



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 15, 2005**

DATE: November 8, 2005

SUBJECT: Ordinance to amend the Zoning Ordinance to:

- A. Section 1. Definitions and Section 32. Bulk, Coverage and Placement Requirements to add definitions of lot coverage and main building footprint coverage and to reduce maximum lot coverage for one-family dwelling lots in "R-5," "R-6," "R-8," "R-10," and "R-20" zoning districts. Maximum coverage for these districts is presently 56%. Proposed amendment would reduce maximum coverage to 45% in "R-5" districts, 40% in "R-6," 35% in "R-8," 32% in "R-10," and 25% in "R-20." In addition a new main building footprint coverage maximum would be added; 34% in "R-5," 30% in "R-6," 25% in "R-8," 25% in "R-10," and 16% in "R-20." A new main building footprint cap would also be set; 2040 sq. ft. "R-5," 2160 sq. ft. in "R-6," 2400 sq. ft. in "R-8," 3000 sq. ft. in "R-10," and 3880 sq. ft. in "R-20." (Advertised on February 12, 2005; Option 1 and 2)
- B. 1. Section 1. Definitions and Section 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance to add definitions of lot coverage and main building footprint coverage and to reduce maximum lot coverage for one-family dwelling lots in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts. Maximum coverage for these districts is presently fifty-six (56) percent. The proposed amendment would reduce maximum coverage on a sliding scale ranging from fifty-six (56) percent for lots smaller than 5,000 square feet to thirty-five (35) percent for lots that are equal to or larger than 20,000 square feet. A new main building footprint coverage maximum would be added ranging from a coverage percentage that is determined by the buildable area for lots smaller than 5,000 square feet to twenty (20) percent for lots that are equal to or larger than 20,000 square feet. The proposal would also grandfather lots not in compliance with the new coverage provisions (Advertised on July 9, 2005; Option 3).

County Manager: _____

County Attorney: _____

Staff: Sakura Namioka, CPHD, Planning Division

PLA-4146

2. Section 35. Nonconforming Buildings and Uses to add a new Subsection 35.A.1. Qualification of Nonconforming Uses to permit reconstruction of existing, nonconforming one-family dwellings and associated accessory buildings to the original footprint and stories as long as the reconstruction is in compliance with the applicable provisions of the Zoning Ordinance, if those buildings are damaged by calamity not intentionally caused by the owner. A new provision would also be added that allows one-family dwellings that are not in compliance with zoning regulations to be enlarged as long as the enlargement complies with all zoning requirements. The current provision that limits the expansion of one-family dwellings on undersized lots to fifty (50) percent of the existing floor area would be eliminated.

C.M. RECOMMENDATION:

Adopt the attached Ordinance B.1. and 2. (Option 3) to amend, reenact, and recodify the Sections 1., 32. and 35. of the Arlington County Zoning Ordinance concerning lot coverage and other related issues in order to modify the current lot coverage requirement; to grandfather existing one-family dwellings that are not in compliance with the new coverage regulations; to add a new Subsection 35.A.1. Qualification of Nonconforming Uses to permit reconstruction of one-family dwellings to the original footprint and height and stories, if they are damaged or destroyed by fire, wind, earthquake, or other force majeure; to allow one-family dwellings that do not comply with zoning regulations to be enlarged as long as the enlargements comply with all zoning regulations; and to eliminate the existing limitation on expansion of one-family dwellings on undersized lots to fifty (50) percent of the floor area of the existing building; to encourage orderly development of one-family residential neighborhoods; 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.

SUMMARY: This Zoning Ordinance Amendment includes three options. Option 1 was advertised in February 2005. This option (known as the ZORC Option) recommended amendments to the coverage provisions that would reduce coverage and base it on a sliding scale based on zoning district. This option also included a maximum footprint cap, a bonus for porches and detached garages and grandfathering for existing structures. At that time staff recommended Option 2 (known as the County Manager's Initial Recommendation) which would apply the proposed changes in Option I only to new construction. In July, Option 2 was revised to base the coverage provision on a sliding scale according to lot size with minimum areas for lot coverage and main building footprint for each lot size category (Option 3, also known as the County Manager's Final Recommendation). This recommendation eliminated the porch and garage bonus, deleted the footprint cap and continued the proposed grandfathering clause. This recommendation also included amendment to Section 35. dealing with nonconforming buildings and structures. All three options are encompassed within the language advertised and are the subject of this report. The differences between the proposals are summarized in the Table in Attachment A. Staff is recommending that the County Board adopt Option 3.

The current Zoning Ordinance permits fifty six (56) percent coverage for one-family residential lots in all five “R” Districts regardless of the minimum required area of the lot, or the actual size of the lot. Option 3 sets thresholds for coverage requirements on a sliding scale based on the lot size, which is summarized below:

<i>Lot Area Ranges (sf)</i>	<i>Lot Coverage</i>	<i>Main Building Footprint Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 - 19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

Option 3 proposes that the changes be applied only to new construction as recommended in Option 2. However, under Option 3 the definition of new construction has been modified. New construction would occur when one of the following criteria is met:

- Constructing a main building on a lot where there has been no main building.
- An existing main building is intentionally torn down to the foundation, regardless of how much of the existing foundation remains.
- New outer walls are built around the existing main building on a new exterior foundation.
- Construction that retains (as outer walls) less than fifty (50) percent of the linear feet of a structure’s outer walls (measured at the top of the wall where it meets the roof) as those outer walls existed on November 15, 2005. A new description, including a graphic, of how to calculate this is provided.

Option 3 removes the application of the existing provision that limits the size of an addition to an increase of fifty (50) percent of the floor area in the original structure due to concerns about its impact on smaller houses (Subsection 35.A.) It continues the grandfathering provision of the original proposal in Subsection 32.C.2. In addition, Subsection 32.C.3. would be added to allow existing main and accessory buildings or structures that are not in conformance with the coverage requirements adopted on November 15, 2005, to be rebuilt within the building footprint and stories as they existed on November 15, 2005 if structures are damaged or destroyed by fire, wind, earthquake, or other force majored. Such construction must begin within one (1) year after such damage or destruction.

The proposed Zoning Ordinance amendments for nonconforming buildings and uses, which could be applied to any of the three options, include the following changes in response to comments made by the public over the past several months:

- To exempt existing one-family dwellings from the current requirement that restricts the size of additions and enlargements to less than fifty (50) percent of the floor area of the existing building when the lot is undersized.
- To permit reconstruction of nonconforming one-family dwellings when the existing buildings are demolished or damaged by force majeure not intentionally caused by the owner, provided that the reconstruction is within the footprint and height and stories that existed before it was damaged or destroyed.
- To permit additions to nonconforming, one-family dwellings as long as the additions comply with all zoning requirements.

