR) conducts public space planning and development subject to zoning standards which have gone virtually unchanged since Arlington’s last major zoning ordinance rewrite in 1950. These regulations for setbacks, height, and parking among others were adopted during a time of rural-to-suburban transition for much of the County. Many of the public spaces during this time were single-purpose parks with open fields, often located along stream valleys and other environmentally sensitive areas.

The [2019 Public Spaces Master Plan \(PSMP\)](#), an element of Arlington’s Comprehensive Plan, calls for the review and update of the County’s zoning regulations, identifying topics for study such as setbacks, parking, height, and signs. Staff has examined these regulations through the lens of recently completed public space projects and recommends introducing authority for the County Board to modify certain zoning standards for public spaces, on a case-by-case basis, through use permit approvals. Such modifications can be approved to implement public space layouts and designs that are informed by community engagement and feedback but currently unable to be realized due to restrictions stemming from existing zoning requirements. Introducing measures that allow for greater zoning flexibility would update Arlington County’s Zoning Ordinance (ACZO) to enable multi-purpose uses in public spaces, more creativity for meeting stormwater management requirements, and more opportunities for avoiding environmentally sensitive areas.

To achieve these objectives, staff has developed draft zoning text for consideration, enclosed as Attachment 2.

To date, staff has engaged with members of the public on this zoning study using a [dedicated website](#), online feedback form, and a virtual information session that was held on October 3<sup>rd</sup>, 2023. Staff has briefed the Park and Recreation Commission and the Planning Commission’s Zoning Committee, and additional briefings are scheduled with the Sports Commission and PSMP Implementation Advisory Committee. The overall period of engagement and the methods used have been selected to scale with the relatively minor scope for this study and the limited number of zoning standards which have been evaluated for flexibility. As previously discussed, key topics raised by members of the public during this engagement largely consist of concerns related to net loss of open space and the level of awareness and involvement that members of the public would continue to have with future public space planning projects.

**BACKGROUND:** The term “public space” is inclusive of public parks that are operated by DPR. Per the PSMP, public spaces support recreation and leisure, natural resources, casual use, historic and cultural resources and are either publicly owned or have guaranteed public access. They encompass parks, plazas, trails, streets, and recreational facilities<sup>1</sup>. In Arlington, public

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<sup>1</sup> [2019 Public Spaces Master Plan](#), p. 138.

Public spaces include County-owned spaces such as public parks, but the term also encompasses non-County owned spaces on private property which are enjoyed by and accessible to the public via easements. The PSMP documents that of the 1,857 acres of public space in Arlington, only 924 acres (49.8%) is provided on County-owned land. The remainder includes public spaces on property owned by Arlington Public Schools (342 ac.), NOVA Parks (136 ac.), the National Parks Service (417 ac.) and private owners (38 ac.).

spaces are not exempt from the County’s zoning ordinance. All features which are located within public spaces must meet the applicable requirements of the ACZO.

*Height:* Table 1 lists the maximum height requirements for structures in the S-3A and P-S zoning districts. These districts are the predominant zoning for land which is owned and utilized by both Arlington County and Arlington Public Schools (APS) for public uses. Most public spaces are zoned S-3A, with P-S zoning utilized for more recently developed public space projects such as [Jennie Dean Park](#) and the forthcoming [Arlington Junction Park](#). The maximum height requirements apply to buildings (ex. Recreation centers, aquatics facilities) as well as smaller, accessory structures (ex. Fencing, play equipment, performance stages, diamond field backstops).

Table 1: Maximum Height for Structures		
Zoning District	Maximum Height (feet)	Maximum Height with +23’ permitted with §3.1.6.B
S-3A	45’	68’
P-S	75’	98’

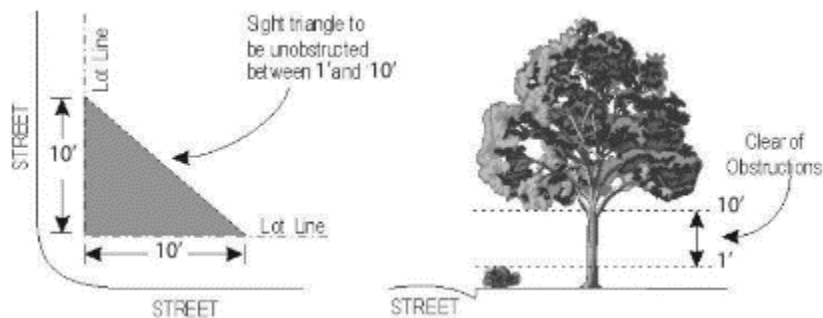
[Section 3.1.6.B](#) of the ACZO permits mechanical penthouses, radio towers, steeples, and other similar structures to exceed the maximum height standards for a given zoning district, so long as the structure’s additional height is neither used as habitable floor space nor exceeds a height of 23 feet. This provision is inclusive of athletic court lighting and athletic field lighting used to illuminate sport courts, diamond fields, and rectangular fields in public spaces.

