



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 12, 2005**

DATE: February 8, 2005

SUBJECT: Request to Advertise public hearings on the proposed Zoning Ordinance amendment to Section 1. Definitions, and Section 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance to amend coverage requirements and related issues.

C.M. RECOMMENDATION:

Authorize the advertisement of public hearings on the proposed amendments to Sections 1. and 32. of the Arlington County Zoning Ordinance at the May 7, 2005 County Board and the April 25, 2005 Planning Commission meetings. The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions concerning lot coverage and other related issues in order to reduce the current lot coverage requirement that does not accurately reflect the existing conditions; 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.

ISSUE: The primary difference between the staff recommendation and the Planning Commission recommendation is that staff recommends applying the proposed changes only to new construction and substantial additions, while the Planning Commission recommends uniformly applying the proposed changes to all existing development and new construction.

SUMMARY: The proposed Zoning Ordinance amendments for *lot coverage* apply only to new construction or existing houses that are substantially changed. These amendments will permit owners of existing, one-family residential properties to make reasonable additions and actually preserve the character of the neighborhood. At the same time, the amendments will mitigate against oversized construction of new in-fill houses.

The proposed new coverage requirements are on a sliding scale based on the residential zoning category ("R" districts). The current Zoning Ordinance permits 56 percent coverage for one-family residential lots in all five "R" Districts regardless of the minimum required size of the lot.

County Manager: _____

County Attorney: _____

Staff: Sakura Namioka, CPHD, Planning Division

PLA-3917

In addition, in all five residential zoning districts, the following provisions are proposed:

- Five (5) percent coverage bonus for lots with a detached rear garage.
- Maximum main building footprint coverage.
- Three (3) percent coverage bonus for lots with a front porch.
- Main building footprint caps for one-family house footprints on oversized lots.

The following table summarizes the amendments as they would apply to new construction or substantially changed existing structures.

<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%
Max. Main Building Footprint Coverage with a front porch	37%	33%	28%	28%	19%
Main Buildings Cap	2040 sf	2160 sf	2400 sf	3000 sf	3880 sf
Main Buildings Cap with a front porch	2200 sf	2376 sf	2688 sf	3360 sf	4610 sf

As noted, the proposal would also permit all existing houses to retain the present 56 percent coverage requirement, unless they are changed to the degree that they meet the definition of new construction. New construction occurs 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 50% 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 May 7, 2005.
- Construction that results in an increase of more than 100 percent in the footprint of the existing building.

The proposed amendments are intended to balance concerns about the construction of new houses that are dramatically out of scale and character with the rest of the neighborhood, while still permitting construction of new houses that meet current market requirements. The amendments also provide assurance that existing houses can be modernized and reasonably expanded. In addition, when an existing building is demolished by fire or other calamity, it may be rebuilt within two (2) years, to the previous size and shape for purposes of coverage. If the structure is nonconforming for other reasons, the existing provisions in Section 35. Non conforming Buildings and Uses would apply.

BACKGROUND: The County Board directed the Zoning Ordinance Review Committee (ZORC) and staff 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. The County Board recognized that it was important to balance the desirability of Arlington's residential neighborhoods, which is created by the character of existing houses, with the need to permit expansion of existing houses and construction of new houses in the current strong housing market.

Arlington is a very desirable place to live and many new houses are being developed on few remaining vacant lots. In addition, existing houses on large lots are being torn down and replaced by two or more houses or being enlarged with additions. Many perceive that some new development is too large and incompatible with the character of the existing neighborhoods. The complaints include a loss of open space, bulky and incongruous houses that are incompatible with the character of the surrounding neighborhood, loss of separation between houses, visual intrusions, loss of mature trees, and large areas devoted to parking and driveways.

