

ZOA-09-08 - Adopted October 24, 2009

Note: Text to be added is shown with an underline and text to be deleted is shown with ~~strikethrough~~.

Be it ordained that Sections 12. “RA14-26”, 13. “RA8-18”, 14. “RA7-16” and 15. “RA6-15” Apartment Dwelling Districts of the Arlington County Zoning Ordinance are hereby amended, reenacted and recodified as follows in order to permit, by use permit approval, structural alternations to and modification of regulations for existing apartment buildings, where a proposal includes the provision of low or moderate income housing; to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the County, and 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 12. “RA14-26” APARTMENT DWELLING DISTRICTS

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B. Special Exceptions.

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2. When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of this Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of this Ordinance, approve additions to or enlargement of building(s) on the property, and modification of regulations on setback, yard, coverage, parking, and/or density. Provided, however, that no use permit shall be approved unless the proposal includes a low or moderate income housing plan that furthers the County Board adopted Goals and Targets for Affordable Housing and a request for designation as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Provided further that, under no circumstances shall the County Board approve a use permit to allow:
 - a. The greater of either 1) the height permitted in subsection 12.C or 2) the height already legally existing on the site at the time of application; or
 - b. Additional density beyond the number of units already legally existing on the site at the time of application.
23. When a site with an area of twenty thousand (20,000) square feet or less is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, the County Board may allow exceptions, after application for a use permit as provided for in subsection 36.G. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area, provided the site has been designated a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Existing multiple-family dwellings may be permitted to increase density up to twenty-four (24) dwelling units per acre where provision is made for low or

moderate income housing, and where a low or moderate income housing plan has been submitted as part of a use permit application. The County Board, in its discretion, may, in approving the use permit, modify regulations on height, setback, yard, coverage, or parking, provided that:

- a. In no event shall the County Board approve a building with a height greater than forty-five (45) feet;
 - b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per dwelling units preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.
- 34.** When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. The County Board may approve additional height and density based on the provision of low or moderate income housing as provided in Subsection 36.H.7. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above twenty-four (24) units per acre in residential density for a project that provides low or moderate income housing as regulated in subsection 36.H.7., provided that:
- a. In no event shall the County Board approve a building with a height greater than sixty (60) feet unless approved as specifically provided in by subsection 36.H.7.;
 - b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either three and one-half (3 1/2) stories or thirty-five (35) feet; provided, that in large-scale housing projects having a site area of five (5) acres or more, dwellings may be erected to a height not to exceed either six (6) stories or sixty (60) feet, provided said dwellings are located not nearer than one hundred fifty (150) feet to any boundary line of the site on which the project is situated.

D. Area Requirements.

1. *Lot Area.* Same as for "R2-7" Districts, provided that for apartment houses every lot shall have a minimum average width of seventy-five (75) feet and a minimum area of seven thousand five hundred (7,500) square feet; provided, further, that for

town houses every site shall have a minimum average width of seventy-five (75) feet and a minimum area of seven thousand five hundred (7,500) square feet. The minimum lot area per dwelling unit for apartment houses, including resident employees' dwelling units, or town house dwelling units, shall be one thousand eight hundred (1,800) square feet.

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SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS

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B. Special Exceptions.

1. By site plan approval, consistent with subsection 36.H, town house and semi-detached dwelling units and existing one-family dwelling units may be permitted at densities up to those allowed under the General Land Use Plan designation then applicable to the site, but not to exceed twenty-two (22) dwelling units per acre. Existing one-family dwelling units shall be permitted only as appropriate and integral parts of the design of the proposed town house development. No more than one-seventh (1/7) or two (2) of the dwelling units, whichever is greater, shall be semi-detached. Parking spaces shall be provided as required in Section 33. The County Board may, in its discretion, approve variations in setback, yard, lot size, coverage and parking requirements to achieve a design appropriate for the site and project.
2. When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of this Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of this Ordinance, approve additions to or enlargement of building(s) on the property, and modification of regulations on setback, yard, coverage, parking, and/or density. Provided, however, that no use permit shall be approved unless the proposal includes a low or moderate income housing plan that furthers the County Board adopted Goals and Targets for Affordable Housing and a request for designation as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Provided further that, under no circumstances shall the County Board approve a use permit to allow:
 - a. The greater of either 1) the height greater than forty (40) feet or four (4) stories or 2) the height already legally existing on the site at the time of application; or
 - b. Additional density beyond the number of units already legally existing on the site at the time of application.
23. When a site with an area of twenty thousand (20,000) square feet or less is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, the County Board may allow exceptions, after application for a use permit as provided for in subsection 36.G. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the