*Setbacks:* Setbacks refer to the distance which a structure is required to be “set back” from a lot line or from the nearest structure. Table 2 lists the setback requirements for structures within public spaces.

Table 2: Required Setbacks (§3.2.6.A)	
Setbacks from any street	The larger of either: <ul style="list-style-type: none"> <li>• <b>50 feet</b> from said centerline of any street, or</li> <li>• <b>25 feet</b> from any street right-of-way line.</li> </ul>
Setbacks from side and rear yards	<b>10 feet plus one additional foot for each 2 ½ feet</b> , or fraction thereof, of building height above 25 feet <ul style="list-style-type: none"> <li>• On interior lots, no structure shall be located closer than <b>25 feet</b> from a rear lot line.</li> </ul>

In addition to these requirements, the ACZO requires visual clearance setbacks that are free of obstructions which could obscure clear sight lines at street intersections (Figure 1). The ACZO prohibits buildings or other obstructions from being located between a distance of 1 foot to 10 feet in height above curb level within the triangle formed by street right-of-way lines and a line connecting said street lines 10 feet from their intersection.

*Parking:* Table 3 on the following page lists several of the parking requirements identified in the ACZO which would apply to public spaces with certain types of facilities. When new public spaces are being created with these facilities, or when these types of facilities are added to an existing public space, the ACZO requires an amount of parking to be provided to meet these minimums.



**Figure 1: Visual clearance requirement specified in ACZO §3.2.6.A.4**

Table 3: Required parking spaces (§14.3.7)	
Uses	Minimum Parking Requirement (spaces)
Community swimming pools	1 per each 40 sq. ft. of pool area
Athletic or health clubs	1 space per 50 sq. ft. of gross floor area
Indoor or outdoor recreation (as provided in §12.2.5.F <sup>2</sup> ) other than those specifically listed in this §14.3.7	1 space per 300 sq. ft. of indoor floor area or outdoor area used for recreation or entertainment purposes
Tennis, racquet and handball courts	3 spaces per court
Community centers	1 space per 3 seats

*Public Engagement:* Individual public space projects are preceded by engagement with local stakeholders and other members of the public. DPR staff use tailored engagement methods and develop an engagement schedule for each project that scales with its scope and extent. All engagement on public space projects is formulated to conform with Arlington’s [Six-Step Public Engagement Guide](#).

<sup>2</sup> [Section 12.2.5.F](#) lists a number of land uses which are categorized as either *indoor recreation* or *outdoor recreation*. These include axe throwing, bowling allies, escape rooms, fencing, laser tag, and indoor climbing gyms among others. [Section 14.3.7](#) is the primary table in the ACZO used to determine parking requirements for residential and commercial land uses.

An example of such engagement would be the [Arlington Junction Park Master Plan and Design Guidelines](#). This was a DPR-led process to develop a park master plan and design guidelines for a future park within the Crystal City area. This project involved three community engagement opportunities and presentations to commissions during the park master planning phase prior to the County Board's approval in June 2021. An additional two engagements and commission reviews were undertaken during the subsequent design phase of the project. It is anticipated that the contract for the construction will be approved by the County Board in the winter of 2024. Additionally, this project underwent a park naming process, a request to abandon and vacate a portion of the ROW, a resubdivision, and rezoning of the site, as the park improvements included pedestrian lights that did not meet the zoning regulations at the time. The park naming and rezoning included additional community and commission reviews, as well as a subsequent County Board approval for both. These types of projects benefit from robust public engagements throughout the planning and design phases.

*Implementation of the Public Spaces Master Plan:* The County Board adopted the [Public Spaces Master Plan \(PSMP\) in 2019](#), which identifies the major public space needs for Arlington and guides the implementation of public space improvements identified and prioritized in Arlington's Capital Improvements Plan (CIP). As previously discussed, the PSMP calls for the review and update of the County's zoning regulations related to parks and public spaces. As part of implementing the PSMP's recommendations, the [FY22-23 CPHD Planning Division Work Program](#) identifies a multi-phase zoning study which would modernize land use standards, terminology, and processes for a host of different topics related to public space development. This zoning study, in part, addresses the PSMP's recommendations.