The zoning components that most directly affect the size and character of one-family houses are height, setbacks from street and property lines, the shape of lots, and coverage. The County Board has already adopted Zoning Ordinance amendments concerning building height, lot width and pipe-stem lots. Coverage is the last item of this infill residential development study. Coverage determines how much of a lot can be covered by footprints of structures and driveways. Thus, controlling coverage has a direct impact on the size of the footprint of houses, garages and driveways. The proposed Zoning Ordinance amendments intend to establish reasonable coverage limits that would protect neighborhoods from very large houses in the future while still allowing reasonable-sized houses for today's market.

The current Zoning Ordinance permits a maximum of 56 percent coverage for all residential lots in the "R-5," "R-6," "R-8," "R-10," and "R-20" Districts regardless of the minimum required size of the lot. Staff analyzed data using Geographic Information System for all one-family residential lots in the County and found that few houses even approach 56 percent maximum coverage in any of these zoning districts.

County Board/Planning Commission Work Sessions: On June 11, 2001, the County Board held a work session on the lot coverage study. ZORC and staff submitted three Zoning Ordinance amendment options for review at the work session. When the three options were shared with the community, some concerns were raised as to how the proposed amendments would affect existing and future one-family residential development. Consequently, the County Board directed staff to conduct additional research, specifically collecting additional lot coverage data for new construction and existing one-family houses. In 2003, staff completed the research and shared the results with ZORC. In February 2004, ZORC completed the study and submitted its recommendation to the Planning Commission (Attachment B).

On July 19, 2004, County Board and the Planning Commission held a second work session on the lot coverage study and reviewed the revised recommendation. At the work session, the County Board directed staff to reach out to the community to inform them about the proposed lot coverage related amendments and to prepare Zoning Ordinance amendment language for consideration in 2004. This report is prepared in response to this direction.

Civic Associations and Citizen Outreach: On November 11, 2004, NCAC adopted a resolution generally endorsing the ZORC recommendations (Attachment C). In the fall of 2001, staff conducted a citizen survey with assistance from the Arlington County Civic Federation. The Civic Federation generally supported efforts to control infill residential development and, on February 1, 2005, passed a Resolution recommending advertisement of staff's recommendation (Attachment D). In 2004 and early 2005, a representative of ZORC and staff attended several civic association meetings to present the proposed Zoning Ordinance amendments. Additional citizen outreach efforts will be made between February 2005 and May 7, 2005, when County Board public hearings are recommended for this proposal.

In 2001 information related to the lot coverage study was added to the county web site and subsequently updated. In addition, the County established a hotline for lot coverage in October 2004 to receive citizen's comments.

Planning Commission Meeting: On January 31, 2005, The Planning Commission reviewed the draft staff proposal for coverage and recommended advertisement of the proposal in the Neighborhood Conservation Advisory Committee Resolution which is basically the ZORC proposal with changes recommended by staff for the "R-20" District maximum coverage, and exclusion of pergola and swimming pool from lot coverage calculation. Under this proposal reduction of coverage and addition of new coverage related zoning restrictions would be uniformly applied to existing structures and new construction rather than just to new construction as recommended by staff.

Both staff recommendation and the Planning Commission recommendation provide that existing houses that are damaged or destroyed by fire or other calamity, can be rebuilt to the original shape and size only where they do not conform to the proposed coverage requirements. Attachment E provides alternative Zoning Ordinance language, per the Planning Commission recommendation.

Other Issues: The Planning Commission and several civic associations expressed additional concerns regarding infill residential development, such as undersized lots, building heights and the existing Zoning Ordinance provision on nonconforming buildings and uses (Section 35). Staff recognizes that these issues merit further study. However, these cannot be included in this proposal, as they are separate issues from lot coverage and are very complex. For instance, development on an undersized lot which is already limited by the Zoning Ordinance, would be more greatly regulated by setbacks and yard requirements and much less by coverage. Therefore, these issues are not included in this advertisement.

In addition, should the proposed Zoning Ordinance amendments be adopted, one foreseeable consequence is their impact on zoning administration. Reviewing one-family house development applications under the proposed changes would require new administrative procedures. Since the proposed changes are more complex than the existing zoning provisions, it will take more time to process applications, and walk-through reviews will become very difficult. Therefore, new or additional staffing may be required to administer the proposed changes. Also, all permits would require a certified survey plat which is not now required and will involve additional expenses for the owner.

