



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 12, 2010

DATE: June 2, 2010

SUBJECT: ZOA-10-2 Zoning Ordinance amendment to Section 5 “R-20” One-Family Dwelling Districts to allow, by use permit approval, one (1) building of up to 55 feet in height on a site of 100 acres or more, subject to a minimum 150-foot setback from property lines and streets, with penthouses and non-occupiable mechanical space limited to 15 feet in height over the 55-foot height limit.

C.M. RECOMMENDATION:

Adopt the attached ordinance (ZOA-10-2) to amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 5 “R-20” One-Family Dwelling Districts, Subsection B., to allow, by use permit approval, one (1) building of up to 55 feet in height on a site of 100 acres or more, subject to a minimum 150-foot setback from property lines and public rights-of-way, with penthouses and non-occupiable mechanical space limited to 15 feet in height over the 55-foot height limit.

ISSUES: This is a proposed amendment to the Zoning Ordinance to allow the County Board to approve, by special exception use permit, one (1) building only of up to 55 feet in height on residentially zoned sites of 100 acres or more. No issues have been identified.

SUMMARY: Currently, the Zoning Ordinance maximum height limits in “R” districts cannot be modified by the County Board. The proposed amendment would allow one (1) building to be increased from 35 feet to a height of up to 55 feet in “R-20” One-Family Dwelling Districts (and by reference all the other “R” zoning districts), by special exception use permit on sites of 100 acres or more, subject to a minimum 150-foot setback from streets and neighboring properties. There are currently only two (2) residentially-zoned lots of 100 acres or more in the County, both of which are country clubs. Allowing 55-foot tall buildings only on such large lots, with deep required setbacks, will mitigate any potential visual impacts on surrounding uses. Furthermore, a taller building would allow an applicant to accommodate a wide range of uses in a single building with a smaller overall building footprint and lower lot coverage than may be possible in a building limited to 35 feet in height. Therefore, staff recommends that the County Board amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 5 “R-20” One-Family Dwelling Districts, Subsection B., to allow, by use permit approval, one (1) building of up to 55 feet in height on a site of 100 acres or more, subject to a minimum 150-foot setback from property lines and streets, with penthouses and non-occupiable mechanical space limited to

County Manager: MB/GIA

County Attorney: CWM/SJM

Staff: Peter Schulz, Planning Division, DCPHD

37. A.

15 feet in height over the 55-foot height limit.

BACKGROUND: The proposed text amendment arises from staff’s evaluation of a use permit amendment application from the Army Navy Country Club that proposes a new 55-foot high clubhouse on a 250-acre lot in a single-family zoning district where building height is limited to 35 feet. In order to consider this issue, staff examined how height is treated in other zoning districts in relation to lot size, and found that on extremely large lots, a greater height might be considered for one (1) structure on such lots under certain circumstances that would not negatively impact either surrounding properties or uses.

DISCUSSION: The maximum building height of 35 feet in the “R-20” One-Family Dwelling District applies to all “R” zoning districts where the height regulation refers back to “R-20” (“R-10”, “R-8”, “R-6”, “R-5”, and “R2-7”). The “R-20” zoning district permits a wide range of uses, such as single family dwellings, churches, schools, and country clubs, all of which are limited to the maximum building height of 35 feet, regardless of the lot size.

Other zoning districts permit greater building heights on larger lots: “S-3A” Special Districts was amended in 2005 to permit, by use permit, a maximum height of 75 feet for a high school and school administration building on sites of 19 acres or more; “RA14-26” Apartment Dwelling Districts permits, by-right, a maximum height of 60 feet for apartment dwellings on lots of five (5) acres or more; the “RA8-18” district permits, by site plan approval, heights of up to 75 feet on tracts of any size and 95 feet on lots of 20 acres or more; and “C-O-A” Commercial, Office and Apartment Districts permits building heights on a progressive scale based on lot size.

The proposed amendment to Section 5.B. of the Zoning Ordinance would permit the County Board, by special exception use permit, to approve building heights, for one (1) building only, of 55 feet on lots of 100 acres or more (see table below). The 100 acre minimum lot size would strictly limit the applicability of the text amendment to extremely large tracts of land where the possible impact on adjacent neighborhoods of a 55-foot high building could be mitigated by careful placement of the building. Allowing the heights only by use permit would ensure that a public review process is completed in considering a 55-foot tall building. A minimum 150-foot setback from public rights-of-way and neighboring properties is proposed to be required, to minimize the impact on those properties and to provide a space in which the property owner could agree to provide landscaping and appropriate buffering and transition between a taller structure and the property boundaries.

