



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 16, 2006

DATE: August 30, 2006

SUBJECT: Request to Advertise public hearings on proposed Zoning Ordinance amendments to Section 36. Administration and Procedures:

Subsection 36 H. Site Plan Approval of the Arlington County Zoning Ordinance to change the definition of a *Major Amendment* to include projects that change (increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet.

C.M. RECOMMENDATION:

Authorize advertisement of public hearings by the Planning Commission on October 3, 2006 and the County Board on October 14, 2006 to amend, reenact, and recodify the Zoning Ordinance provisions, to change the definition of a major amendment to include projects that change (increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet (see Attachment A).

SUMMARY: The current language in the Zoning Ordinance defines a Major Amendment to a Site Plan as any modification that meets one of six criteria. Two of these criteria relate to increases in total density greater than five (5%) percent of the total floor area of the building; and if building height would increase by greater than twelve (12) feet. The proposed amendment would modify this language to include both increases and decreases; i.e., increases or decreases of total density greater than five percent (5%) and all changes, increases or decreases, in building height greater than twelve (12) feet.

BACKGROUND: Section 36. H. 2. a. of the Zoning Ordinance currently provides as follows:

Major Amendment: Any modification of the approved site plan which meets one (1) or more of the following criteria:

County Manager: _____

County Attorney: _____

Staff: Colleen Connor, Planning Division, DCPHD

PLA-4475

- (1) Principal use of the building would change in more than five (5) percent of the total floor area of the building.
- (2) Density would increase by more than five [5] percent of the total floor area of the building.
- (3) Building height would increase by more than twelve (12) feet.
- (4) Gross floor area of the first floor would change in more than twenty [20] percent of the area of the first floor.
- (5) Change in the site area which is used to calculate density.
- (6) Any change which the Zoning Administrator determines is similar in significance to the above stated changes.

Arlington County routinely is asked to consider amendments to site plan projects that vary the approved site plan. In order to achieve County goals, it is essential that significant changes to approved site plan projects go through the public review process, including meetings with the Site Plan Review Committee and the Planning Commission. Significant changes may include either an increase or decrease in density or height and therefore both increases and decreases should be included under the definition of Major Site Plan Amendments. The proposed Zoning Ordinance amendment would allow the evaluation of the overall impact on a site plan project of significant increases or decreases in density or height.

CONCLUSION: Staff recommends that the County Board authorize advertisement of public hearings by the Planning Commission on October 3, 2006 and the County Board on October 14, 2006 to consider the proposed amendment to Section 36. H.a. Administration and Procedures of the Arlington County Zoning Ordinance changing the definition of a Major Amendment to include projects that change (increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet, as set forth in Attachment A.

ATTACHMENT A

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS FOR THE PROPOSED AMENDMENT TO SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE OCTOBER 3, 2006 PLANNING COMMISSION MEETING AND THE OCTOBER 14, 2006 COUNTY BOARD MEETING TO AMEND, REENACT AND RECODIFY THE PROPOSED ZONING PROVISIONS TO CHANGE THE DEFINITION OF A MAJOR AMENDMENT TO INCLUDE PROJECTS THAT CHANGE (INCREASE OR DECREASE) DENSITY BY MORE THAN FIVE (5) PERCENT AND/OR BUILDING HEIGHT BY MORE THAN TWELVE (12) FEET.

The County Board of Arlington County hereby resolves to advertise the following amendment to Section 36. Administration and Procedures of the Arlington County Zoning Ordinance at the October 3, 2006 Planning Commission meeting and the October 14, 2006 County Board meeting to amend, reenact and recodify the Zoning Ordinance to change the definition of a Major Amendment to include projects that change (increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet, in order to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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SECTION 36. ADMINISTRATION AND PROCEDURES

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H. Site Plan Approval.

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2. Site Plan Application Process: Every application for a site plan approval or a major site plan amendment shall be filed in writing with the Zoning Administrator a minimum of one hundred twenty (120) days before the public hearing; however, the County Board may, on its own motion, schedule hearings for a date which is less than one hundred twenty (120) days from the date of filing the application. When a completed site plan or major site plan amendment is filed, the Zoning Administrator shall notify, as required in Administrative Regulation 4.1, the applicant of the scheduled date of the public hearing for the site plan or major site plan amendment, which date will be up to one hundred and eighty (180) days after filing. The date of filing of a complete application shall be determined as set forth in Administrative Regulation 4.1, based on whether the requirements of Administrative Regulation 4.1 have been met. Public hearings for site plans and major site plan amendments shall be the first regularly scheduled County Board meeting of each month, except the County Board may establish, on its own motion, another board meeting for the hearing. Public hearings for minor site plan amendments

shall be as required for use permits under Subsection 36.G.4. Major site plan amendments, minor site plan amendments, and administrative changes shall be defined as follows: (2/7/04)

- a. *Major Amendment:* Any modification of the approved site plan which meets one (1) or more of the following criteria:
- (1) Principal use of the building would change in more than five (5) percent of the total floor area of the building.
 - (2) Density would ~~increase~~ change by more than five [5] percent of the total floor area of the building.
 - (3) Building height would ~~increase~~ change by more than twelve (12) feet.
 - (4) Gross floor area of the first floor would change in more than twenty [20] percent of the area of the first floor.
 - (5) Change in the site area which is used to calculate density.
 - (6) Any change which the Zoning Administrator determines is similar in significance to the above stated changes.

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