

~~§12.6.~~§12.9. Accessory Use Standards

§12.9.1. General

Accessory buildings and uses shall comply with all standards in the district for the principal use, except as expressly set forth below.

- A. Accessory buildings and uses shall be clearly incidental and subordinate to permitted principal uses. An accessory use shall be allowed **only** when an **allowed** principal use **exists** for which such accessory use is allowed (see ~~§12.2~~§12.2, Use Categories).
- A.B. Accessory buildings and uses shall be located on the same lot as the permitted use or building.
- C. Accessory buildings shall comply with **all placement and dimensional standards for the subject district and as provided in §3.2**~~§3.2~~.
- D. Accessory buildings and uses shall not involve operations or buildings not in keeping with the character of the primary use or principal building served.
- E. Accessory buildings and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected in association with the principal use, where applicable.
- F. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
- G. An accessory use shall be located within the same district as the principal use.
- H. Tractor trailers and storage pods are prohibited for use as storage or buildings, except as permitted on an active construction site or by **permit for short term** use. (See also ~~§12.10~~§12.10)

~~§12.7.~~§12.10. **Temporary Short Term Use Standards**

~~§12.7.1.~~§12.10.1. **Purpose and intent**

There are certain uses that may be permissible on a short term basis subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the zoning administrator in reviewing short term use applications.

~~§12.10.2.~~ **General standards**

No short term use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the zoning administrator. The zoning administrator may impose conditions on the proposed use to ensure compliance with these standards or other applicable provisions of law.

- A. No short term use shall be established unless a permit for short term use is approved pursuant to the provisions of §15.10, except as specifically exempted in the use standards for the subject use.
- B. Short term uses shall obtain a certificate of occupancy as required by §15.2.
- C. Short term uses shall be subject to the applicable standards for the specific use in this §12.10
- D. A specific time limit shall be required for all short term uses.
- E. No short term use shall reduce required parking spaces for any use on the lot or development project below the number of spaces required for such use(s).
- F. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
- G. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the short term use, and all necessary sanitary facilities shall be approved by the appropriate health agency.

- H. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or safety.
- I. Lighting for nighttime outdoor operations shall not create excessive glare into residential areas or streets.
- J. The density and dimensional standards of Article 3 shall apply to all short term uses except as otherwise stated or as otherwise allowed in an approved site plan or use permit;
- A.K. Short term uses shall comply with all applicable state and federal regulations; building code requirements and other County codes, including any applicable administrative requirements and policies.

§12.7.2. §12.10.3. Contractors' storage and staging yards, off-site

Off-site contractors' storage and staging yards, and sales or leasing trailers or pavilions, associated with allowed new construction, may be allowed subject to the approval of a use permit as provided in §15.4§15.4, in all zoning districts:

- A. In reasonable proximity to such allowed construction; Subject to the approval of a use permit, off site contractors' storage and staging yards and sales or leasing trailers or pavilions associated with and in reasonable proximity to new construction shall be allowed in all zoning districts, except the CO-Crystal City, MU_VS, C-TH, RA7-16 and RA-H districts.
- B. ForSuch use shall be limited to a maximum of three years, or as otherwise approved by the County Board; and
- C. No application on the same lot shall be considered by the County Board within a period of two years following the discontinuance of such use.
- B.D. No permit for short term use shall be required.

§12.10.4. Construction equipment, fences and offices

- A. Upon application, the Zoning Administrator may permit, under his/her discretion, placement within required yards, of construction trailers; covered walkways required by building code; cranes, mobile concrete mixers and other similar equipment needed for construction; and dumpsters and on-site sanitary facilities and other similar facilities, subject to the following:
 1. No such building, structure or equipment shall be located in the vision obstruction area or tree protection area;
 2. All such buildings, structures or equipment shall be removed prior to issuance of the first certificate of occupancy for tenant occupancy, unless otherwise required by building code or other local, state or federal provisions;
 3. The Zoning Administrator may require that placement of such buildings, structures or equipment be shown on an approved grading plan or plat;
- B. Fences shall be allowed where and to the extent required by building code, provided, however, that where a development project abuts an R or RA district, a construction fence of a minimum of six feet in height shall be required along the common lot line. Fences shall be removed at the time of issuance of the final certificate of occupancy, or as otherwise required by building code.

§12.10.5. Indoor and outdoor events and activities in vacant buildings or properties

In order to promote activity and vibrancy in the County's mixed-use and commercial areas, indoor and outdoor short term events or activities in vacant buildings, vacant floors or portions thereof, or vacant ground floor spaces in buildings, on vacant properties, or on outdoor spaces, may be allowed in C and M districts, and outdoor events and activities may additionally be allowed in P districts, as follows:

A. Applicability

1. The buildings or building space used for indoor events shall be approved for retail, service and commercial use(s) as provided in §12.2.5 or industrial use(s) as provided in §12.2.6;
2. The entrance to the building shall be on a street designated as a principal or minor arterial in the Arlington County Master Transportation Plan.
3. A permit for short term use shall not be required for any use consistent with all provisions of the subject zoning district and all relevant site plan or use permit conditions for the subject property, and for such use, provisions of this §12.10.5 shall not apply.

B. Uses

Notwithstanding use type limitations in use permit or site plan conditions:

1. Allowed indoor uses shall be those allowed in the subject zoning district;
2. Allowed outdoor events and activities shall include, but are not limited to, carnivals; circuses; festivals; fairs; dog or horse shows; outdoor retail sales events that are not associated with an established retail business on the premises; and seasonal stands for the sale of Christmas trees, pumpkins, flowers, fruits and vegetables and the like, not associated with an established retail business on the premises.