Flexibility to allow reduced setbacks, taller height, and reduced parking requirements in public spaces can be particularly helpful to DPR when evaluating the feasibility of design options for smaller, irregularly shaped lots where these standards can significantly constrain the extent and location of even modestly sized facilities. Increased flexibility can also assist with establishing facilities in locations in a public space that are outside of Resource Protection Areas (RPAs) and similar environmentally sensitive areas.

According to the PSMP, approximately 46% of Arlington's public parks are two acres in size or less – requiring increasingly creative solutions to provide natural areas, athletic opportunities, and leisure experiences all within small spaces.

The PSMP's recommendation cites numerous areas of consideration beyond setbacks, height and parking. These areas include a dedicated section for regulating athletic field lighting, aligning the PSMP's terminology with that used in the ACZO, and evaluating the elimination of the use permit requirement for public spaces in zoning districts other than S-3A, P-S, and S-D. Staff anticipates these topics will be addressed as part of a subsequent phase of PSMP implementation that is already identified and prioritized in the CPHD Planning Division's FY22-23 Work Plan. Staff continues to actively coordinate with DPR on future zoning work, and this coordination will inform the timing and prioritization of future work among other needs as part of the Planning Division's FY23-24 Work Plan.

[Appendix III of the PSMP](#) addresses the use of synthetic turf and lighting of athletic fields. This appendix sets forth criteria and standards to guide the decision making for public investments in synthetic turf conversion and lighting upgrades to existing rectangular and diamond athletic fields. Considerations include the field's size, accessibility for persons with mobility disabilities, use for scholastic programs, proximity to existing trees and woodlands, and the location of access gaps to such facilities in Arlington's public space system. The PSMP appendix also includes recommendations for several standards for illuminance levels and other mitigation measures to prevent the potential for adverse impacts on nearby residential neighborhoods.

*FY 2023 – FY 2032 Capital Improvement Plan:* In July 2022, the County Board adopted a 10 year, \$3.9 billion CIP that funds community infrastructure, public spaces, Metro and other transportation projects, public utilities, stormwater management, and flood mitigation. The CIP includes [\\$270.6 million dollars](#) devoted to public spaces operated by DPR. These funds cover a diverse array of public investments in park maintenance, park master planning, trail and bridge modernization, land acquisition, and synthetic turf for athletic fields. The CIP funds specific projects which are referenced in later sections of this memo. These include:

- *[Upper Bluemont Park](#):* This project involves the replacement of the existing tennis court complex, lighting, restroom/storage, shelter, parking lot, and associated on-site vehicular travelways. New site furnishings, drainage improvements, and landscaping are proposed along with reconstruction of a portion of the Four Mile Run Trail.
- *[Kenmore Middle School Athletic Fields](#):* This project would involve the conversion of two athletic fields from natural surface grasses to synthetic turf, as well as the replacement and update to existing athletic field lighting.
- *[Bailey's Branch Park](#):* This project includes eradication of invasive plants and the planting of new vegetation to include native trees and pollinator plants. Staff intends to explore opportunities for updating site furnishings, signs, play equipment, and other improvements to enhance accessibility.

*Previously Approved Zoning Ordinance Amendments:* Staff has analyzed previous actions by the County Board to consider precedents which could be applicable for this zoning study:

- In 2016, the [County Board adopted a zoning ordinance amendment](#) which enabled modifications of height, setback, density, dimensional and parking requirements for elementary, middle, and high schools within the S-3A zoning district through the special exception use permit process. The modifications were structured to be applicable to any school site to account for the wide variety of lot sizes, adjacent land uses, and proximities to public transportation among the APS system.



The Board's amendments excluded zoning flexibility for structures such as athletic field lighting based on feedback received at the time through the public process. The flexibility was not extended to structures so that policy guidance associated with the forthcoming [Williamsburg Fields Evaluation Work Group](#) would not be preempted.

- In 2023, the [County Board amended the ACZO](#) to enable the establishment of stormwater management facilities such as underground detention vaults, detention ponds, and flood walls in public zoning districts (S-3A, P-S, and S-D). Stormwater management facilities were permitted within required setback areas, and fencing standards were updated to enable security and enclosure of generators and pump facilities.