surrounding area, provided the site has been designated a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Existing multiple-family dwellings may be permitted to increase density up to a total of thirty-six (36) dwelling units per acre where provision is made for low or moderate income housing, and where a low or moderate income housing plan has been submitted as part of a use permit application. The County Board, in its discretion, may, in approving the use permit, modify regulations on height, setback, yard, coverage, or parking, provided that:

- a. In no event shall the County Board approve a building with a height greater than fifty (50) feet;
- b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per dwelling units preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

34. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. The County Board may approve additional height and density based on the provision of low or moderate income housing as provided in Subsection 36.H.7.. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above thirty-six (36) units per acre in residential density for a project that provides low or moderate income housing as provided in subsection 36.H.7, provided that:
- a. In no event shall the County Board approve a building with a height greater than sixty (60) feet unless it is approved as specifically provided in Subsection 36.H.7.;
 - b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

[Continue renumbering subsequent provisions in this subsection accordingly]

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C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either four (4) stories or forty (40) feet; provided, however, that by site plan approval dwellings may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet. In the “Revitalization Area” of the “Fort Myer Heights North Special District” designated on the General Land Use Plan, building heights shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan in a manner consistent with the design

guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

Modification of height limit, setback, coverage and parking requirements in "RA8-18" Districts. By site plan approval as specified "RA4.8" District, the height limit in large-scale housing projects having a site area of twenty (20) acres or more may be increased to a height not to exceed either ten (10) stories or ninety-five (95) feet subject to the following:

- a. The coverage shall not exceed twenty-five (25) percent;
- b. Where a district abuts any "R" District, no automobile parking shall be permitted between the building setback line and any property line;
- c. Where a district abuts "RA" Districts, no parking shall be permitted nearer than fifty (50) feet from the property lines.

D. Area Requirements.

1. *Lot Area.* Same as specified for "R2-7" Districts, provided, that for apartment houses every lot shall have a minimum average width of seventy-five (75) feet and a minimum area of seven thousand five hundred (7,500) square feet; provided, further, that for town houses every site shall have a minimum average width of seventy-five (75) feet and a minimum area of seven thousand five hundred (7,500) square feet. For any "RA8-18" zoned land, the minimum lot area per dwelling unit for apartment houses, including resident employees' dwelling units, or town house dwelling units, shall be one thousand two hundred (1,200) square feet.

In the case of any subdivision of a group of town house dwelling units, the lot size for each dwelling unit may be reduced to an area not less than seven hundred fifty (750) square feet, provided, that the deed of dedication shall commit sufficient common land so that the total site satisfies the area requirements of this ordinance for each unit. Moreover, the deed of dedication shall provide to each lot the right to use the land required by this ordinance for parking (where parking is not on the lot of the dwelling unit), as well as the right to use land dedicated to other common uses, and for easements for access to public streets and other common areas.

SECTION 14. "RA7-16" APARTMENT DWELLING DISTRICTS

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B. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either ten (10) stories or ninety-five (95) feet.

C. Area Requirements.

1. *Lot Area.* Each lot or plot shall have a minimum average width of two hundred (200) feet and a minimum area of one hundred thousand (100,000) square feet; provided that where a lot or plot has less width and less area limited by, (1)

bounding streets, or (2) abutting streets and a zone boundary of an abutting lesser restricted district, such lot may be occupied by any use permitted in this classification.