The revised proposal in Option 3 will help to address the issues of unusually large and out of character one-family houses in the County and clarify the issues associated with what should be counted in the coverage calculation. The proposal is expected to be effective in limiting the large size of one-family dwellings but will impact existing houses to a lesser degree than the ZORC/Planning Commission recommendation (Option 1). No significant decreases in value or in future appreciation are anticipated to result from this change. Over time, it may result in strengthening property values in the neighborhoods by protecting the character of the neighborhoods. In addition, the recommended Option 3 includes provisions to address issues on nonconforming use and structures in the current Zoning Ordinance. Those provisions are outdated and too restrictive to accommodate the type of residential development that is compatible with existing one-family dwelling neighborhoods. Therefore, it is recommended that the County Board adopt the proposed Zoning Ordinance amendment included in Option 3.

BACKGROUND: This Zoning Ordinance Amendment includes three options. Option 1 was advertised in February 2005. This option (known as the ZORC Option) recommended amendments to the coverage provisions that would reduce coverage and base it on a sliding scale based on zoning district. This option also included a maximum footprint cap, a bonus for porches and detached garages and grandfathering for existing structures. At that time staff recommended Option 2 (known as the County Manager's Initial Recommendation) which would apply the proposed changes in Option I only to new construction. In July, Option 2 was revised to base the coverage provision on a sliding scale according to lot size with minimum areas for lot coverage and main building footprint for each lot size category (Option 3, also known as the County Manager's Final Recommendation). This recommendation eliminated the porch and garage bonus, deleted the footprint cap and continued the proposed grandfathering clause. This recommendation also included amendment to Section 35. dealing with nonconforming buildings and structures. All three options are encompassed within the language advertised and are the subject of this report. The differences between the proposals are summarized in the Table in Attachment A. Staff is recommending that the County Board adopt Option 3.

Definition of Lot Coverage and Main Building Footprint Coverage: The proposed definitions of *Lot Coverage* and *Main Building Footprint Coverage* of February 12, 2005 have not been changed; however, the definition of Main Building Footprint Coverage has been divided into two definitions. They are:

Lot Coverage: The percentage determined by dividing: (a) the area of a lot covered by the total (in square feet) of; (1) the footprint of the main building, and (2) the total footprints of accessory buildings [counting only buildings with footprints larger than one hundred fifty (150) square feet or with a height of two stories or more], and (3) parking pads and driveways; by (b) the gross area of that lot.

Main Building Footprint: The main building footprint shall include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay-windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint in square feet by the gross area of the lot in square feet on which the main building is located.

The ZORC/Planning Commission Proposal of February 12, 2005: The following summarizes the ZORC/Planning Commission proposal and the County Manager’s Initial Proposal advertised on February 12, 2005 (Options 1 and 2):

<i>Categories</i>	<i>R-5</i>	<i>R-6</i>	<i>R-8</i>	<i>R-10</i>	<i>R-20</i>
Maximum Lot Coverage	45%	40%	35%	32%	25%
Maximum Lot Coverage with Front Porch	48%	43%	38%	35%	28%
Maximum Lot Coverage with Rear Detached Garage	50%	45%	40%	37%	30%
Maximum Lot Coverage with Rear Detached Garage and Front Porch	53%	48%	43%	40%	33%
Maximum Main Building Footprint Coverage	34%	30%	25%	25%	16%
Maximum Main Building Footprint Coverage with a Front Porch	37%	33%	28%	28%	19%
Main Buildings Footprint Caps	2040 sf	2160 sf	2400 sf	3000 sf	3880 sf
Main Buildings Footprint Caps with a Front Porch	2200 sf	2376 sf	2688 sf	3360 sf	4610 sf

Recently, representatives of the ZORC and the Neighborhood Conservation Advisory Committee (NCAC) have proposed to increase the main building footprint caps to allow oversized lots to have a cap equal to a lot that is 140 percent larger than the minimum lot area required for each zoning district, as opposed to 120 percent larger in the original proposal. This would allow larger houses on oversized lots and would address one issue that was raised during the public review process. They also propose the addition of language to protect undersized lots.

The County Manager’s Final Recommendation of July 9, 2005 (Option 3): The revised coverage requirements are on a sliding scale and based on the lot area not by zoning district. In addition, amendments to the provision on nonconforming buildings and structures concerning one-family dwelling lots are added to Option 3 to address issues associated with expansion and reconstruction of one-family dwelling lots.

<i>Lot Area Ranges (sf)</i>	<i>Maximum Total Lot Coverage</i>	<i>Maximum Main Building Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 -19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

DISCUSSION: Currently, very few one-family houses are out of compliance with the 56 percent coverage requirement. The following table shows a breakdown of the number of lots in each zoning district that exceed 56 percent coverage. According to this table, it is clear that coverage can be reduced with minimal impact on existing development.

	Number of Lots with coverage of 56 percent or greater
“R-5”	40 (1.8 %)
“R-6”	49 (0.3 %)
“R-8”	3 (0.2 %)
“R-10”	4 (0.1 %)
“R-20”	0

Ever since the original advertisement on February 12, 2005, staff has continued to work with the community and analyzed issues raised during this review, including:

- The small house issue: Smaller houses would be unfairly restricted by the limit on one hundred (100) percent expansion in Option 1 and 2 relative to a larger house that had already been expanded.
- The undersized lot issue: The existing nonconforming section of the Zoning Ordinance limits the ability to expand houses on undersized lots (lots that have less area than the required minimum of the Zoning District). Additional data showed that there are a substantial number of undersized lots in all zoning districts. The unintended result of this provision might be the demolition of existing houses rather than preservation of existing houses with tasteful additions compatible with the existing neighborhood.
- The oversized lot issue: The main building footprint cap was viewed as too restrictive for larger lots and would make expansion of ranch style houses difficult. Many felt that it was unfair to not allow larger houses on larger lots. One potential unintended consequence could be the re-subdivision of larger lots into two or more lots.
- The nonconforming issue: The public discussion of coverage raised concerns about the current nonconforming provision which limits expansion of existing one-family dwellings on undersized lots to fifty (50) percent of the floor area of the existing building, which was more restrictive than the proposed definition of new construction.

In response, staff developed Option 3, which addresses all these issues. The revised coverage requirements are on a sliding scale and based on the lot area not by zoning district (See Table on Page 6). The revised proposal includes deletion of the main building footprint size caps and the deletion of the bonuses for front porches and garages in the rear yard. It proposes the requirement to retain at least fifty (50) percent of the existing outside walls and provides a clear description, including a graphic, of how this requirement is calculated.