This zoning ordinance amendment also addressed accessory structures that are commonly utilized in public spaces, permitting them to be located within required setback areas. Some examples of such structures include amenities and features like performance stages, seating, bicycle racks, play equipment, and shade structures. Fencing standards were similarly updated to allow taller fences closer to property lines so that sport courts and similar public space features could be more efficiently located on smaller sites.

**DISCUSSION:** To enable broader flexibility for facilities that DPR operates in public spaces, staff has developed draft language for several amendments to the ACZO that would enable the County Board to modify selected zoning requirements on a case-by-case basis with its use permit review authority. Similar modifications have been used to permit flexibility for child care centers, social service institutions, and outdoor cafes through the use permit process. As previously discussed, the County Board has used this modification authority to provide reduced parking requirements for several APS construction projects, and increased height for the [Arlington Career Center](#) and [the Heights Building](#). Similar flexibility with use permit modifications could be utilized to implement layouts and designs in public space projects that would benefit from increased height, reduced setbacks, and/or reduced parking requirements.

*Flexibility for increased height:* As previously discussed, most public spaces are zoned S-3A, which permits buildings and structures to be as high as 45 feet. This maximum can be increased to 68 feet as specified in §3.1.6.B. of the ACZO to accommodate mechanical penthouses and similar appurtenances and structures; this increase applies to lighting used to illuminate athletic fields and sport courts. Based on the desired programming and activities at a particular location, DPR may choose to explore options for buildings that have additional height beyond these maximums. An example of this would be the Long Bridge Park Aquatics and Fitness Center. The original building would have required a building height above the allowable height in the S-3A zoning district to accommodate necessary interior ceiling heights for diving platforms. This height increase was permitted with a rezoning of the site to the P-S district.

A similar rezoning was approved by the County Board for [Jennie Dean Park](#) in part to enable increased permitted height standards for new athletic field lighting. The lighting is approximately 78' tall, exceeding the maximum height requirement for S-3A. For this project and for other lighting that is typically installed, best practices typically entail installing athletic field lighting



up to 80-85' in height to enable directional precision with angled lighting fixtures that avoids light spillover outside of the field of play.

The PSMP recommends including athletic field and other lighting among a list of other zoning topics to review and consider as part of a comprehensive study of the ACZO. This study is anticipated to take place as a separate, subsequent phase of work and is included in CPHD's Work Plan as a future effort. However, staff will commence work in the coming year in coordination with APS on a synthetic turf conversion project at Kenmore Middle School that would involve the replacement of existing athletic field lighting. As this project has been approved and budgeted for in the 2023-2032 Capital Improvements Plan, an interim, near-term measure is needed to allow for the anticipated athletic field lighting to be considered in consultation with the community. The public engagement and planning for this project has not yet commenced, and it will involve community input on an appropriate site layout and lighting features that meet modern technology best practices for illuminating athletic field areas in such a way as to prevent lighting glare and spillover on to adjacent residences.

Staff has developed draft zoning language that would permit the County Board to modify maximum height standards for athletic field and court lighting on school properties, utilizing the section of the S-3A district standards that was adopted by the County Board in 2016. The provision could allow the Board to approve lighting beyond the maximum height of 68 feet, but not for athletic fields that are currently without lights. This limitation acknowledges the need for continued engagement with a broad assemblage of stakeholders to determine how best the County's zoning standards can address the potential impacts on adjacent properties associated with illumination in public spaces located on both County-owned and APS property.

*Flexibility for encroachments into setbacks:* In March 2023, the County Board adopted amendments to the ACZO that permitted a variety of accessory structures associated with publicly maintained parks and open spaces to be located within required setbacks<sup>3</sup>. However, buildings still need to meet required setbacks, as well as fencing that would exceed 8' in height and lighting that exceeds 15' in height.

The previously mentioned zoning study highlighted a number of needs for zoning flexibility in public spaces, given emerging trends in master planning and development:

- Almost half of the public spaces within the County's inventory are less than two acres in size. Setback flexibility allows for more usable area to program and install public space amenities and features.

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<sup>3</sup> Examples of these accessory structures include tables, benches, bicycle racks, trash receptacles, shade structures, athletic or small game courts, and playground equipment.

- Greater efficiencies with site layouts can also enable more opportunities for preserving natural vegetation, creating more casual use space<sup>4</sup>, and protecting environmentally sensitive areas on a public space property such as those within a floodway or RPA.