The minimum lot area per dwelling unit for apartment houses, including resident employees' dwelling units, shall be one thousand (1,000) square feet. (10-14-78)

2. *Lot Coverage.* Within the site boundaries of any lot or parcel, the total amount of site covered by buildings, parking and maneuvering space, driveways, sidewalks, roads and any other accessory uses shall not exceed fifty (50) percent.
3. *Automobile Parking and Loading Space.* Automobile parking and loading space shall be provided as specified for the "RA14-26" District in Section 33.

D. Site Plan Approval.

Site plans are required and approved as provided in Section 36, subsection H. (3-4-72)

E. Conditional Uses Requiring Board Approval.

1. ~~Use permits:~~ All uses permitted by use permit in the "RA14-26" District.
2. When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of this Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of this Ordinance, approve additions to or enlargement of building(s) on the property, and modification of regulations on setback, yard, coverage, parking, and/or density. Provided, however, that no use permit shall be approved unless the proposal includes a low or moderate income housing plan that furthers the County Board adopted Goals and Targets for Affordable Housing and a request for designation as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Provided further that, under no circumstances shall the County Board approve a use permit to allow:
 - a. The greater of either 1) the height permitted in subsection 14.B. or 2) the height already legally existing on the site at the time of application; or
 - b. Additional density beyond the number of units already legally existing on the site at the time of application.

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SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS

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B. Special Exceptions.

1. By site plan approval, consistent with subsection 36.H, town house and semi-detached dwelling units and existing one-family dwelling units may be permitted at densities up to those allowed under the General Land Use Plan designation then applicable to the site, but not to exceed twenty-nine (29) units per acre. Existing one-family dwelling units shall be permitted only as appropriate and integral parts of the design of the proposed town house development. No more than one-seventh (1/7) or two (2) of the dwelling units, whichever is greater, shall be semi-detached. Parking spaces shall be provided as required in Section 33. The County Board may, in its discretion, approve variations in setback, yard, lot size, coverage, and parking requirements to achieve a design appropriate for the site and project.
2. When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of this Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of this Ordinance, approve additions to or enlargement of building(s) on the property, and modification of regulations on setback, yard, coverage, parking, and/or density. Provided, however, that no use permit shall be approved unless the proposal includes a low or moderate income housing plan that furthers the County Board adopted Goals and Targets for Affordable Housing and a request for designation as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Provided further that, under no circumstances shall the County Board approve a use permit to allow:
 - a. The greater of either 1) the height permitted in subsection 15.C or 2) the height already legally existing on the site at the time of application; or
 - b. Additional density beyond the number of units already legally existing on the site at the time of application.
32. When a site with an area of twenty thousand (20,000) square feet or less is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, the County Board may allow exceptions, after application for a use permit as provided for in subsection 36.G. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area, provided the site has been designated a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Existing multiple-family dwellings may be permitted to increase density up to thirty-six (36) dwelling units per acre where provision is made for low or moderate income housing, and where a low or moderate income housing plan has been submitted as part of a use permit application. The County Board, in its discretion, may, in approving the use permit, modify regulations on height, setback, yard, coverage, or parking, provided that:
 - a. In no event shall the County Board approve a building with a height greater than seventy (70) feet;
 - b. Parking for new dwelling units shall be provided as required in Section 33. However, the number of parking spaces per dwelling units preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

34. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. The County Board may approve additional height and density based on provision of low or moderate income housing as provided in Subsection 36.H.7. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above forty-eight (48) units per acre in residential density for a project that provides low or moderate income housing as provided in Subsection 36.H.7., provided that:
- a. In no event shall the County Board approve a building with a height greater than seventy (70) feet unless approved as specifically provided in Subsection 36.H.7.;
 - b. Parking shall be provided at the rate of one and one-eighth (1 1/8) parking spaces per dwelling unit. However, the number of parking spaces per existing dwelling unit preserved shall be no less than the number of parking spaces per dwelling unit on the site at the time of application.

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[Continue renumbering subsequent provisions in this subsection accordingly]

C. Height Limit.

No building nor the enlargement of any building shall be hereafter erected to exceed either six (6) stories or sixty (60) feet.

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