



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting November 13, 2007

REVISED REPORT

DATE: ~~November 2, 2007~~ November 20, 2007

SUBJECTS: ~~Ratify Request to~~ Advertisement of Public Hearings on the following:

- A. Adoption of an Ordinance to amend, reenact and recodify Section 36. Administration and Procedures of the Arlington County Zoning Ordinance to restrict the Transfer of Development Rights (TDRs) ~~to require initial County Board approval of an application for TDRs and~~ to require deed restrictions on sending and receiving sites ~~and to specify that site plans may be approved with TDRs where they meet standards of Arlington County Zoning Ordinance ("ACZO") 36.H.3 and where they assure that community benefits from TDRs will be protected, after County Board has considered; (a) whether restrictions on sending site further purpose of ACZO Sec. 36.H.5.b and adopted County plans and policies, and (b) whether proposed receiving site is in area appropriate for receiving TDRs and meets standards of adopted County plans and policies.~~(see Attachment A).
- ~~B. Approval of the Transfer of Development Rights Policy Document that sets forth the program policies for specific topic areas, including application submittal, sending sites, receiving sites, and density evaluation and calculation criteria (see Attachment B).~~

REVISION EXPLANATION: The report has been revised to: 1) amend the recommendation to "ratify" rather than "authorize" the advertisement of public hearings; 2) to include additional language to the Subject Section of the report to further clarify and better describe the proposed Zoning Ordinance Amendment, which is proposed to be advertised; 3) to remove the Policy Document from the Subject language for the public

County Manager: _____

County Attorney: _____

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4822

notice, given that this item does not need to be advertised; 4) to add the comments from the Zoning Ordinance Committee review at their November 14, 2007 meeting; and 5) editorial revisions to correct references to attachments to this report. Revisions to the original report are highlighted.

C. M. RECOMMENDATION:

Adopt the attached resolution (Attachment A) ratifying the ~~authorizing~~ advertisement of public hearings by the Planning Commission on December 3, 2007 and the County Board on December 15, 2007 to consider adopting an ordinance to amend, re-enact, and re-codify certain Zoning Ordinance provisions in Section 36.H.5.b that restrict Transfer of Development Rights, and to consider approving the TDR Policy Document (Attachment B).

ISSUES:

1. Should the Policy Document restrict the transfer of development rights be limited to sending and receiving sites within the same station area boundaries within the Rosslyn-Ballston and Jefferson Davis Corridors?
2. In the Policy Document, sShould the sending site locations exclude properties planned "Public" and zoned "S-3A"?

SUMMARY: On February 25, 2006, the Arlington County Board approved a Zoning Ordinance amendment allowing for transfers of development rights. The Amendment defined the purposes for the TDR program. At the time of adoption of the Ordinance Amendment in 2006, it was determined that additional work was needed to develop the details for the TDR program before it could be fully implemented.

In general, the approved 2006 TDR ordinance allows a site (sending site) to send density and/or other development rights to a receiving site for certain purposes, including, but not limited to, the preservation or facilitation of open space, historic preservation, affordable housing, community facilities, or community recreation. It is important to note that the purpose of the program is to preserve important characteristics or amenities of the community. It is not to move density around the County. The ability to transfer density is not an entitlement.

Since County Board approval in 2006, staff has developed a draft Policy Document and Zoning Ordinance Amendments to clarify and implement the TDR program. In addition, staff developed Administrative Regulations for TDRs and TDR applications (Attachment C).

The draft Policy Document is not required to be advertised, but will be considered for approval by the County Board at the December 15, 2007, meeting along the adoption of the ordinance amendments. The Administrative Regulation changes are also attached for informational purposes but are not to be acted upon by the County Board. Advertising the draft Policy Document and Zoning Ordinance amendments are the subjects of this report.

The key recommendations in the draft Policy Document include:

- Reaffirmation of eligible purposes for sending sites as defined in the Zoning Ordinance to transfer development rights include, among others, the preservation or facilitation of open space, historic preservation, affordable housing, community facilities, or community recreation;
- Eligible sending sites may be located anywhere in the County, but restricted to the purposes defined in the Zoning Ordinance;
- Establishing a TDR Certification Process for sending sites that includes staff evaluation of sending site eligibility and the calculation of TDR quantity, to be forwarded for consideration by the County Board.
- Eligible receiving sites restricted to:
 - sites in the Rosslyn-Ballston or Jefferson Davis Corridors (see Maps A and B)
 - sites that are part of a Special Exception Site Plan application; and
 - sites at least a minimum distance from low residential districts.
- Long-term control of sending and receiving sites through restrictions placed on deeds.

The proposed Zoning Ordinance Amendments are intended to add requirements that address property restrictions on sending and receiving sites. The proposed Amendments ensure that the sending and receiving sites would be required to record restrictions on the deeds in a form acceptable to the County Attorney.

Staff recommends that the County Board ratify authorize advertisement of public hearings by the Planning Commission on December 3, 2007, and the County Board on December 15, 2007, to consider the adoption of the proposed Zoning Ordinance Amendments; . Approval of the TDR Policy Document, though not advertised, will also be considered at that time.