Staff recommends authorizing modifications of setback requirements for facilities in public spaces that the County Board can grant with a use permit. The use permit review would complement existing outreach and engagement practices that DPR already utilizes. DPR processes are broadly advertised to make nearby residents aware of projects and their impacts and to integrate their feedback and recommendations into the ultimate public space design. Setback flexibility also can enable facilities to be located further away from environmentally sensitive areas as has been discussed as part of the planning process for [Upper Bluemont Park \(Figure 2\)](#). This project anticipates replacing the existing tennis court complex, lighting, restrooms, and associated facilities to improve drainage, add landscaping, and meet accessible design standards.



The conceptual design shows facilities, including athletic court lights, located further away from Four Mile Run Creek toward North Manchester Street. This would shift the park’s facilities away from the existing RPA and mature tree canopy along Four Mile Run into a required street setback along North Manchester Street. A modification of this street setback would provide increased protection for natural resources without impacting public access or walkability along North Manchester Street or creating disruptions to adjacent residential properties.

**Parking for public space projects**

<sup>4</sup> Casual use spaces support impromptu activities such as relaxation, reflection, connection with nature, or other informal activities either at all times or during designated periods of the day.

Staff sees a need for flexibility from adherence to parking requirements for public space facilities at smaller sites. Given increased land acquisition costs and PSMP goals for adding new acreage to the public space system, many of DPR's future additions to Arlington's public space inventory will be on sites similar in size, for example, to the 0.9 acre [Arlington Junction Park](#) in Crystal City. Adding tennis courts and other recreational facilities in public spaces would necessitate using valuable on-site areas for parking and minimizing the areas for natural resources and stormwater management under the current zoning requirements.

Staff recommends permitting the County Board to modify the ACZO's parking requirements to enable reductions in parking requirements. Such reductions can account for the general availability of on-street parking within the public space's vicinity, along with access to transit and other non-motorized modes of transportation. Staff also recommends the addition of supplemental findings for the County Board to consider pertaining to the demand for parking at a particular location and the availability of transit and other transportation options to offset the need for space for automobiles.

### **Signs in parks**

Sign standards in Article 13 of the ACZO were identified in the PSMP as one of the review items to identify updates that would better support Arlington's public space system. DPR staff have highlighted two areas of attention that can be addressed within the scope of this study:

1. Freestanding signs are used in public spaces to identify the space to visitors for purposes of wayfinding and in the event first responders must travel to a public space for a service call. The ACZO requires that freestanding signs be set back at least 10 feet from a sidewalk or 5 feet from a property line. In more urban settings of Arlington where area/sector plans typically recommend wider sidewalks to



**Figure 3: A sign identifying the main entrance to Rocky Run Park**

accommodate increased pedestrian activity, this can reduce a person's ability to see the sign from anywhere other than the immediately adjacent sidewalk. Public space signs have been used as successful gateway and placemaking features, as seen in Figure 3.

Moreover, property boundaries are not always located at the back of the sidewalk and can sometimes be located within sidewalks or roadways, causing complications with determining how to calculate the setback requirement. To address these needs, staff recommends incorporating setback encroachment provisions in §13.10.7 that would allow freestanding signs within County-owned public spaces to be located closer to the sidewalk, or to the property line in instances where there is no sidewalk.

2. The ACZO classifies flags as *flag signs* and requires that a flagpole be located no further than 30' from the principal entrance of a main building. For public spaces without main buildings,

such as a park with athletic fields or casual use spaces, the 30' requirement creates confusion as to whether a flagpole is permitted and where it should be located. Staff cannot discern an essential public benefit for maintaining this standard and recommends removing it from the ACZO. Other standards for flag signs, such as maximum height, maximum flag size, and prohibitions on commercial speech in public spaces would remain in effect.

### **Additional recommendations**

To ensure terminology is used consistently in the ACZO, staff recommends updates to recently amended sections in Article 3 which permitted encroachments of accessory structures in public spaces into required setbacks. After further consultation with DPR, staff sees a need to clarify that zoning flexibility would be eligible for either *publicly owned* or *publicly operated* parks and open spaces. Because most of the public spaces that DPR operates and maintains are on County-owned land, inserting mention of public ownership into the ACZO more clearly addresses the types of parks and open space that would be afforded more zoning flexibility.

### **PUBLIC ENGAGEMENT:**

*Level of Engagement:*                      **Consult**

This zoning study's recommendations would directly implement policies from the PSMP – a County Board-adopted policy and element of Arlington's Comprehensive Plan. The zoning study's recommendations would allow for case-by-case considerations of zoning flexibility for a small number of public space projects that DPR manages in a given year. Such flexibility would neither create additional disruptions to area residents or businesses nor interrupt access to a park for any additional time beyond that which would be customarily needed for a public space project.

