



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 16, 2023

DATE: December 8, 2023

SUBJECT: ZOA-2023-12. An ordinance to amend, reenact and recodify Articles 3, 4, 12, 13 and 14 of the Arlington County Zoning Ordinance (ACZO), as set forth in Attachment 2, 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, and for other reasons required by public necessity, convenience, general welfare, and good zoning practice.

C. M. RECOMMENDATION:

Adopt the ordinance, as shown in Attachment 2, to amend, reenact and recodify Articles 3, 4, 12, 13 and 14 of the Arlington County Zoning Ordinance (ACZO) to facilitate the following:

County Manager: MJS/SFW
County Attorney: MNC CR Sanders
Staff: Nick Rogers, AICP, CZA, DCPHD, Planning Division
Irena Lazic, DPR, Planning and Development
Walter Gonzalez, DPR, Planning and Development

- 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.

**ISSUES:** This is a zoning ordinance amendment 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 who participated in the study’s online feedback form 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 vehicular 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.

On November 11, 2023, the County Board authorized the advertisement of public hearings for this zoning ordinance amendment in December 2023<sup>1</sup>. The Planning Commission will hold a public hearing on the recommended zoning ordinance amendment at its December 4, 2023, meeting.

**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>2</sup>. In Arlington, public spaces are not exempt from the County's zoning ordinance requirements. All features which are located within public spaces must meet the applicable requirements of the ACZO. These include standards regulating maximum height, minimum setbacks, and minimum parking requirements among others, which are documented comprehensively in the [November Request to Advertise \(RTA\) staff report](#).

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<sup>1</sup> To review a copy of the staff report for the November 11<sup>th</sup> Request to Advertise (RTA), [click here](#).

<sup>2</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.).

*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 and as documented in the [November RTA staff report](#), 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, would address the PSMP's recommendations.

*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:* The proposed zoning ordinance amendments build upon previous actions by the County Board for enabling greater zoning flexibility for public uses on public lands. 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 County Board [similarly amended the ACZO earlier this year](#) 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), and to eliminate prohibitions in the ACZO which prevented the placement of amenities

and features like performance stages, seating, bicycle racks, play equipment, and shade structures within required yards in a public space.

**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:* 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. In past projects such as the [Long Bridge Park Aquatics and Fitness Center](#) and [Jennie Dean Park](#), rezonings were approved by the County Board to enable increased maximum height for planned facilities.

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 FY 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 the County Board adopted 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.
- 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.

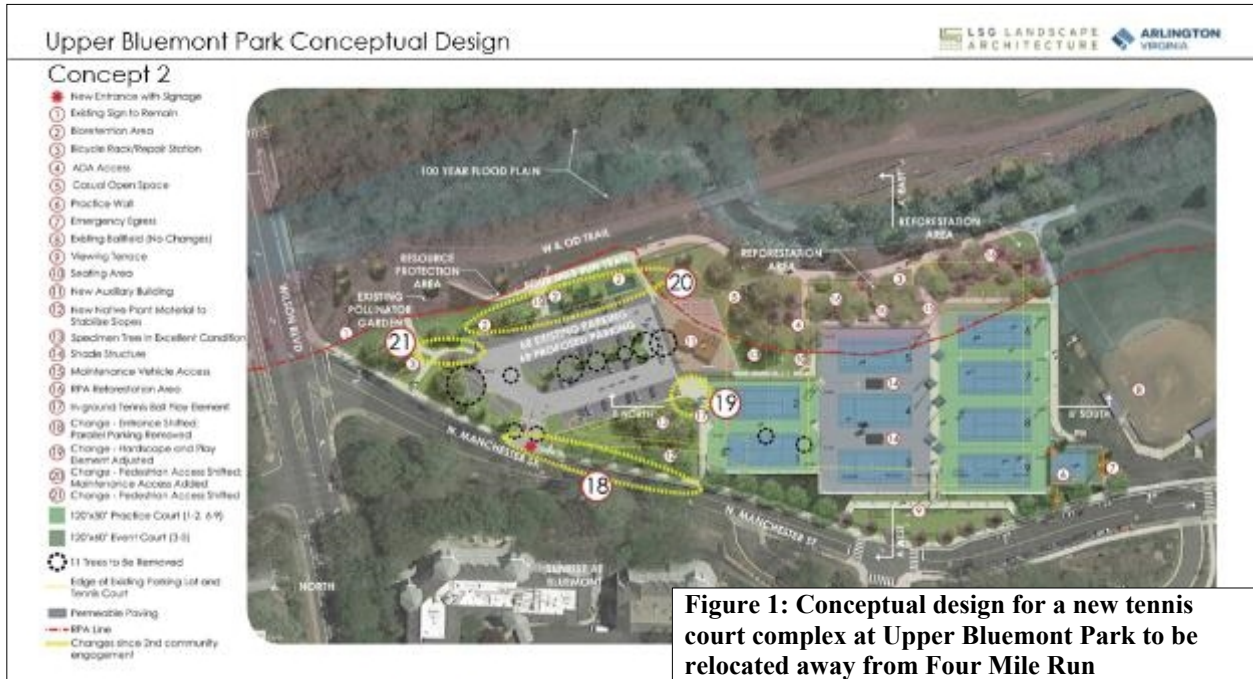
### **Parking for public space projects**

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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.