DISCUSSION: The Zoning Ordinance amendment proposal to reduce the permitted maximum lot coverage from the current 56 percent is based on the ZORC report dated February 2004, with some modifications. The primary difference is that staff continues to recommend that it apply only to new construction, as defined in the proposed language.

The proposed amendments are to Section 1. Definitions and Section 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance:

1. The proposal includes two new items in Section 1. Definitions. These are, *lot coverage* and *main building footprint coverage*. One of the major subjects discussed by ZORC was what should be counted in the coverage calculation. The proposed definitions are based on the recommendation made by ZORC to clarify what should be included in coverage calculation. Two lists, which outline items that are recommended by ZORC to be counted for coverage and items that are recommended to be excluded from coverage, are attached (Attachment B). Staff's recommendation differs from ZORC's in that it does not recommend advertising the inclusion of pergolas and swimming pools in the list of what should be counted as coverage, in an effort to make coverage easy to understand and administer by focusing on essential items, and because swimming pools do not add to the bulk of structures on the lot.

The proposed definitions of *Lot Coverage* and *Main Building Footprint Coverage* 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, (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 Coverage: The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot 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, 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.

As noted, the proposed provisions are applicable only to new construction as defined on page 2 of this report.

2. The proposal would reduce the permitted maximum coverage of one-family dwelling lots from the current 56 percent to a sliding scale for the five zoning districts ranging from 45 percent for the “R-5” District to 25 percent for the “R-20” District. Staff carefully analyzed GIS data to determine coverage of existing buildings. Across the zoning districts 90 percent or more of existing homes are within the new coverage requirements. The amendments will ensure that new homes are kept within these same limits.

The one change in the coverage percentages from the ZORC proposal applies to the “R-20” District, where ZORC proposes a maximum coverage of 20 percent; however, 27 percent of the existing homes in the “R-20” District already exceed this limit. Thus staff recommends lot coverage for the “R-20” at 25 percent, which is more consistent with the recommendations for the other four zoning districts.

3. The proposed maximum lot coverage will allow many variations in site design. When there is no detached garage or accessory building on the lot, or there is no required parking space provided on the lot, as still found in older neighborhoods, the entire maximum lot coverage could be used for a main building footprint. This scenario will permit significantly larger houses compared to the houses with a detached garage and/or driveway. In order to control these unusually large main building footprints, the proposal includes maximum coverage percentage requirements for the main building footprints for each Zoning District. These maximum coverage percentages are based on an analysis of recent development on the minimum sized lots for each zoning district (e.g. 5,000 sq. ft. for “R-5”).
4. The proposal would allow an additional five percent of lot coverage when providing a detached garage in the rear yard. When garages are built within the main building footprint, the main building tends to become tall and bulky. This factor was recognized as a major issue associated with recent residential developments. Building garages that are detached from the main building would significantly reduce this problem. Placing garages on the rear yard, however, generally increases the coverage because of the garage footprint and because a longer driveway is required. Permitting an additional five percent of lot coverage would address this issue and would encourage building detached garages in the rear yard. To be eligible for this additional coverage, rear garages will be required to be in compliance with the current Zoning Ordinance requirements in Section 32.D.2.e. which limit height, footprint and placement.

5. The proposal would permit up to three percent of additional lot coverage for providing porches attached to the front of the main building at the first floor level. Many older houses in the County have front porches and provide an attractive inviting streetscape. Some recently built houses, however, have a straight, tall façade facing the street and create a streetscape that is out of character in the neighborhood. Thus ZORC recommended providing a bonus for front porches. The County policy to encourage front porches is demonstrated in the Zoning Ordinance amendments adopted by the County Board in November 2000, which permit the projection of uncovered porches into the required setback area.