Civic Associations and Citizen Outreach: Subsequent to the July 9, 2005 advertisement, staff continued to research data about existing lots and coverage and to meet with citizen groups, as suggested by the Planning Commission and others.

- On October 18, 2005: The Zoning Committee (ZOCO) met and reviewed the proposed Zoning Ordinance amendment for coverage. The group discussed the coverage issue with staff and asked a number of questions, including updating of the GIS data, application of the GIS data to the proposed Zoning Ordinance amendments, comparison of the impacts of the original proposal and the revised proposal, undersized lots and building height.
- October 13, 2005: The NCAC voted to send a letter to the County Board supporting the ZORC and Planning Commission recommendation (Option 1) that was advertised on February 12, 2005 (Attachment C). NCAC had previously sent three letters to the

County Board [December 15, 2004, February 10, 2005, and May 17, 2005 (Attachment E)], generally endorsing the ZORC and Planning Commission recommendations (Option 1).

- October 4, 2005: The Arlington County Civic Federation (ACCF) adopted a resolution recommending that the County Board not adopt any of the three proposals advertised, except for the revisions to Section 35.A., concerning reconstruction of nonconforming uses and structures. Previously, on February 1, 2005, ACCF passed a resolution recommending advertisement of The County Manager's Initial Recommendation (Option2) (Attachment F). After an April 23, 2005 Forum on lot coverage, ACCF adopted a resolution recommending that the County Board not adopt the ZORC recommendation and that the proposal be referred back to staff and a community committee to change the proposed zoning ordinance amendments with a more equitable effect (Attachment D).
- From late 2004 to present, a representative of ZORC and staff attended many civic association meetings to present the proposed Zoning Ordinance amendments. A list of organizations that staff either met with or provided information to are as follows: NCAC, the Northern Virginia Building Industry Association (NVBIA), Waycroft -Woodlawn, Lyon Park, Courthouse-Clarendon, Ashton Heights, Donaldson Run, Leeway-Overlee, Cherrydale, Arlington Forest, Arlington East Falls Church, Riverwood, and Williamsburg Civic Associations.
- Additional information related to the lot coverage study was added to the county's web site. In addition, the County established a hotline for lot coverage in October 2004 to receive citizen's comments. Staff talked with and met with approximately eighty citizens during the past six months.

Since July 9, 2005, staff has reviewed the County Manager's Final proposal with ZOCO, ACCF, and NCAC. Some additional issues were raised during these meetings. One issue raised by NCAC is that the July proposal (Option 3) diluted the basic intent of the proposed Zoning Ordinance amendment by applying the amendment only to *new construction* which is too generous and by removing the bonus coverage allowances for front porches and detached rear garages. To respond to this issue, staff analyzed six recent one-family dwellings that were mentioned frequently because of their sizes and their relationship to the existing neighborhoods. (Attachment B). As this table indicates, Option 3 would be generally effective in restricting the size of these one-family dwellings.

Staff also analyzed two hundred twenty (220) new one-family dwellings which were constructed between July 2004 and September 2005. The following table summarizes how many of these houses will be permitted by the Zoning Ordinance amendment proposed under Option 3.

<i>Lot Area Ranges (sf)</i>	<i>Total No of Lots</i>	<i>Maximum Lot Coverage</i>	<i>Maximum Main Building Footprint Coverage</i>	<i>Non Compliance to Lot Coverage and MBg Cov</i>
Smaller than 5,000	11	56%	Determined by the building placement requirements.	
5,000 - 5,999	19	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger	5
6,000 - 7,999	72	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger	10
8,000 - 9,999	50	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger	5
10,000 - 19,999	61	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger	9
20,000 or larger	7	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger	1
Total No. of Lots	220			30 (13.6%)

Of the 220 lots, 30 (13.6%) were non-compliant in lot and main building footprint coverage, and 17 (8%) were non-compliant only in main building footprint coverage. These numbers make up only 0.8% of the total one-family dwelling lots in the county, which was 26,651 in 2005. Option 3 would only apply to new construction or substantial large additions. The table shows that new construction can adjust to the new thresholds for the most part but some may have to be decreased in size.

Staff reviewed the coverage thresholds in some of the Northern Virginia jurisdictions (See Attachment G). In Falls Church and Herndon, the permitted maximum coverage for building footprints is 25 percent. In Herndon, a coverage threshold for all impervious surface is 50 percent. In Vienna, 25 percent is for coverage that includes the main building and accessory building footprints, driveways and patios. In these jurisdictions, the minimum requirement for lot area is 10,000 square feet, and is larger than the minimum required lot areas in Arlington County. In Fairfax County, there is not one coverage requirement for one-family dwelling districts. Instead there is a maximum coverage of the rear yard of 30 percent and a restriction on paving of front yards for parking of 25 to 30 percent.

Economic and Fiscal Impact of the Proposed Zoning Ordinance Amendment: The economic impact of the proposed Zoning Ordinance amendment on one-family detached houses has also been one of the major concerns raised by the community. The County Real Estate Assessment Office and the Arlington Economic Development Office analyzed the issue and concluded that no significant or widespread decreases in value or in future appreciation are anticipated on those one-family residential properties susceptible to new construction or housing additions. This conclusion is based on observed market patterns. Over time, there may, in fact, be a general

strengthening in property values in the neighborhoods protected by the proposed ordinance changes, since homeowners typically most value close-in stable neighborhoods that preserve their existing feel and character and are protected from out-of-scale new construction.

Proposed amendment to Section 35. Nonconforming Buildings and Uses: Another issue raised often during the review was concerns about existing nonconforming building requirements. The revised proposal includes amendments to Section 35. Nonconforming Buildings and Uses to address those issues:

- The current Zoning Ordinance limits additions and enlargements to fifty (50) percent of the floor area contained in the existing building if the lot or building does not comply with the height or area regulations. Under this provision, buildings located on an undersized lot can be enlarged only up to fifty (50) percent of gross floor area of the building. This could result in the tearing down of existing structures in order to build a larger house. Thus, staff proposes eliminating the application of this restriction to one-family dwellings.
- The current Zoning Ordinance prohibits additions to a nonconforming structure unless the entire structure is brought into compliance with all zoning requirements. Staff proposes to eliminate this restriction and allow additions to one-family dwellings as long as the addition complies with applicable zoning requirements.
- The current Zoning Ordinance allows nonconforming structures which are damaged by natural disaster or calamity to be rebuilt only if they are not damaged to the degree that the damage is not more than seventy-five (75) percent of the value of the structure as it existed prior to being damaged. Staff proposes to amend this provision to allow nonconforming one-family dwellings to be rebuilt within the existing footprint and to the existing height and stories regardless of the extent of the damage.