There are only two (2) properties in Arlington with “R” zoning that are greater than 100 acres currently under single ownership (Table 1). Both are country clubs that consist mostly of wide expanses of open space to accommodate golf courses. Allowing buildings of up to 55 feet in height on lots of 100 acres or more would allow an applicant to accommodate a wide range of uses in a single building with a smaller overall building footprint and lower lot coverage than may be possible in a building limited to 35 feet in height, thereby preserving open space.

In addition, the proposed amendment includes a maximum permissible height for penthouses, cupolas, flagpoles and other non-occupiable architectural features of up to 15 feet above the increased building height permitted by use permit approval. Ordinarily, the Zoning Ordinance permits a maximum height of 23 additional feet for penthouses and non-architectural features, in addition to the permitted building height.

Having this provision available only by use permit would allow the Board to consider the proposal’s impact on the surrounding properties, the placement of the building, and the off-setting community benefits offered on a case-by-case basis. The proposed amendment will not affect by-right heights in “R” districts.

The proposed amendment would not apply to zoning districts that do not refer back to “R-20” for height regulations, such as “S-3A”. Properties zoned “S-3A” will continue to be limited to the maximum building height of 45 feet (75 feet for school buildings).

Table 1. Tracts in Arlington County of 100 acres or more

Tract	Acres	Zoning
Washington National Airport*	723	“S-3A”
Arlington National Cemetery*	620	“S-3A”
Fort Myer Military Reservation*	256	“S-3A”
Army Navy Country Club	254	“R-6”
Pentagon Reservation*	233	“S-3A”
Washington Golf and Country Club	121	“R-10”

COMMUNITY PROCESS: The proposed amendment was presented to the Zoning Committee of the Planning Commission at their September 8, October 20, and November 10, 2009 meetings. Staff addressed the Zoning Committee’s concerns about impact on adjacent properties by incorporating minimum setback requirements, and reducing height limits on penthouses and architectural features to 15 feet, instead of the 23 feet allowed by the Zoning Ordinance.

At their June 1, 2010 meeting, the Planning Commission voted 11-0 to recommend deferral of the proposed text amendment to the June 28, 2010 Planning Commission meeting and the July 10, 2010 County Board meeting so that it may be heard concurrently with the proposed use permit amendment.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 5 “R-20” One-Family Dwelling Districts, Subsection B. Height Limit, to allow, by use permit approval, one (1) building of up to 55 feet in height on a site of 100 acres or more, subject to a minimum 150-foot setback from property lines and streets, with penthouses and non-occupiable mechanical space limited to 15 feet in height over the 55-foot height limit.

* These properties are owned by the Federal Government, and while under Federal ownership are not subject to Arlington County zoning laws.

ZOA-10-2

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 5, "R-20" ONE-FAMILY DWELLING DISTRICTS, SUBSECTION B. TO ALLOW, BY USE PERMIT APPROVAL, ONE (1) BUILDING OF UP TO 55 FEET IN HEIGHT ON A SITE OF 100 ACRES OR MORE, SUBJECT TO A MINIMUM 150-FOOT SETBACK FROM PROPERTY LINES AND PUBLIC RIGHTS-OF-WAY, WITH PENTHOUSES AND NON-OCCUPIABLE MECHANICAL SPACE LIMITED TO 15 FEET IN HEIGHT OVER THE 55-FOOT HEIGHT LIMIT; AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO FACILITATE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

Be it ordained that the Arlington County Zoning Ordinance provisions in Section 5, "R-20" One-Family Dwelling Districts, Subsection B. are hereby amended, reenacted and recodified as follows, in order to allow one (1) building of up to 55 feet in height on lots of 100 acres or more subject to use permit approval; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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1 **SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS**

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5 **B. Height Limit.**

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7 No building nor the enlargement or any building shall be hereafter erected to exceed thirty-five
8 (35) feet. Provided, however, that the County Board may, on lots of 100 acres or more, by use
9 permit approval in accordance with Section 36.G, approve an increase in the height of one main
10 building to 55 feet. Notwithstanding the provisions of Subsection 31.B. of this ordinance, when
11 a use permit is approved with such a height increase, the County Board may approve non-
12 occupiable architectural features such as cupolas, flagpoles and chimneys that are no more than
13 15 feet in height above the height of the main building. Height increases allowed under this
14 Subsection 35.B may only be approved where the main building is set back a minimum of 150
15 feet from all lot lines and public rights-of-way.

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