



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of October 13, 2007**

**DATE:** September 24, 2007

**SUBJECT:** Request to Advertise public hearings on proposed Zoning Ordinance Amendments to Section 36. Administration and Procedures, Subsection 36.H. Site Plan Approval, Subsection 36.H.7. Affordable Dwelling Units, to correct and clarify references to other sections of the ordinance.

**C.M. RECOMMENDATION:**

Authorize advertisement of public hearings by the Planning Commission on October 29, 2007, and the County Board on November 13, 2007, on an ordinance to amend, reenact, and recodify the Zoning Ordinance provisions in Section 36 of the Arlington County Zoning Ordinance to correct and clarify references to other sections of the ordinance.

**ISSUES:** None

**SUMMARY:** The proposed amendment would correct and clarify three references within Subsection 36.H.7., which addresses the County's provisions for bonus density for site plan projects that provide affordable dwelling units. Internal references within this subsection provide ambiguous references to other subsections and incorrectly reference Subsection 36.H.5., where they should reference this subsection. A subsequent internal reference incorrectly letters the subparagraphs to which it refers.

**BACKGROUND:** The language under Section 36. H. 7. a. 2. states:

*(2) Modification of Building Height:*

- (a) In "RA" Districts (but not "RA-H", "RA4.8", "RA-H-3.2" Districts), building heights shall not be modified under this Subsection 36.H.5., except that where a project provides low or moderate income housing, the County Board may approve a greater height, in order to achieve tapering, where the proposed project is adjacent to a property for which the Zoning Ordinance district regulations or the General Land Use Plan designation allow, by site plan, a height greater than the proposed height.*
- (b) In "C-2", "C-3", and "C-R" Districts, building heights shall not be modified under this Subsection.*

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Deborah Albert, Planning Division, DCPHD

PLA-4790

*(c) Additional building heights approved under this Subsection 36.H.5. shall not exceed six (6) stories or sixty feet, whichever is smaller, above the height permitted in the district regulations.*

The language under Section 36. H. 7. d. states:

*Under no circumstances shall any combination of the incentives provided in subparagraphs a. through d. above be interpreted to allow additional height in excess of a maximum of six (6) stories, or additional residential density in excess of twenty-five percent, or additional .25 FAR of office density above that permitted by the applicable zoning district.*

The current language in Subsection 36.H.7.a.2. was previously contained within Subsection 36.H.5. With the insertion of an additional subsection and subsequent renumbering of existing language adopted on December 10, 2005, this subsection was renumbered as 36.H.7. While references within other sections of the ordinance were corrected at the time of the earlier amendment to account for the renumbering, corrections to references within this subsection were inadvertently missed at that time.

Subparagraph 36.H.7.d references subparagraphs “a. through d. above,” however, with the renumbering of this subsection, there are currently only three previous subparagraphs to be referenced, lettered a. through c. The intent of the proposed amendment is to update those references that are incorrect and to clarify those that are ambiguous.

**DISCUSSION:** The proposed amendment is technical in nature and does not change any of the associated policies. The proposed amendment updates incorrect references in subsections 36.H.7.a.2.a, 36.H.7.a.2.c, and 36.H.7.d., and for clarification purposes, fills in the reference in subparagraph 36.H.7.a.2.b, which was not previously identified.

**CONCLUSION:** Staff recommends that the County Board authorize advertisement of public hearings by the Planning Commission on October 29, 2007 and the County Board on November 13, 2007, on an ordinance to amend, reenact, and recodify the Zoning Ordinance provision in Section 36 of the Arlington County Zoning Ordinance to correct and clarify references to other sections of the ordinance.

**RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTION 36 ADMINISTRATION AND PROCEDURES, AT THE OCTOBER 29, 2007 PLANNING COMMISSION AND THE NOVEMBER 13, 2007 COUNTY BOARD MEETINGS TO CORRECT AND CLARIFY REFERENCES TO OTHER SECTIONS OF THE ORDINANCE.**

The County Board of Arlington County hereby resolves to advertise the following amendment to Section 36. Administration and Procedures, subsection 36.H.7 Affordable Dwelling Units for Height and Density Above General Land Use of the Arlington County Zoning Ordinance for public hearings at the October 29, 2007 Planning Commission and the November 13, 2007 County Board meetings, to amend, reenact and recodify the proposed Zoning provisions and to correct and clarify references to other sections of the ordinance.

\* \* \*

**Section 36. ADMINISTRATION AND PROCEDURES**

**H. Site Plan Approval.**

7. Affordable Dwelling Units for Height and Density Above General Land Use Plan.
  - a. In considering the approval of a site plan including apartments, the County Board may permit additional height and density as set forth below . . . .

\* \* \*

- (2) Modification of Building Height:
  - (a) In “RA” Districts (but not “RA-H”, “RA4.8”, “RA-H-3.2” Districts), building heights shall not be modified under this Subsection ~~36.H.5.~~ 36.H.7.a.2., except that where a project provides low or moderate income housing, the County Board may approve a greater height, in order to achieve tapering, where the proposed project is adjacent to a property for which the Zoning Ordinance district regulations or the General Land Use Plan designation allow, by site plan, a height greater than the proposed height.
  - (b) In “C-2”, “C-3”, and “C-R” Districts, building heights shall not be modified under this Subsection 36.H.7.a.2.
  - (c) Additional building heights approved under this

Subsection ~~36.H.5.~~ 36.H.7.a.2. shall not exceed six (6) stories or sixty feet, whichever is smaller, above the height permitted in the district regulations. . . .

\* \* \*

- b. 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 (FAR) 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.
- c. In considering the approval of a site plan, the County Board may permit additional office density above the amount allowed by site plan in the district regulations, not to exceed .25 FAR on the site, providing the County Board judges that low or moderate-income housing being provided under the site plan is sufficient to justify the amount of the additional density allowed. Under no circumstances shall this bonus exceed ten (10) percent of the total gross floor area permitted without bonus under the site plan, nor shall additional height be allowed.
- d. Under no circumstances shall any combination of the incentives provided in subparagraphs ~~a. through d.~~ 36.H.7.a. through 36.H.7.c. above be interpreted to allow additional height in excess of a maximum of six (6) stories, or additional residential density in excess of twenty-five percent, or additional .25 FAR of office density above that permitted by the applicable zoning district.”