CONCLUSION: The proposed Zoning Ordinance amendments in Option 3 advertised in July would reduce coverage for one-family dwelling lots in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts from the current 56 percent. The proposed maximum coverage would be on a sliding scale ranging from fifty-six (56) percent for lots smaller than 5,000 square feet to thirty-five (35) percent for lots that are equal to or larger than 20,000 square feet. Option 3 will address the issues of unusually large and out of character one-family houses in the County, and clarify the issues associated with what should be counted in lot coverage calculation. The proposal is expected to be effective in limiting the large size of one-family dwellings, but to impact existing houses to a lesser degree than the ZORC/Planning Commission recommendation. No significant decreases in property values or in future appreciation are anticipated. Over time, it may result in strengthening property values in established neighborhoods by protecting the character of the neighborhoods. In addition, the revised proposal includes provisions to address issues on nonconforming use and structures in the current Zoning Ordinance. Those provisions are outdated and too restrictive to accommodate the type of residential development that the citizens envision.

The proposed changes to the Zoning Ordinance (Option 3) would amend, reenact, and recodify the Zoning provisions concerning lot coverage and nonconforming buildings and uses to amend the current lot coverage requirement that does not accurately reflect the existing conditions; to reduce coverage for one-family dwelling lots in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts from the current 56 percent on a sliding scale ranging from fifty-six (56) percent for lots smaller than 5,000 square feet to thirty-five (35) percent for lots that are equal to or larger than 20,000 square feet; to grandfather all existing one-family dwelling lots located in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts from the revised coverage requirements that are proposed for adoption on November 15, 2005, except for major additions and reconstruction; to exempt one-family dwelling lots from the current requirement that limits the size of additions and enlargements to not exceed fifty (50) percent of the existing floor area; to permit reconstruction of one-family dwellings that are partially damaged or destroyed to the footprint and number of stories that existed before the calamity; to allow additions to nonconforming one-family dwellings as long as the addition complies with all applicable zoning requirements; to encourage orderly development of one-family residential neighborhoods; 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. Therefore, it is recommended that the County Board adopt the proposed amendments to Section 1. Definitions, Section 32. Bulk, Coverage and Placement and Section 35. Nonconforming Buildings and Uses of the Arlington County Zoning Ordinance (Option 3).

~~including, by way of illustration and not by limitation, attached garages, bay windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.~~

* * *

Section 32. Bulk, Coverage and Placement Requirements

* * *

C. Coverage

~~For the purpose of securing open space for the exclusive use of pedestrians, except by site plan approval, no building or structure in “R,” “RA,” and “C 1 O” Districts, including accessory buildings and all areas for parking, driveways, maneuver and loading space, shall cover more than fifty-six (56) percent of the area of the lot, except as may be specified in the various district classifications.*~~

The maximum lot coverage percentage shall be as follows:

1. On any one-family dwelling lot in “R” Districts (“R” District to include “R-20,” “R-10,” “R-8,” “R-6,” and “R-5, but not “R2-7”) the following shall apply:
 - a. Maximum lot coverage shall be as established shown in the table below;
 - b. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below (in compliance with the requirements of 32.D.2.e.);
 - c. Maximum main building footprint coverage shall be as shown in the table below.
 - d. When a porch is attached to the front elevation of a one-family dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side portion), the maximum coverage may be increased as shown in the table below.

<i>Categories</i>	<i>R-5</i>	<i>R-6</i>	<i>R-8</i>	<i>R-10</i>	<i>R-20</i>
Maximum Lot Coverage	45%	40%	35%	32%	25%
Maximum Lot Coverage with front porch	48%	43%	38%	35%	28%
Maximum Lot Coverage with rear detached garage	50%	45%	40%	37%	30%
Maximum Lot Coverage with rear garage and front porch	53%	48%	43%	40%	33%
Maximum Main Building Footprint Coverage	34%	30%	25%	25%	16%
Maximum Main Building Footprint Coverage with a front porch	37%	33%	28%	28%	19%
Main Buildings Footprint Cap	2040 sf	2160 sf	2400 sf	3000 sf	3880 sf
Main Buildings Footprint Cap with a front porch	2200 sf	2376 sf	2688 sf	3360 sf	4610 sf

2. Existing main and accessory buildings or structures that, as of November 15, 2005, are not in conformance with the coverage requirements adopted on November 15, 2005, may be rebuilt within the building footprint and height and stories as they existed on November 15, 2005 if such structures are damaged or destroyed by fire, wind, earthquake, or other force majeure. Such rebuilding shall only be permitted if commenced within one (1) year after such damage or destruction.

3. For all lots in “R” Districts that are not used for one-family dwellings, and lots in “R2-7,” “RA,” “C-1-O” or any other zoning districts, lot coverage shall not exceed fifty-six (56) percent, except as may be specified in the various district classifications, or unless where otherwise permitted to be modified by site plan or use permit.

* * *

SECTION 35. NONCONFORMING BUILDINGS AND USES

A. Nonconforming Buildings.

1. Qualification of Nonconforming Uses: This qualification, Subsection 35.A.1. shall apply only to lots containing one-family dwellings.
 - (a) Existing main and accessory buildings or structures, whether or not conforming to current Zoning requirements, shall be permitted to be added to or expanded, provided that the addition or expansion complies with all current provisions of the Zoning Ordinance.
 - (b) Existing main and accessory buildings or structures shall be permitted to be rebuilt within the building footprint and height and stories as they existed prior to damage or destruction if structures are damaged or destroyed by fire, wind earthquake or other force majeure, and if construction commences within two (2) years from the date of the such damage or destruction.
- ~~2.1.~~ *Maintenance Permitted:* Nonconforming buildings or structures may be maintained, except as otherwise provided in this section.
- ~~3.2.~~ *Repairs - Alterations:* Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance.
- ~~4.3.~~ *Additions – Enlargements - Moving:* ~~For This Subsection 35.A.4. Applies to all buildings except one-family dwellings located in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts.~~
 - a. A nonconforming building or structure shall not be added to or enlarged in any manner unless ~~such building or structure, including~~ such additions and enlargements, is made to conform to all the regulations of the district in which it is located.
 - b. A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) percent of the floor area contained in said building or structure, at the time this ordinance became effective.
 - e. ~~b.~~ A building or structure lacking sufficient automobile parking space in connection therewith as required in Section 33 may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of Section 33.

~~d.~~c. No ~~N~~onconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

* * *

*5. 4. *Renumber after this subsection.* .