As previously discussed, the proposed zoning ordinance amendment recommends using the County Board's use permit authority to enable zoning flexibility for height, setback, and parking standards in public spaces. Nearly all public space projects other than the most basic maintenance and operational needs are preceded by an engagement process where DPR staff convenes nearby property owners, civic association representatives, and other community stakeholders to gather community feedback on public space improvements.

Given these considerations, coupled with the use permit process that involves notification of civic association leadership, availability of all use permit application materials on the County's website, and a public hearing by the County Board for action on each application, staff has used tools primarily from the **Consult** level of engagement as referenced in the [Six-Step Public Engagement Guide](#).

The overall engagement strategy and selected engagement measures were developed and implemented in a joint effort between DPR and CPHD, with DPR providing leadership and oversight on staff's outreach to the community. The engagement strategy blended informational notification of the study's goals and objectives for purposes of awareness, along with discreet

opportunities for staff to solicit feedback from and interact with members of the public who expressed interest in the study's recommendations. To date, staff has conducted the following engagement to inform the study's recommendations:

- Staff has created a [dedicated webpage](#) for the study, serving as an information clearinghouse for members of the public. The webpage includes an engagement timeline showing past and future engagement opportunities.
- Staff solicited feedback from members of the public using an [online feedback form](#). The form was available from September 19 through October 8 and filled out by 242 participants who ranked their level of comfort with zoning flexibility for a variety of different public space amenities and uses. Participants were provided background on the study's goals and objectives, along with an overview of the current zoning regulations applicable to amenities and uses in public spaces. Participants could select that they were *very comfortable*, *somewhat comfortable*, *neutral*, *somewhat uncomfortable*, *very uncomfortable*, or *unsure* with the County Board modifying certain zoning standards on a case-by-case basis. The full report of the feedback received is enclosed as Attachment 3, including the full text of all 275 comments received.

Overall, a majority of the participants indicated that they were either *somewhat uncomfortable* or *very uncomfortable* with the County Board having use permit modification authority to modify existing zoning standards. The enclosed comments follow along several key themes:

- Participants were concerned with the lack of awareness that the broader community might have in instances where zoning standards were modified through County Board use permit and advocated for increased transparency in such decisions. Participants strongly urged extensive coordination with members of the public within the immediate vicinity of a public space on all requests for use permit modifications.
- Some commenters felt that the use permit process did not provide an adequate forum for engagement with civic associations and other essential stakeholders, given that use permits are frequently approved as part of the County Board's consent agenda for regular meetings.
- Participants opposed public space improvements that would cause unreasonable glare from athletic field and court lighting to spill over on to adjacent residential properties.
- Participants opposed actions that would result in net losses of open space in the park system, cautioning against overdevelopment of the County's public spaces. Some participants advocated for zoning requirements that would prohibit improvements in public spaces that would result in net losses of open space. While some participants specifically advocated for the protection of natural, vegetated areas, the majority of the comments referencing open space appear to be cautioning against further

reductions in parkland resulting from the addition of buildings, parking, and other constructed features to public spaces.

- Some participants cautioned against use permit modifications that would reduce the amount of parking at public parks and open spaces. While some public spaces are well served by public transit and other alternative modes of transportation, not all public spaces are readily accessible without a car. Participants also stressed the need for parking to be provided for persons with mobility needs and sports teams that have equipment which needs to be transported to a public space for their activities.
- Participants highlighted the important role of setbacks and height standards in minimizing the impacts of public space activity on the livelihoods of adjacent residential neighborhoods, noting that reasonable separation is essential to maintain open space buffers.

In staff's opinion, the feedback provided with the online form demonstrates an overall level of discomfort, anxiety, and uneasiness with the County Board using its use permit modification authority to modify zoning standards on a case-by-case basis. In some comments, participants expressed broad dissatisfaction with the County Board's decision making and a distinct lack of trust in the ability of the County to work closely with community members on improvements to public spaces. Despite citing examples of zoning regulations and real-world projects which may benefit from more flexible zoning standards, the feedback form participants were troubled by the prospects of unforeseen, unknown impacts that could come with a zoning ordinance amendment.

