



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 12, 2009

SUPPLEMENTAL REPORT

DATE: December 10, 2009

SUBJECT: ZOA-09-09 Zoning Ordinance amendment to Section 36. Administration and Procedures to permit, by special exception site plan approval, modification of density regulations, specifically to permit bonus density, for the provision of child care centers and community facilities and other minor modifications to the language in Section 36. to more accurately reflect the specific enabling authority found in the Code of Virginia as well as current County practice.

REVISED C.M. RECOMMENDATION:

Adopt the attached ordinance (ZOA-09-09) to amend, reenact, and recodify Section 36 of the Arlington County Zoning Ordinance to permit, by special exception site plan approval, modification of density regulations, specifically to permit bonus density for the provision of child care centers ~~and community facilities~~ and to make other minor modifications to the language in Section 36. to more accurately reflect the specific, recently amended enabling authority found in the Code of Virginia as well as current County practice.

DISCUSSION: The original advertisement and report included language, in Section 36.H.5.a., pertaining to the inclusion of community facilities as a basis for bonus density. The report recognized the need, in the future, to have a more comprehensive review of the various provisions for community facilities. However, upon further discussion, staff concluded that it is more appropriate to conduct the comprehensive review first and make the appropriate amendments to the Zoning Ordinance to address community facilities after the review. Consistent with this change, the recommendation and the attached ordinance have been revised.

County Manager: BMD/GA

County Attorney: CWNK JM

Staff: Jill Griffin, Real Estate Development Group, AED

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ZOA-09-09

Note: Text to be added is shown with an underline and text to be deleted is shown with ~~striketrough~~. Text to be added or deleted, that has been modified since advertisement is shown with a double underline or ~~double-striketrough~~, respectively.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 36. ADMINISTRATION AND PROCEDURES TO PERMIT BY SPECIAL EXCEPTION SITE PLAN, MODIFICATION OF DENSITY REGULATIONS, SPECIFICALLY TO PERMIT BONUS DENSITY, FOR THE PROVISION OF CHILD CARE CENTERS AND COMMUNITY FACILITIES AND OTHER AMENDMENTS NECESSARY FOR CONSISTENCY WITH THE CODE OF VIRGINIA AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

Be it ordained that Section 36. Administration and Procedures of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows in order to permit, by site plan approval, modification of density regulations, specifically to permit bonus density, for the provision of child care centers and community facilities and other amendments necessary for consistency with the Code of Virginia 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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1 **SECTION 36. ADMINISTRATION AND PROCEDURES**

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4 **H. Site Plan Approval.**

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7 a. *Uses and Regulations Modified:* The County Board may, in appropriate cases, modify the
8 uses permitted and use regulations, including increased project density, in harmony with
9 the general purpose and intent of the district taking into consideration provisions made
10 for certain features, design elements, uses, services, or amenities desired by the County
11 including: the following

- 12 (1) ~~Provisions made for~~ Open space and other environmental amenities;
- 13 (2) Grade, direction and intensity of traffic on adjacent streets;
- 14 (3) Relationship to adjacent existing or permitted uses and buildings;
- 15 (4) Particular dimensions, grade and orientation of the site; and
- 16 (5) Particular construction problems and techniques
- 17 (6) Environmentally sustainable and energy-efficient building design;

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- ~~(7) Community facilities – In considering the approval of an office, motel, or apartment site plan, the County Board may permit additional height, not to exceed three (3) stories, and/or additional density, not to exceed .25 floor area ratio (F.A.R.) in an office structure, or ten (10) percent in a motel or apartment structure, providing the County Board judges that a contribution to required community facilities has been provided. Consideration of such facilities may include, but not be limited to, the provision of space for a library, fire station, public school facility, public transit facility, or a community recreation or health center. Such community facilities may be provided at appropriate off-site locations.~~
- (8) Child care centers; and
- (9) The other provisions of Section 36, subsection H.