6. Currently some oversized lots are found in all one-family dwelling Zoning Districts in the County. If the proposed main building footprint coverage is applied to these oversized lots, main buildings with footprints that are much larger than those on a neighboring standard sized lots can be built. The proposed maximum main building footprint caps would prevent the construction of houses that are oversized relative to the houses on the neighboring standard sized lots. The proposed caps are generally equal to 1.2 times the maximum main building footprint permitted on a minimum sized lot in the respective “R” Zoning District. Staff recommendations also vary from the ZORC proposal in the “R-20” District. Staff recommends a main building cap of 3,880 square feet compared to 3,840 square feet proposed by ZORC. The staff recommendation would make the main building cap consistent with the approach of the other four districts. Currently there are no main building caps in any districts, thus permitting up to 56 percent coverage on any size lot.

7. In addition, when an existing building is demolished by fire or other calamity, it may be rebuilt within two (2) years, to the previous size and shape if it is nonconforming due to coverage. For other nonconforming issues, the existing provisions in Section 35. Nonconforming Buildings and Uses would apply.

A summary of the proposed coverage is listed 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%
Max. Main Building Footprint Coverage with a front porch	37%	33%	28%	28%	19%
Main Buildings Cap	2040 sf	2160 sf	2400 sf	3000 sf	3880 sf
Main Buildings Cap with a front porch	2200 sf	2376 sf	2688 sf	3360 sf	4610 sf

CONCLUSION: The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions concerning lot coverage and other related issues in order to reduce the current lot coverage requirement that is incongruous with the existing conditions; 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. It is therefore, recommended that the County Board authorize the advertisement of public hearings on the proposed amendments to Section 1. Definitions and Section 32. Bulk, Coverage and Placement of the Arlington County Zoning Ordinance at the May 7, 2005 County Board and April 25, 2005 Planning Commission meetings.

RESOLUTION TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED ZONING ORDINANCE 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.

The County Board of Arlington hereby resolves that the following amendments to Sections 1 and 32 of the Arlington County Zoning Ordinance shall be advertised for public hearings at the May 7, 2005 County Board meeting and at the April 25, 2005 Planning Commission meeting, in order to reduce the current lot coverage requirement that is incongruous with the existing conditions; 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.

* * *

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.

* * *

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot 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, 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 proposed or built, the following shall apply. For purposes of this section, "new construction" means when one of the following criteria is met: constructing a main building 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 a structure's outer walls (measured at the top of the wall where it meets the roof) as those outer walls existed on May 7, 2005; or where construction results in an increase of more than 100 percent in the footprint of the main building.
 - a. Maximum lot coverage shall be as established 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 are not in conformance with the coverage requirements adopted on May 7, 2005, shall be permitted to be rebuilt within the building footprint as it existed on May 7, 2005, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure, and if construction commences within two (2) years from the date of the calamity.

3. For all lots in "R" Districts that are not new construction as defined above or 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 otherwise permitted to be modified by site plan or use permit.

ATTACHMENT A
Summary Tables of Staff Recommendations

R-5 (5,000 sq. ft. Minimum Lot)	Recommendation	Number of Lots Affected
Maximum Lot Coverage	45%	199 (8.8%) of 2,253 total lots
Maximum Lot Coverage with 5% bonus for detached garage in rear yard	50%	51 (2.8%) of total lots*
Main Building Footprint Maximum Coverage	34% (1,700 sq. ft. in a 5,000 sq.ft. lot)	82 (3.6%) of total lots
Main Building Footprint Maximum with 3% bonus for porch	37% (1,850 sq. ft. in a 5,000 sq.ft. lot)	
Main Building Footprint Cap On Lots Larger than 5,000 sq. ft.	2,040 sq. ft.	63 (2.8%) of total lots
Main Building Footprint Cap On Lots Larger than 5,000 sq. ft. with 3% bonus for porch	2,200 sq. ft.	