Staff does not see the feedback as an indication that a zoning ordinance amendment should be deferred for further public review or abandoned. The engagement strategy selected for this zoning study has been scaled and attuned to the proportionally minor change that the recommended amendments would have on the ACZO and the public space planning, design, and improvements processes. However, the feedback does indicate the need for committed, clear, and comprehensive engagement by County staff with key audiences on public space projects. Such audiences should include, but not be limited to, adjacent residents, sports leagues, civic associations, naturalists, fitness groups, and other frequent users of Arlington's public space system. The integration of a broad range of perspectives into public space planning that balances the needs both of adjacent property owners *and* Countywide stakeholders is essential for ensuring equitable engagement on these important public resources.

The integration of a broad range of perspectives into public space planning that balances the needs both of adjacent property owners *and* Countywide stakeholders is essential for ensuring equitable engagement on these important public resources. Utilization of equitable engagement measures such as language interpretation, using accessible/convenient locations for in-person meetings, provision of food/meals, and provision of child care should be evaluated for use when such measures would assist in removing inequitable barriers to the participation process.



County staff will need to continue to provide frequent and collaborative communication with members of the public who participate in planning and design processes for public spaces so that adverse impacts can be addressed through creative design solutions, and, when warranted, modifications to zoning standards that align with the PSMP's goals and objectives. This also includes using dedicated webpages and a variety of other communications platforms to post up-to-date information on the planning and design process so that members of the public can stay informed on design updates and project scheduling. The use of a broad array of communications platforms is a standard practice for DPR's engagement that will continue to be implemented in alignment with County standards documented in Arlington's [Six-Step Public Engagement Guide](#).

- Staff provided a briefing to the [Park and Recreation Commission](#) (PRC) on September 19, 2023 ([presentation](#) | [video recording](#)). Commissioners discussed the following topics associated with the zoning study:
  - Alternatives that DPR has used in the past to implement public space designs which did not meet ACZO requirements – these have included rezoning the property to the P-S district, which permits taller height and smaller setbacks, and changing the design or the selected features that were originally intended. In certain circumstances, requests for a variance, which are approved by the Board of Zoning Appeals, could have been considered but are generally disregarded given the strict standards for establishing the presence of hardships and similar aspects with a particular property that would unreasonably restrict the utilization of the property.
  - Bolder recommendations, to be formulated during future phases of PSMP implementation zoning work, that would move beyond the use permit process. The PRC discussed the need for separate zoning standards for athletic field lighting, revisions to the definition of a *structure* in the ACZO to allow more types of features in setbacks, and alternatives that would generally exclude public spaces from compliance with the County's zoning standards.
- Staff held a virtual information session for members of the public on October 3, 2023. Attendees provided feedback on a variety of subjects related to the study:
  - The study's anticipated schedule, noting that County Board action in December 2023 would not provide enough time for members of the public to become familiar with and comment on the study's findings;
  - The lasting effect that the draft zoning changes could have on the County's public space system, which was characterized as a widespread and extraordinary degree of change;
  - The vital role that zoning standards play in safeguarding Arlington's residents from adverse impacts associated with public spaces, calling for a careful examination and



vetting with members of the public for any changes that would potentially erode those safeguards;

- The need to review draft zoning language and other staff analysis in advance of the virtual information session;
- Generalized concerns with scenarios where, after a successful community engagement effort to obtain the community's consensus for a public space's design, layout and improvements, the Board's modification authority would be used as a late hour deviation from the agreed-upon consensus without returning to the community for further consultation to reconfirm community support; and
- Claims that the County staff and County Board do not consistently include civic associations in project deliberations, undermining the viewpoint that a use permit application that might be placed on the Board's consent agenda truly reflects the integration of community input into the public space planning and design process. Similar assertions were made that the use permit process limits public input and gives the County Board the authority to move more quickly on items that raise community concerns.

During the information session, staff explained that draft zoning language had not been finalized at the time, and that continued revisions to the language were still being evaluated in advance of the Planning Commission's October 10, 2023, Zoning Committee (ZOCO) meeting. Staff indicated that an initial draft would be made available to members of the public in advance of the ZOCO meeting, and the draft language was posted on [October 6, 2023](#), to the [ZOCO website](#).

In addition, staff responded with an overview of standard outreach practices for use permit reviews, which include email outreach to the president of the proposed location's civic association and [posting all application materials to the County website](#). In instances where a use permit application's proposed location is within proximity to more than one civic association, the presidents of all civic associations within proximity to the proposed location are individually notified by staff.