OPTION 3. ADVERTISED ON JULY 9, 2005

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY AMENDMENTS TO SECTION 1. DEFINITIONS AND SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS OF THE ZONING ORDINANCE TO ADD NEW ITEMS TO THE LIST OF DEFINITIONS AND TO AMEND COVERAGE REQUIREMENTS FOR ONE-FAMILY DWELLING LOTS; AND SECTION 35. NONCONFORMING BUILDINGS AND USES TO PERMIT RECONSTRUCTION OF EXISTING NONCONFORMING ONE-FAMILY DWELLINGS AND ASSOCIATED ACCESSORY BUILDINGS.

BE IT ORDAINED THAT, Section 1. Definitions, section 32. Bulk, coverage and placement requirements, and Section 35. Nonconforming Buildings and Uses of the Zoning Ordinance be hereby amended, reenacted, and recodified, to add new items to the list of definitions and to amend coverage requirements for one family dwelling lots, to encourage orderly and efficient development of public facilities; 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; as follows:

* * *

Section 1. Definitions

* * *

Lot Coverage. The percentage determined by dividing: (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building, and (2) the total footprints of accessory buildings [counting only buildings with footprints larger than one hundred fifty (150) square feet or with a height of two stories or more], and (3) parking pads and driveways; by (b) the gross area of that lot in square feet.

* * *

Main Building Footprint: The main building footprint shall include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay-windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint in square feet by the gross area of the lot in square feet on which the main building is located. ~~The main building footprint shall include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay windows~~

with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

Section 32. Bulk, Coverage and Placement Requirements

* * *

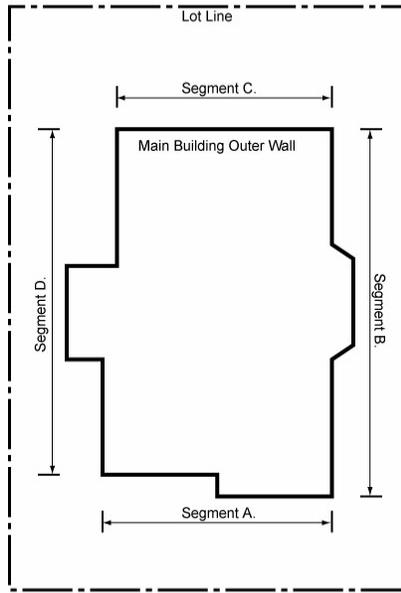
C. Coverage

~~For the purpose of securing open space for the exclusive use of pedestrians, except by site plan approval, no building or structure in “R,” “RA,” and “C-1-O” Districts, including accessory buildings and all areas for parking, driveways, maneuver and loading space, shall cover more than fifty six (56) percent of the area of the lot, except as may be specified in the various district classifications.*~~

The maximum lot coverage percentage shall be as follows:

1. On lots in “R” Districts (“R” District to include “R-20,” “R-10,” “R-8,” “R-6,” and “R-5, but not “R2-7””) where new construction is built, this subsection C.1. shall apply. For purposes of this section, “new construction” means when one of the following criteria is met: a main building is constructed on a lot where there has been no main building; or where construction retains (as outer walls) less than fifty percent (50%) of the linear feet of outer walls (measured by outside building wall line segments as set forth below at the top of the wall where that section of wall meets the first roof) as those outer walls existed on November 15, 2005.

Outside Building Wall Line Segments



50% of the four (4) outside wall line segments, (A,B,C,and D) in linear feet, must be retained to be considered NOT new construction.

- a. Maximum lot coverage shall be as limited to the percentages shown in the table below; and
- b. Maximum main building footprint coverage shall be as limited to the percentages shown in the table below.

<i>Lot Area Ranges (sf)</i>	<i>Maximum Lot Coverage</i>	<i>Maximum Main Building Footprint Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 - 19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

2. Existing main and accessory buildings or structures that, as of November 15, 2005, are not in conformance with the coverage requirements adopted on November 15, 2005, may be rebuilt within the building footprint and height and stories as they existed on November 15, 2005 if such structures are damaged or destroyed by fire, wind, earthquake, or other force majeure. Such rebuilding shall only be permitted if commenced within one (1) year after such damage or destruction.

3. For all lots in “R” Districts that do not contain new construction as defined in subsection C.1. above or are not used for one-family dwellings, and for all lots in any other zoning districts, lot coverage shall not exceed fifty-six (56) percent, except as may be specified in the various district classifications, or unless otherwise permitted to be modified by site plan or use permit.

* * *

SECTION 35. NONCONFORMING BUILDINGS AND USES

A. Nonconforming Buildings.

1. Qualification of Nonconforming Uses: This qualification, Subsection 35.A.1, shall apply only to lots containing one-family dwellings.
 - (a) Existing main and accessory buildings or structures, whether or not conforming to current Zoning requirements, shall be permitted to be added to or expanded, provided that the addition or expansion complies with all current provisions of the Zoning Ordinance.
 - (b) Existing main and accessory buildings or structures shall be permitted to be rebuilt within the building footprint and height and stories as they existed prior to damage or destruction if structures are damaged or destroyed by fire, wind earthquake or other force majeure, and if construction commences within two (2) years from the date of the such damage or destruction.

- ~~2.1.~~ *Maintenance Permitted:* Nonconforming buildings or structures may be maintained, except as otherwise provided in this section.

- ~~3.2.~~ *Repairs - Alterations:* Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance.

4.3. *Additions – Enlargements - Moving:* ~~For~~ This Subsection 35.A.4. Applies to all buildings except one-family dwellings located in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts.

- a. A nonconforming building or structure shall not be added to or enlarged in any manner unless ~~such building or structure, including~~ such additions and enlargements, is made to conform to all the regulations of the district in which it is located.
- ~~b.~~ A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) percent of the floor area contained in said building or structure, at the time this ordinance became effective.
- ~~e.~~ b. A building or structure lacking sufficient automobile parking space in connection therewith as required in Section 33 may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of Section 33.
- ~~d.~~ c. ~~No~~ No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

* * *

*5. 4. *Renumber after this subsection.* .

