



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 13, 2007**

DATE: October 24, 2007

SUBJECT: Zoning Ordinance Amendments to the Arlington County Zoning Ordinance Section 36. Administration and Procedures, Subsection 36.H. Site Plan Approval, Subsection 36.H.7. Affordable Dwelling Units for Height and Density Above General Land Use Plan, to correct and clarify references to other sections of the ordinance.

C.M. RECOMMENDATION:

Adopt the attached ordinance to amend, reenact and recodify Subsection 36.H.7. of the Arlington County Zoning Ordinance to correct and clarify references to other subsections of the ordinance in order to provide for efficient administration and enforcement of the Zoning Ordinance; 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.

ISSUES: None

SUMMARY: The proposed amendment is technical in nature and does not change any of the associated policies. It would correct and clarify three references within Subsection 36.H.7., which address the County's provisions for bonus density for site plan projects that provide affordable dwelling units. Internal references within this subsection provide ambiguous references to other subsections and incorrectly reference Subsection 36.H.5. A subsequent internal reference incorrectly letters the subparagraphs to which it refers.

BACKGROUND: The language under Section 36. H. 7. a. 2. states:

(2) Modification of Building Height:

- (a) In "RA" Districts (but not "RA-H", "RA4.8", "RA-H-3.2" Districts), building heights shall not be modified under this Subsection 36.H.5., except that where a project provides low or moderate income housing, the County Board may approve a greater height, in order to achieve tapering, where the proposed project is adjacent to a property for which the Zoning Ordinance district regulations or the General Land Use Plan designation allow, by site plan, a height greater than the proposed height.*

County Manager: _____

County Attorney: _____

Staff: Deborah Albert, Planning Division, DCPHD

PLA-4798

(b) In “C-2”, “C-3”, and “C-R” Districts, building heights shall not be modified under this Subsection.

(c) Additional building heights approved under this Subsection 36.H.5. shall not exceed six (6) stories or sixty feet, whichever is smaller, above the height permitted in the district regulations.

The language under Section 36. H. 7. d. states:

Under no circumstances shall any combination of the incentives provided in subparagraphs a. through d. above be interpreted to allow additional height in excess of a maximum of six (6) stories, or additional residential density in excess of twenty-five percent, or additional .25 FAR of office density above that permitted by the applicable zoning district.

The current language in Subsection 36.H.7.a.2. was previously contained within Subsection 36.H.5. With the insertion of an additional subsection and subsequent renumbering of existing language adopted on December 10, 2005, this subsection was renumbered as 36.H.7. While references within other sections of the ordinance were corrected at the time of the earlier amendment to account for the renumbering, some references within this subsection were missed at that time.

Subparagraph 36.H.7.d references subparagraphs “a. through d. above,” however, with the renumbering of this subsection, there are currently only three previous subparagraphs to be referenced, lettered a. through c. The intent of the proposed amendment is to update those references that are incorrect and to clarify those that are ambiguous.

DISCUSSION: The proposed amendment is technical in nature and does not change any of the associated policies. The proposed amendment updates incorrect references in subsections 36.H.7.a.2.a, 36.H.7.a.2.c, and 36.H.7.d., and for clarification purposes, fills in the reference in subparagraph 36.H.7.a.2.b, which was not previously identified.

The Zoning Ordinance Amendment was discussed at the Zoning Committee of the Planning Commission meeting on September 25, 2007 and no issues were raised.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact and recodify Subsection 36.H.7. of the Arlington County Zoning Ordinance to correct and clarify references to other sections of the ordinance, in order to provide for efficient administration and enforcement of the Zoning Ordinance; 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.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 36. ADMINISTRATION AND PROCEDURES, SUBSECTION 36.H.7. AFFORDABLE DWELLING UNITS FOR HEIGHT AND DENSITY ABOVE GENERAL LAND USE PLAN, TO CORRECT AND CLARIFY REFERENCES TO OTHER SECTIONS OF THE ORDINANCE.

Be it ordained that Section 36. Administration and Procedures, subsection 36.H.7. Affordable Dwelling Units for Height and Density Above General Land Use Plan of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows to correct and clarify references to other sections of the ordinance in order to provide for efficient administration and enforcement of the Zoning Ordinance; 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.

* * *

Section 36. ADMINISTRATION AND PROCEDURES

H. Site Plan Approval.

- 7. Affordable Dwelling Units for Height and Density Above General Land Use Plan.
 - a. In considering the approval of a site plan including apartments, the County Board may permit additional height and density as set forth below

* * *

- (2) Modification of Building Height:
 - (a) In “RA” Districts (but not “RA-H”, “RA4.8”, “RA-H-3.2” Districts), building heights shall not be modified under this Subsection ~~36.H.5.~~ 36.H.7.a.2., except that where a project provides low or moderate income housing, the County Board may approve a greater height, in order to achieve tapering, where the proposed project is adjacent to a property for which the Zoning Ordinance district regulations or the General Land Use Plan designation allow, by site plan, a height greater than the proposed height.
 - (b) In “C-2”, “C-3”, and “C-R” Districts, building heights shall not be modified under this Subsection 36.H.7.a.2.
 - (c) Additional building heights approved under this

Subsection ~~36.H.5.~~ 36.H.7.a.2. shall not exceed six (6) stories or sixty feet, whichever is smaller, above the height permitted in the district regulations. . . .

* * *

- b. In considering the approval of an office, motel, or apartment site plan, the County Board may permit additional height, not to exceed three (3) stories, and /or additional density, not to exceed .25 floor area ratio (FAR) in an office structure, or ten (10) percent in a motel or apartment structure, providing the County Board judges that a contribution to required community facilities has been provided. Consideration of such facilities may include, but not be limited to, the provision of space for a library, fire station, public school facility, public transit facility, or a community recreation or health center. Such community facilities may be provided at appropriate off-site locations.
- c. In considering the approval of a site plan, the County Board may permit additional office density above the amount allowed by site plan in the district regulations, not to exceed .25 FAR on the site, providing the County Board judges that low or moderate-income housing being provided under the site plan is sufficient to justify the amount of the additional density allowed. Under no circumstances shall this bonus exceed ten (10) percent of the total gross floor area permitted without bonus under the site plan, nor shall additional height be allowed.
- d. Under no circumstances shall any combination of the incentives provided in subparagraphs ~~a. through d.~~ 36.H.7.a. through 36.H.7.c. above be interpreted to allow additional height in excess of a maximum of six (6) stories, or additional residential density in excess of twenty-five percent, or additional .25 FAR of office density above that permitted by the applicable zoning district.