Use permits are advertised in the Washington Times to meet [public notice requirements in the Code of Virginia](#), and placards are placed at each proposed location with information on how to learn more about the applicant's request. Virtual information sessions are scheduled for members of the public to provide feedback on selected use permit applications when broader community conversations on the merits of the application are needed to surface and resolve key issues with the request.

Any responses provided by civic association presidents and/or members of the public are incorporated into use permit staff reports, along with explanations as to how the community feedback influenced the staff's recommendation. These staff reports are incorporated into the County Board's agenda, where both are typically publicly posted

eight days in advance of the Board's regular meetings. Furthermore, as a use permit application, such items could be pulled from the consent agenda by any resident, in which case the County Board must hold a public hearing on the item. This hearing and County Board deliberation and action on items pulled from the consent agenda occurs during its monthly recessed meeting, which are customarily scheduled for the Tuesday following its regular Saturday meeting.

- *Zoning Committee:* Staff presented the study's analysis and draft recommendations to the Planning Commission's Zoning Committee (ZOCO) on October 10, 2023. Commissioners expressed general support for the study's approach and recommendations, noting their support for addressing case-by-case needs for individual public space design processes through County Board use permit reviews.

Commissioners strongly advocated for staff to commence work on a future phase of study that would examine and identify optimal zoning standards for public spaces for height, setbacks, parking, and other zoning requirements that were mentioned in the PSMP. They felt that these changes were essential to implement the recommendations in the PSMP for more modern zoning standards that aligned with Arlington's existing and future needs, minimizing the need for use permit modifications.

Commissioners advocated for continued public involvement by DPR staff in public space planning and design projects. They highlighted the importance of providing forums for members of the public to be heard and to meaningfully participate in such processes.

One member of the public provided comment to ZOCO advocating for continued public engagement given what appeared to be a compressed public engagement period for a study with seemingly broad, robust implications to the County's public space system. They commented that they had participated in the public review of the 2016 zoning ordinance amendment that enabled County Board use permit modifications for schools, and that the public feedback had resulted in revisions to the draft proposal that considerably narrowed the scope and scale of the ultimately adopted amendment.

- Staff provided a briefing to the [Sports Commission](#) on October 26, 2023. Commissioners discussed the following topics associated with the zoning study:
  - Education efforts that could be made to broaden public awareness on the innovative advances in technology used to avoid spillover and glare beyond the play surface and its immediate vicinity;
  - The need to integrate lighting into the plans for any athletic fields that may be provided in the future to meet the anticipated demand that would come with development consistent with the anticipated adoption of the [Langston Boulevard Area Plan](#);

- The safety implications of allowing signs and flagpoles within closer proximity to property lines and sidewalks; and
- Concerns with community opposition to activities in public spaces that only accounted for the viewpoints of adjacent residents and neglected the broader benefits of parks and open spaces enjoyed by the entire Arlington community.
- The [Public Spaces Master Plan Implementation Advisory Committee \(PSMP-IAC\)](#) received a presentation on the Zoning Study on November 2, 2023. The PSMP-IAC was generally supportive of the proposed zoning changes. The Committee discussed several aspects of the zoning regulations, including the need to have minimum requirements for bicycle parking in parks. Additionally, the PSMP-IAC members discussed the importance of in the future, more comprehensive study to address various aspects of the zoning regulations related to public spaces.

**CONCLUSION:** In staff's opinion, a zoning ordinance amendment that enables the County Board the authority to modify certain zoning standards for structures and amenities in public spaces would benefit the design process for near-term public space designs and layouts, while further implementing a priority action item from the 2019 PSMP. Use permit reviews can be integrated into DPR's standard practices for community engagement when new features are being considered in public spaces. Increased zoning flexibility can be particularly useful for public spaces that are less than two acres, contain environmentally sensitive areas, and/or integrating SWM facilities to meet state requirements.

**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS BY THE PLANNING COMMISSION ON DECEMBER 4, 2023, AND THE COUNTY BOARD ON DECEMBER 16, 2023, TO CONSIDER AMENDING, REENACTING, AND RECODIFYING THE ARLINGTON COUNTY ZONING ORDINANCE, RELATING TO:**

- 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 AND/OR PUBLICLY OPERATED 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. ALL AS SET FORTH IN ATTACHMENT 2.**

*The County Board hereby authorizes advertisement of public hearings by the Planning Commission on December 4, 2023, and the County Board on December 16, 2023, to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance, relating to:*

- 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 and/or publicly operated 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.*

*All as set forth in Attachment 2.*