ATTACHMENT A

Comparison Table Proposed ZOA Lot Coverage September 2005																																												
County Manager's Final Proposal Advertised 7/9/05 (Option 3)	County Manager's Initial Proposal Advertised 2/12/05 (Option 2)	Planning Commission Recommendation to 2/12/05 ZOA language (Option 1.)	ZORC Recommendation to 2/12/05 ZOA Language	NCAC Recommendation to 2/12/05 ZOA Language	Civic Federation Recommendation to 2/12/05 ZOA language																																							
Applies to new construction and substantial addition/renovation – defined as construction where less than 50% of the outer walls are retained. If not new construction then allows expansion up to 56%	Applies to new construction and substantial addition/renovation – defined as construction that is more than 100% of the footprint of the main building or where less than 50% of the outer walls are retained. If not new construction then allows expansion up to 56%	Applies to all (New construction and existing)	Applies to all (New construction and existing)	Applies to all (New construction and existing)	Applies to new construction and substantial addition/renovation																																							
Sliding scale based on lot size with a lot coverage cap* and a main building coverage cap* <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Coverage</u></th> <th style="text-align: center;"><u>Footprint</u></th> </tr> </thead> <tbody> <tr> <td>< 5,000</td> <td style="text-align: center;">56%</td> <td style="text-align: center;">Buildable Area</td> </tr> <tr> <td>5,000 – 5,999</td> <td style="text-align: center;">50% or 2800 sf</td> <td style="text-align: center;">35% or 1750 sf</td> </tr> <tr> <td>6,000 – 7,999</td> <td style="text-align: center;">50% or 3000 sf</td> <td style="text-align: center;">35% or 2100 sf</td> </tr> <tr> <td>8,000 – 9,999</td> <td style="text-align: center;">45% or 4000 sf</td> <td style="text-align: center;">30% or 2800 sf</td> </tr> <tr> <td>10,000–19,999</td> <td style="text-align: center;">40% or 4500 sf</td> <td style="text-align: center;">25% or 3000 sf</td> </tr> <tr> <td>>20,000 –</td> <td style="text-align: center;">35% or 8000 sf</td> <td style="text-align: center;">20% or 5000 sf</td> </tr> </tbody> </table>		<u>Coverage</u>	<u>Footprint</u>	< 5,000	56%	Buildable Area	5,000 – 5,999	50% or 2800 sf	35% or 1750 sf	6,000 – 7,999	50% or 3000 sf	35% or 2100 sf	8,000 – 9,999	45% or 4000 sf	30% or 2800 sf	10,000–19,999	40% or 4500 sf	25% or 3000 sf	>20,000 –	35% or 8000 sf	20% or 5000 sf	Sliding scale based on zoning district with a main building coverage cap and a maximum footprint cap <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Coverage</u></th> <th style="text-align: center;"><u>Footprint</u></th> </tr> </thead> <tbody> <tr> <td>“R-5”</td> <td style="text-align: center;">- 45%</td> <td style="text-align: center;">34% or 2040 sf</td> </tr> <tr> <td>“R-6”</td> <td style="text-align: center;">- 40%</td> <td style="text-align: center;">30% or 2160 sf</td> </tr> <tr> <td>“R-8”</td> <td style="text-align: center;">- 35%</td> <td style="text-align: center;">25% or 2400 sf</td> </tr> <tr> <td>“R-10”</td> <td style="text-align: center;">- 32%</td> <td style="text-align: center;">25% or 3000 sf</td> </tr> <tr> <td>“R-20”</td> <td style="text-align: center;">- 25%</td> <td style="text-align: center;">16% or 3880 sf</td> </tr> </tbody> </table>		<u>Coverage</u>	<u>Footprint</u>	“R-5”	- 45%	34% or 2040 sf	“R-6”	- 40%	30% or 2160 sf	“R-8”	- 35%	25% or 2400 sf	“R-10”	- 32%	25% or 3000 sf	“R-20”	- 25%	16% or 3880 sf	R-20 25% Coverage with 3,880 sf Main Bldg Cap	R-20 20% Coverage with 3,840 sf Main Bldg cap	R-20 20% Coverage with 3,840 sf Main Bldg Cap	R-20 25% Coverage with 3,880 sf Main Bldg Cap
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Does not provide for bonuses for garage or porch – but allows 15% additional coverage beyond main building footprint cap	Allows a bonus for front porches and for detached garages in the rear yard	N/A	Allows a bonus for front porches and for detached garages in the rear yard	N/A	N/A																																							
Recommends grandfathering and rebuilding clause for natural disaster where structure is nonconforming because of coverage And Amend the non conforming provisions to allow expansion of nonconforming structures as long as the expansion complies with zoning requirements, and eliminate the limitation on the expansion of one-family dwellings on undersized lots to 50% of the existing floor area and allow one-family dwellings that are nonconforming for other reasons to be rebuilt after a natural disaster	Recommends grandfathering and rebuilding clause for natural disaster where structure is nonconforming because of coverage	Recommends grandfathering and rebuilding clause for natural disaster where structure is nonconforming because of coverage	Recommends grandfathering and rebuilding clause for natural disaster where structure is nonconforming because of coverage	Recommends grandfathering and rebuilding clause for natural disaster where structure is nonconforming because of coverage	Wants broader grandfathering for all zoning nonconformance																																							

*: Percentage (%) or cap, whichever is larger will be applied for lot coverage and main building footprint coverage.

ATTACHMENT B

EXAMPLES OF LARGE HOUSES

Address	Photographs	Description	ZORC/PC 2/12/05	CM Option 3 7/9/05
6030 – 6038 22 nd St N #11033025 <u>R-6</u>		Lot area: 5,947 sf Coverage: 56% Cov Area: 3,330 sf Main Bg Foot Print Cov: 24% Main Bg Foot Print: 1,380 sf	Will not be permitted. Cov exceeds. Main Bg foot print cov is in compliance	Will not be permitted. Exceeds in cov percentage and total cov area thresholds. Main Bg foot print cov is in compliance
3813 14 th St N #15040052 <u>R-5</u>		Lot area: 5,600 sf Coverage: 44% Cov Area: 2,450 sf Main Bg Foot Print Cov: 32% Main Bg Foot Print: 1,765sf	Will be permitted.	Will be permitted.
2301 N George Mason Dr #02079019 <u>R-6</u>		Lot area: 10,451 sf Coverage: 47% Cov Area: 4,930 sf Main Bg Foot Print Cov: 43% Main Bg Foot Print: 4,520 sf	Will not be permitted. Exceeds in lot cov and main bg footprint thresholds.	Will not be permitted. Exceeds in lot cov, total cov area, main bg footprint foot print percentage and footprint area thresholds.
6430 27 th St N #01045001 <u>R-6</u>		Lot area: 7,652 sf Coverage: 44% Cov Area: 3,367 sf Main Bg Foot Print Cov: 36% Main Bg Foot Print: 2,867 sf	Will not be permitted. Exceeds in lot cov and main bg footprint thresholds..	Will not be permitted. Exceeds in lot cov, total cov area thresholds. Main Bg foot print cov is in compliance
412 N Garfield St #18049013 <u>R-6</u>		Lot area: 10,500 sf Coverage: 42% Cov Area: 4,376 sf Main Bg Foot Print Cov: 27% Main Bg Foot Print: 2,860 sf	Will not be permitted. Exceeds in lot cov and main bg footprint thresholds..	Will be permitted.