<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 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.



**Figure 2: A sign identifying the main entrance to Rocky Run Park**

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 [November 2023 RTA staff report](#) provides a detailed overview of the community engagement and feedback that has informed this study. The engagement involved using a [dedicated webpage](#) to inform members of the public, and an [online feedback form](#) to solicit comments and public sentiment. Staff held a virtual information session for members of the public on October 3, 2023, as well as briefings with the Park and Recreation Commission (PRC), Sports Commission (SC), Public Spaces Master Plan Implementation Advisory Committee (PSMP-IAC), and Zoning Committee of the Planning Commission (ZOCO). No additional public engagement has been conducted since the County Board's action to authorize advertisement of public hearings on November 11<sup>th</sup>.

The study's engagement identified several key themes that were consistently cited by members of the public and by board/commission members. During the advance planning that goes into providing new amenities and facilities in public spaces, the needs of adjacent residents should be sought out, considered and prioritized. However, these needs should be balanced with the broader community's demand for and access to public spaces. Natural areas, casual use spaces, and sports facilities within public spaces will continue to be frequently used, sought after resources that should not be reduced or diminished with future improvements projects. Although impervious surface and unnecessary parking overflows should be avoided, many public space visitors still need to travel to them using an automobile and park within close proximity to the public space. A subset of the broader community has distinct concerns that the County Board and staff will not meaningfully engage and listen to the needs of residents as part of public space planning processes. Finally, advocacy continues for more work on development regulations processes that will make implementing public spaces master planning and design projects as easy as possible.

Finally, 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.

Public notice has been provided in accordance with Code of Virginia § 15.2-2204. Notices of the public hearings for this zoning ordinance amendment have been placed in the November 20 and November 27 issues of the Washington Times for the December 4, 2023, Planning Commission meeting, and in the December 4 and December 11 issues of the Washington Times for the December 16, 2023, County Board meeting.

- *Planning Commission recommendation*

On December 6, 2023, the Planning Commission unanimously recommended approval of the zoning ordinance amendment as set forth in Attachment 2. The Commission's discussion centered on public engagement associated with public space design processes and comparisons to flexibility already provided for privately owned public spaces (POPS) that are provided as part of the special exception site plan process. Commissioners also discussed the need for further updates to the ACZO that would codify high quality urban design practices for public spaces. Design practices mentioned included measures that would promote openness and permeability to public space.

**CONCLUSION:** In staff's opinion, a zoning ordinance amendment that provides 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 in size, contain environmentally sensitive areas, and/or integrate SWM facilities to meet state requirements.

**ZOA-2023-12**

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY ARTICLES 3, 4, 12, 13, AND 14 OF THE ARLINGTON COUNTY ZONING ORDINANCE, AS SET FORTH IN ATTACHMENT 2, 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, AND FOR OTHER REASONS REQUIRED BY PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE.**

*Be it ordained that Articles 3, 4, 12, 13, and 14 of the Arlington County Zoning Ordinance are hereby amended, reenacted, and recodified, as set forth in Attachment 2, 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 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, and for other reasons required by public necessity, convenience, general welfare, and good zoning practice.*

## Zoning Ordinance Amendment – Use Permits for Public Spaces Design Processes

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

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## 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.



- 34 (2) Fences and walls up to 7 feet in height are permitted in any required rear or  
35 side yard, except:
- 36 i. ...
- 37 ii. On any lot used for publicly **owned and/or publicly** operated parks  
38 and open spaces, **as specified in §12.2.4.F**, fences and walls up to 8  
39 feet in height are permitted in any required rear or side yard.
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## 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 [EFFECTIVE DATE]**, 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 [[EFFECTIVE DATE]].

# Article 13. Use Standards

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

### §13.10.6 Flags

#### A. Defined

A piece of cloth or other material affixed to a pole on two corners.

#### B. General standards

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

#### C. Other standards

~~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.~~



## §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

1. 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.
2. **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

1. Signs not legible from any public right-of-way outside of the property and bearing no commercial message;
2. 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;
3. 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.
4. 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

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- 92 A. ...
- 93 ...
- 94
- 95
- 96 C. The County Board may, through Use Permit approval pursuant to §15.4, modify the
- 97 regulations set forth in §14.3.7, as follows:
- 98 1. ...
- 99 ...
- 100 **4. Modify the number of required off-street parking spaces and/or permit off-site**
- 101 **parking associated with structures and amenities in publicly owned and/or publicly**
- 102 **operated parks and open space, as specified in §12.2.4.F, when the County Board**
- 103 **finds that:**
- 104 **(1) The recreational amenities located within the park or open space would**
- 105 **not generate a need for the use of the required off-street spaces; or,**
- 106 **(2) The availability of transit or other transportation options, on-street**
- 107 **parking, or parking at an off-site location would otherwise meet the**
- 108 **parking needs for the park or open space and provide access and**
- 109 **connection for non-motorists.**