R-6 (6,000 sq. ft. Minimum Lot)	Recommendation	Number of Lots Affected
Maximum Lot Coverage	40%	940 (5.4%) of 17,428 total lots
Maximum Lot Coverage with 5% bonus for detached garage in rear yard	45%	283 (1.6%) of total lots*
Main Building Footprint Maximum Coverage	30% (1,800 sq. ft. in a 6,000 sq.ft. lot)	447 (2.6%) of total lots
Main Building Footprint Maximum with 3% bonus for porch	33% or 1,980 sq. ft. in a 6,000 sq.ft. lot)	
Main Building Footprint Cap On Lots Larger than 6,000 sq. ft.	2,160 sq. ft.	500 (2.9%) of total lots
Main Building Footprint Cap On Lots Larger than 6,000 sq. ft. with 3% bonus for porch	2,376 sq. ft.	

R-8 (8,000 sq. ft. Minimum Lot)	Recommendation	Number of Lots Affected
Maximum Lot Coverage	35%	103 (5.8%) of 1,763 total lots
Maximum Lot Coverage with 5% bonus for detached garage in rear yard	40%	10 (0.6%) of total lots*
Main Building Footprint Maximum Coverage	25% (2,000 sq. ft. in an 8,000 sq.ft. lot)	120 (6.8%) of total lots
Main Building Footprint Maximum with 3% bonus for porch	28% (2,240 sq. ft. in an 8,000 sq.ft. lot)	
Main Building Footprint Cap On Lots Larger than 8,000 sq. ft.	2,400 sq. ft.	92 (5.4%) of total lots
Main Building Footprint Cap On Lots Larger than 8,000 sq. ft. with 3% bonus for porch	2,688 sq. ft.	

R-10 (10,000 sq. ft. Minimum Lot)	Recommendation	Number of Lots Affected
Maximum Lot Coverage	32%	459 (9.6%) of 4,790 total lots
Maximum Lot Coverage with 5% bonus for detached garage in rear yard	37%	36 (0.8%) of total lots*
Main Building Footprint Maximum Coverage	25% (2,500 sq. ft. in a 10,000 sq.ft. lot)	253 (5.3%) of total lots
Main Building Footprint Maximum with 3% bonus for porch	28% (2,800 sq. ft. in a 10,000 sq.ft. lot)	
Main Building Footprint Cap On Lots Larger than 10,000 sq. ft.	3,000 sq. ft.	211 (4.4%) of total lots
Main Building Footprint Cap On Lots Larger than 10,000 sq. ft. with 3% bonus for porch	3,360 sq. ft.	

R-20 (20,000 sq. ft. Minimum Lot)	Recommendation	Number of Lots Affected
Maximum Lot Coverage	25%	26 (9.3%) of 281 total lots
Maximum Lot Coverage with 5% bonus for detached garage in rear yard	30%	3 (1.1%) of total lots*
Main Building Footprint Maximum Coverage	16% (3,200 sq. ft. in a 20,000 sq.ft. lot)	26 (9.3%) of total lots
Main Building Footprint Maximum with 3% bonus for porch	19% (3,800 sq. ft. in a 20,000 sq.ft. lot)	
Main Building Footprint Cap On Lots Larger than 20,000 sq. ft.	3,880 sq. ft.	27 (9.6%) of total lots
Main Building Footprint Cap On Lots Larger than 20,000 sq. ft. with 3% bonus for porch	4,610 sq. ft.	

* These numbers include all garages and are not limited to the garages placed on the rear yard.

ATTACHMENT B

Report of the Zoning Ordinance Review Committee

ATTACHMENT C

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.

RESOLVED, that the Neighborhood Conservation Advisory Committee urges that the new lot coverage ordinances expressly state that the total lot coverage and main building footprint 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 31 in favor, 8 opposed.