<p>3120 Pershing Dr #19045009 R-6</p>		<p>Lot area: 18,456 sf Coverage: 44% Cov Area: 8,146 sf Main Bg Foot Print Cov: 31% Main Bg Foot Print: 5,713 sf</p>	<p>Will not be permitted. Exceeds in lot cov and main bg footprint thresholds.</p>	<p>Will not be permitted. Exceeds in lot cov, total cov area, main bg footprint foot print percentage and footprint area thresholds.</p>
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remove a long-standing, existing restriction on the enlargement of homes on undersized lots. Both of these changes are beneficial, and we support them. The first would achieve the “grandfathering” protection that the NCAC has previously supported as a necessary element of the pending coverage changes. The second would remove a provision that is superfluous in light of the new coverage rules that the Board would adopt.

Thus the NCAC reaffirms its support for the original Planning Commission proposal approved for advertising by the County Board last February as regards Sections 1 and 32—with the several adjustments outlined in our earlier enclosed letters. We likewise support staff’s recent proposed changes for Section 35 of the ordinance. The Planning Commission proposal with the adjustments endorsed by the NCAC would allow ample protection for homes on both undersized and oversized lots; give grandfather protection for existing noncompliant homes; tend to favor the retention of existing, smaller homes in our neighborhoods; create some laudable incentives for future neighborhood-friendly additions and new construction; and respect the existing five zoning districts that underlie our single-family neighborhoods.

We look forward to final County Board action on this matter in November.

Sincerely,

Inta Malis, Chair

Enclosures:

- (1) NCAC letter of December 15, 2004
- (2) NCAC letter of February 10, 2005
- (3) NCAC letter of May 17, 2005

cc: Chair, Planning Commission
Jim Snyder, Planning Staff

FROM THE 5/17/05 NCAC MEETING

NEIGHBORHOOD CONSERVATION ADVISORY COMMITTEE
2100 CLARENDON BOULEVARD, SUITE 700
ARLINGTON, VIRGINIA 22201
703.228.3820 FAX 703.228.3834



INTA MALIS, CHAIRMAN (COLUMBIA FOREST)
ROB SWENNES, VICE CHAIR (LEEWAY)
KRISTINE WOOD, DEPUTY-VICE CHAIR (CLARENDON-COURTHOUSE)

Mr. Jay Fiset, Chairman
Arlington County Board
2100 Clarendon Boulevard
Arlington, Virginia 22201

May 17, 2005

Residential Maximum Lot Coverage

Dear Chairman Fiset:

At its May 12, 2005 meeting, the Neighborhood Conservation Advisory Committee (NCAC) took up once again the issue of lot coverage on single-family lots in Arlington. We examined the Planning Commission's proposal on this subject, which the County Board agreed to advertise at its February 2005 meeting.

The NCAC approved by a wide margin a motion asking the County Board to give serious consideration to three matters related to the advertised zoning proposal regarding coverage. These three items are explained below. Two of them are suggested adjustments to the advertised lot coverage rules. One change is directed at homes on oversized lots in each zoning district. The other is aimed at homes on undersized lots in the districts.

Data analyzed by the Arlington County Civic Federation suggests that a large percentage of the lots that would be rendered nonconforming as regards main building size by the advertised coverage proposal are oversized lots. Also, more detailed information on individual civic associations recently provided by staff has shown a higher percentage of lots in many associations that are more than 120 percent larger than the standard lot in the zoning district. Some concern about the advertised coverage changes can be alleviated by decreasing the number of lots on which the size of the main building would be capped. This is illustrated by enclosure (1), which was prepared by staff. The data show (using R-6 zoning category as an example) that the number of lots with homes that would exceed the proposed maximum footprint goes down significantly if the main building footprint cap is raised from 120% of the standard lot size to 130% or 140%. Thus the NCAC recommends that the Board give serious consideration to **capping the main building footprint on oversized lots at 130 or 140 percent of the house size on a standard lot—as opposed to the 120 percent cap that has been advertised.** This change would, for example, raise the main building footprint cap for oversized lots in R-6 districts from 2160 sq. ft. to as much as 2520 sq. ft.

At the Civic Federation's public forum held on April 23, 2005, it was discovered that a key element of the original coverage proposal as regards homes on undersized lots was not included in the Manager's Report last February. The report issued by the Zoning Ordinance Review Committee (ZORC) on February 4, 2004 recommended that **the main building footprint allowed on a standard sized lot also be permitted on buildable undersized lots in the zoning district**. The NCAC endorsed this concept in its resolution approved on November 11, 2004. The record will show that this was also an element of the Planning Commission's subsequent recommendation to the Board. It is unclear why language to this effect was not included in Appendix E to the County Manager's report of February 12, 2005. Correction of this error will help to reduce the number of lots that would be rendered nonconforming by the advertised coverage changes. We recognize that there are other existing rules within the Zoning Ordinance (such as setback requirements) that may prevent a particular home on an undersized lot from reaching this footprint size, but they are separate and apart from the proposed coverage allowances.

Both of the above coverage changes recommended here by the NCAC would, in effect, reduce any perceived adverse impact of the advertised residential lot coverage proposal. We understand that the two are changes that the Board could legally entertain and implement on June 18th without the need for any readvertisement.

A final recommendation from the NCAC has to do with residence height. As you are aware, many citizens continue to complain that it is the apparent height of homes as much as their footprint that creates bad infill development. The NCAC recommends that the Board give serious consideration to asking the Planning Commission through its zoning committee to reexamine the issue of home height. In particular, there are questions with respect to the current guidance for how height is measured.

We wish to acknowledge and applaud the many man-months of work that staff and citizens across the County have put in to develop and refine the proposed residential coverage changes. We look forward to final County Board action on this matter in June.