C. Frequency and length of events

1. Short term events and activities in any individual building or on any individual property shall be allowed for a total of 90 days per year.

D. Signs

1. Subject to §13.7, all signs for which no permit is required shall be allowed for indoor and outdoor events, for up to one week prior to the public opening of the event and during the time period for which the certificate of occupancy is issued, notwithstanding comprehensive sign plan provisions for the subject property.
2. All other signs that allowed by Article 13 and consistent with any comprehensive sign plan for the property shall be allowed.

E. Additional provisions for outdoor events

Outdoor events shall be subject to the following additional standards:

1. Temporary buildings or structures allowed for outdoor events shall include tents, shipping containers, and other similar temporary structures, subject to bulk, coverage and placement provisions in §3.2, and subject to all by-right height limitations in the subject zoning district.

2. All outdoor spaces subject to the permit for short term use shall be restored to prior conditions or to conditions otherwise required by the site plan or use permit controlling the subject property, upon conclusion of the approved time period for short term use.

§12.10.6. Pop-up parks

- A. Pop-up parks may be allowed on vacant properties in C and M districts, and on unbuilt portions of properties governed under site plan or use permit, for up to three years and subject to renewal at the end of three years, as follows:
 1. Pop-up parks shall be open to the general public.
 - 4.2. Other short term uses within pop-up parks shall be subject to the provisions of §12.10.6; and may also include open air markets where such use is allowed and subject to all provisions of the approved use permit for the open-air market.

§12.7.3-§12.10.7. Public, civic and institutional building uses¹

Short termSecondary uses of buildings approved for public, civic and institutional uses, as provided in §12.2.4, may be allowed as follows:

- A. churches, schools, public buildings and public properties, including the dDaily or hourly rental of classrooms, meeting rooms, auditoriums, multilevel parking structures and recreational facilities to profit or nonprofit entities may be allowed as follows:
 1. to profit or nonprofit entities of classrooms, meeting rooms, auditoriums, multilevel parking structures and recreational facilities ffor uses of a cultural, educational, recreational or public service nature; and-
 - 4.2. The Zoning Administrator may approve commercial uses The zoning administrator may approve, for periods not to exceed seven (7) consecutive days, commercial uses incidental to and not inconsistent with the purposes in §12.10.9.A.1the above, for periods not to exceed seven consecutive days. when he finds that such uses will not disrupt the surrounding community
- B. On transitional sites in S-3A and P-S districts, Publicly owned structures. Tto permit the productive use of existing publicly-owned structures-on a temporary basis, when the County Bboard determines it to be advisable to continue to have such structures available for possible-public use following the expiration of the short term useat the end of the period of temporary use, the County Board may approvepermit short term commercial use of an existing publicly-owned structure on a transitional site, subject to the following:
 1. The proposed use shall be subject to approval of a use permit as provided in §15.4 and the provision of parking as required in §14.3;
 2. The proposed short term use shall be -in conjunction with and primarily- for the purpose of providing services to an existing adjacent-abutting use for a period not to exceed 15 years;

¹ A was moved from public use table (S-3A and P-S districts) and applied broadly across all zoning districts here, and edited as shown; B was moved from transitional use table and edited as shown.

~~2.3.~~ 2.3. Short term use of the transitional site ~~such uses~~ may be ~~permitted~~ approved notwithstanding the fact that up to ~~not more than~~ 25 percent of the area of the existing structure is located outside the portion of the site within which transitional uses are ~~permitted~~ allowed.

§12.10.8. Storage pods

Storage pods, of a maximum of 8½ feet in height and width and 18 feet in length, for storage of household or other goods are permitted in R districts for up to 90 consecutive days, one time per year, subject to the following standards:

- A. Storage pods shall be placed no closer than five feet to any lot line.
- B. Storage pods shall not be placed on public right-of-way or easements for public use.
- C. No permit for short term use shall be required.

§15.10. Permits for short term use

§15.10.1. Applicability

Short term uses occurring on property outside of the public right-of-way shall obtain a permit for short term use from the zoning administrator that outlines conditions of operations so as to protect the public, health, safety and welfare subject to the standards of §12.10, Short Term Use Standards.

§15.10.2. Application requirements

- A. Applications for permits for short term use shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the approval criteria of §15.10.4, and with the applicable standards of §12.10. The burden of demonstrating that the application complies with approval criteria is the applicant’s.
- B. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. The applicant shall rely on the zoning administrator as to whether more or less information should be submitted.
- C. Concurrent with an application for a permit for short term use, the applicant shall submit a plat of the property showing the proposed short term use for review and approval.

§15.10.3. Action by zoning administrator

After receiving a complete application, the zoning administrator shall have up to 30 days to review and approve or deny the application.

§15.10.4. Approval criteria

Applications for permits for short term use shall be reviewed for compliance with the requirements of §12.10.

§15.10.5. Conditions of approval

Short term use applications and plans, as approved, are incorporated into any permit issued, and except as otherwise provided herein, all subsequent development and/or use shall occur strictly in accordance with such approved application and documents.

§15.10.6. Action following approval

A permit for short term use will be issued by the zoning administrator for all approved applications.

§15.10.7. Revocation of permit

A permit for short term use shall be revoked if the zoning administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