ATTACHMENT D

Resolution The Arlington County Civic Federation February 2, 2005

Whereas the Arlington County Civic Federation (ACCF) in recent years has closely followed proposals recommended by the Zoning Ordinance Review Committee (ZORC) of the Planning Commission with respect to in-fill housing, including with respect to coverage limitations for lots in single family zoning districts;

Whereas the ACCF, in response to a lot coverage proposal made by ZORC some 3 years ago, held a special meeting on the subject at that time and heard numerous expressions of concern from delegates about the impact which that proposal might have on existing improved lots, including whether it would make their properties non-conforming or effectively preclude them building additions and making other improvements;

Whereas a modified September 2004 ZORC proposal, which would apply to all residential lots in the County, is now one of the options before the County Board for advertising;

Whereas the County Manager, at the County Board meeting of December 11, 2004, in response at least in part 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 exceed 100% of the existing house; and whereas the County Board deferred the matter to its February 12, 2005, meeting;

Whereas delegates to the ACCF have continued to raise questions about the effects that a ZORC-type amendment would have if it were to apply to all existing improved lots (lots with houses), including the number of improved lots that the amendment would cause to become non-conforming and the number of additional improved lots that would be so close to the coverage limit as to preclude a modest addition or improvement; and delegates have raised questions about the effect that such an amendment would have on the ability of a homeowner to rebuild a non-conforming house that is voluntarily or involuntarily destroyed by fire or weather related event, the ability to finance non-conforming properties or collect full insurance on a non-conforming house that is involuntarily destroyed, and the effect that such an amendment would have on the ability of a homeowner to sell or obtain title insurance for an affected property;

Whereas County staff has estimated that the ZORC proposal, if adopted, would make 10% of improved lots in the County non-conforming by reason of lot coverage, ranging from 5% of R-6 lots to 22% of R-20 lots; and whereas County staff has not attempted to estimate the number of additional improved lots that the ZORC proposal would make ineligible for even a modest addition or other improvement;

Whereas the County Board, as a result of previous amendments to the Zoning Code, has made an unknown but significant percentage of improved lots in the County non-conforming in one or more ways (e.g., minimum lot size, street frontage, and/or set back requirements, new rules for pipe stem lots), and the ZORC proposal, if adopted, would increase the number of improved lots that are non-conforming, and increase the number of ways in which other improved lots are non-conforming;

Whereas homeowners who might seek an exception to new lot coverage rules through a variance are unlikely to obtain a variance, at least for the foreseeable future, because of a recent Virginia court decision limiting the ability of boards of zoning appeals in Virginia to grant variances;

Whereas all of the lot coverage options and underlying rules are complicated and impact different neighborhoods in different ways, and it may take individual civic associations several months to evaluate and take a position on the advertised amendment;

BE IT RESOLVED THAT:

- (1) The ACCF recommends that the Arlington County Board, if it decides to advertise an amendment to the Zoning Ordinance with respect to lot coverage advertise an amendment that is not broader in scope and would not apply to more improved lots than the amendment proposed for advertising by the County Manager at the December 11 County Board meeting; include within the advertised amendment a “grandfather” clause similar to the one in the Manager’s proposal of December 11, that makes it clear the new rules will not apply to existing improved lots (except those that fall within the definition of “new construction”); and defer consideration of any advertised amendment to its May 2005 meeting, or a later meeting, in order to give the Civic Federation and its member organizations and other interested parties sufficient time to review the advertised amendment and take a position;
- (2) The ACCF will not support an amendment that is broader in scope than the Manager’s proposal or that is to be acted upon before the May 2005 Board meeting.

ATTACHMENT E

Recommendation of the Planning Commission

RESOLUTION TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED ZONING ORDINANCE 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.

The County Board of Arlington hereby resolves that the following amendments to Sections 1 and 32 of the Arlington County Zoning Ordinance shall be advertised for public hearings at the May 7, 2005 County Board meeting and at the April 25, 2005 Planning Commission meeting, in order to reduce the current lot coverage requirement that is incongruous with the existing conditions; 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.

* * *

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.

* * *

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot 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, 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:

2. 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 to all existing structures and new construction.

a. Maximum lot coverage shall be as established 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.

e. 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 are not in conformance with the coverage requirements adopted on May 7, 2005, shall be permitted to be rebuilt within the building footprint as it existed on May 7, 2005, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.

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 otherwise permitted to be modified by site plan or use permit.