Sincerely,

Inta Malis, Chair

Enclosure (1): Main Building Footprint Caps (5/7/05) (1 page)

cc: Chair, Planning Commission
Jim Snyder, Planning Staff

From the 11/11/04 NCAC Meeting

**Resolution
The Neighborhood Conservation Advisory Committee
November 11, 2004**

Broke John Snyder's motion to amend the main motion (earlier made by Rob Swennes) into two parts for consideration. The first part addressed the allowable size of a main building (e.g. house) on undersized lots. This was simply a clarification and re-emphasis of points made in the ZORC proposal that John did not think were clear enough. Approved by voice vote, unanimous.

b. Second part of John Snyder's motion to amend the main motion:

RESOLVED, that the Neighborhood Conservation Advisory Committee urges that the new lot coverage ordinances expressly state that the total lot coverage square footage limits for undersized lots shall be no less than the square footage limits for standard lots in the applicable zoning district. For clarity, the coverage limits for such undersized lots shall be expressed as maximum square footage for the zoning district rather than as a percentage of the lot square footage. Approved 21 in favor -14 opposed -1 abstain. The net effect of the NCAC's approving both parts of John's motion to amend was to add to the main motion John's resolution as circulated to the membership in advance of the meeting.

c. Bernie Berne email motion to amend the main motion:

RESOLVED, that the Neighborhood Conservation Advisory Committee recommends limitations on the maximum permissible F.A.R. and building heights for the types of properties that this resolution addresses. Disapproved by voice vote (all nay, 1 abstain)

d. The amended motion thus presented to the NCAC for a formal vote:

RESOLVED, that the Neighborhood Conservation Advisory Committee supports the maximum lot coverage recommendations as set forth in the report of the Zoning Ordinance Review Committee (ZORC) dated February 4, 2004. The NCAC specifically supports ZORC's recommendation that henceforth certain types of decks be included in coverage and that the base maximum lot coverage allowance for R-20-zoned lots be set at 20 percent. The Committee concurs that the coverage bonuses that ZORC has recommended for separate rear garages and for front porches will both encourage architectural variety in our housing stock and give a more neighborhood-friendly street appearance to homes that are built or remodeled to take advantage of these bonuses.

RESOLVED, that the Neighborhood Conservation Advisory Committee urges that the proposed Zoning Ordinance changes be drafted and implemented in a way that will "grandfather" those existing homes that will become automatically nonconforming structures under the new lot coverage proposals, so that if one of these homes is partially or completely rebuilt in the future (due to a casualty or for any other reason) the home may be rebuilt on its existing footprint notwithstanding the fact that the footprint exceeds the main building coverage size permitted under the new maximum lot coverage standards.

From the 4/23/05 ACCF Meeting

Resolution of Arlington County Civic Federation: Lot Coverage Amendment

The Arlington County Civic Federation at the April 23, 2005 public forum passed the following resolution.

Whereas the Arlington County Board in 2001 directed the Zoning Ordinance Review Committee (ZORC) of the Planning Commission, as part of a review of the various elements in the zoning code that affect new residential development, to "...analyze options to control the impacts of new residential development on one-family residential neighborhoods, in response to the many concerns raised about recent infill residential development";

Whereas a modified September 2004 ZORC proposal, which would apply to all new construction and improvements to residential lots in the County, including all additions to existing houses, was before the County Board for advertising at the Board's December 11, 2004, meeting;

Whereas the County Manager, at the County Board meeting of December 11, 2004, in response to concerns expressed by potentially affected residents, recommended that the County Board advertise an amendment of more limited scope, which would apply the ZORC lot coverage limitations only to new houses and to expansions of existing houses that, *inter alia*, exceed 100% of the footprint of an existing house; and whereas the County Board deferred the matter to its February 12, 2005, meeting;

Whereas the Arlington County Civic Federation (ACCF) has followed this matter closely over the years, and held a special forum on an earlier version of the ZORC lot coverage proposal 3 years ago, at which time ACCF delegates expressed concern about the impact of that proposal;

Whereas the ACCF at its meeting February 8, 2005, in view of concerns about the impact that a broadly applicable amendment might have, passed a resolution urging the County Board, if it advertised an amendment, to advertise an amendment that would be no broader than the amendment proposed for advertising by the County Manager;

Whereas the County Board at its February 12, 2005, meeting voted to advertise an amendment similar in scope to the ZORC proposal;

Whereas the rules that currently apply to lot coverage in the County are already complex, and include setback requirements, an overall coverage limitation, and special rules for additions to houses on undersize lots that are based on livable house size (density) in 1950 or the year in which the house was built, if after 1950;

Whereas about 60 percent of all lots in the County are either undersize or oversize, with a significant percentage of those lots being so far under or over the lot size threshold for their zoning district as to be more appropriately subject to rules that would apply to a different zoning district;

Whereas substantial new information has come to light in recent months about the number of lots that would be made nonconforming or ineligible for even modest additions and improvements if the new ZORC rules were adopted, and new information has also come to light concerning the locations of those lots and the zoning districts in which those lots are located;

Whereas the ZORC rules, if adopted, would automatically render about 11 percent of all lots in the County non-conforming in that existing coverage would exceed the new limits, and would render an additional estimated 14 percent of all lots ineligible for even a modest addition or other improvement (defined as an improvement of 300 square feet);

Whereas the ZORC rules, if adopted, would have a disproportionate impact on both smaller and larger lots within a zoning district, including larger lots on which larger houses have been traditionally built; would have a disproportionate impact on certain neighborhoods, rendering up to 23 percent of lots in some neighborhoods non-conforming; and would impact lots in some zoning districts more than others;

Whereas the ZORC rules were drafted without the benefit of the impact information referred to above, and without consideration for changing market needs, economic impact on property owners, or the housing needs of families with children or aging family members (need for family rooms, first floor bedrooms and baths, etc);

Whereas the ZORC rules, if adopted, may have the unintended effect of encouraging tear-downs and taller replacement houses, which may have a greater impact on neighboring houses and neighborhood character than a modest addition or improvement to an existing house;

Whereas the ZORC rules, if adopted, will likely increase survey and other documentation costs for new construction on lots with buildable space, and may impose certain new disclosure requirements on homeowners at the time of sale of the property;

Whereas the ZORC rules, if adopted, will likely adversely affect the resale value of improved and unimproved lots in the County, particularly those that are made non-conforming or that lose significant building rights, and whereas such effects will adversely affect County real estate tax revenues;

Whereas the Manager's proposal, if adopted, would also impact disproportionately larger lots in individual zoning districts and also encourage taller houses that may be out of character in a given neighborhood; and

Whereas the Manager's proposal, if adopted, would discriminate against additions to smaller houses, because its application would be based on the size of the existing house;

BE IT RESOLVED THAT the Arlington County Civic Federation recommend:

(1) that the Arlington County Board not adopt either the ZORC proposal or the Manager's proposed amendment; and

(2) that the Arlington County Board determine that no change is warranted to the lot coverage rules in the absence of consideration of other factors and refer the matter back to staff and a community committee to examine how the zoning rules might be changed with more equitable effect, including to take into account the special circumstances of individual neighborhoods.

Herndon: 25% for a total of any building footprint; and 50% for patios and other impervious surface. Lot areas range between 10,000 square feet to 15,000 square feet.

ATTACHMENT H

Report of the Zoning Ordinance Review Committee