BACKGROUND: On March 26, 2005, the General Assembly of Virginia enacted 15.2-750, enabling Zoning Ordinance provisions for transfer of development rights under the county manager plan of government. This legislation allowed Arlington County to enact a TDR program through its Zoning Ordinance. Subsequently, on February 25, 2006, the County Board adopted a Zoning Ordinance Amendment to establish a TDR Program. In general, the approved TDR ordinance allows a site (sending site) to send density and/or other development rights to a receiving site for certain purposes, including, but not limited

to, the preservation or facilitation of open space, historic preservation, affordable housing, community facilities, or community recreation. The TDRs would be transferred to another location (receiving site) only through site plan approval where more density and/or development rights is deemed appropriate by the County Board. At the time of adoption of the Ordinance Amendment, it was determined that additional work was needed to develop the details for the TDR program before it could be fully implemented.

In 2006, the General Assembly adopted new legislation (Section 15.2-2316.2) with an effective date of July 1, 2006, authorizing all localities to use TDRs. The statute has many more specific requirements for a TDR ordinance than the prior legislation applicable to the County. Arlington County's authority to have a TDR program, however, remains under the parameters of the earlier legislation.

DISCUSSION: The following summarizes the proposed Policy Document and the proposed Zoning Ordinance Amendments. This section also includes a brief description of the proposed Administrative Regulation 4.1 changes. The Policy Document, as well as the Zoning Ordinance and the Administrative Regulation, will serve as guidance to both the County Board and the community in the evaluation of TDR applications and the implementation of the program. The general program policies for TDRs are set forth in the Policy Document as described below (see Attachment **BA**).

Policy Document:

Eligible Purposes for a Sending Site:

Reaffirms the intent already established in the Zoning Ordinance that the proposed TDR program would allow for the legal transfer of development rights from sending sites where a commitment to, among other things, historic preservation, open space, affordable housing, community facilities, and/or community recreation will be initiated or expanded, to receiving sites where additional development is found to be appropriate.

Eligible Sending Sites:

A TDR sending site could be located anywhere in the County, as long as they comply with the purposes articulated in Section 36. Administration and Procedures, Subsection H. 5.b. The sending site is not part of the same site plan and need not be located in a zoning district that allows a site plan option. Restrictions will be placed on the deeds of the sending and receiving sites. The substance and form of that restriction must be acceptable to the County Attorney.

Certification Process:

There are two major steps an applicant must undertake to pursue the use of TDRs.

1. The first step is an application for Certification of the sending site. Based on an evaluation by staff, Certification of the sending site would determine if the sending site meets the eligible purposes as articulated in the Zoning Ordinance. County plans and policies will be referred to for guidance on eligible purposes of sending sites, including the Arlington County's Comprehensive Plan and other supporting documents.
2. Staff would forward a recommendation to the County Board on eligibility and on the quantity of density eligible to be transferred. If the County Board approves the findings and approves the amount of density to be transferred, the sending site becomes certified. If certified, TDRs on a sending site can then be proposed to be used in conjunction with a Special Exception Site Plan application (see below). The County Board would consider, as part of the site plan approval process, whether additional density or other development rights is appropriate on the receiving site. Pre-certification may assist a property owner of a sending site in making a determination to preserve/conservate the property before a receiving site has been identified and would provide clarity to the process and certainty to property owners and developers.

Transferable Development Rights:

Transferable development rights typically consist of density. The amount of density transferred would generally be based on the unused by-right density on the site. In some circumstances, however, such as historic preservation and affordable housing, density credit may be given for existing density on the site, such as preserved structures or units. Other variables might include the economic value and/or cost of preserving the parcel/structures on the sending site and the individual circumstances of the application. The recommendation to give density credit for preserved structures or units is in recognition of the economic challenges of achieving the goals of affordable housing and historic preservation. In some circumstances, the amount of density to be transferred may have to be determined based on a higher density potential development on the site; for example a privately-owned parcel designated as "Public" on the General Land Use Plan (GLUP).

Other than density, there could be other types of development rights such as height and other modifications that may be requested by an applicant for certification which this policy document does not specifically address. These requests would need additional study by staff before any recommendation is forwarded to the County Board for their consideration.

Special Exception Site Plan and TDR Application Process:

TDRs from a certified sending site can only be used in conjunction with a Special Exception Site Plan application. The application submittal requirements and a description of the public review process regarding TDRs are provided in the County's Administrative Regulation 4.1 (see below, Administrative Regulation 4.1).

Eligible Receiving Sites:

The transfer of development rights to a receiving site would occur only where a site is zoned or proposed for re-zoning to a district that allows for site plan option under the Zoning Ordinance and where additional density and/or development rights are determined to be appropriate by the County Board in accordance with the site plan standards of Section 36.H. of the Zoning Ordinance and existing County plans, County goals and policies.

Staff proposes that potential receiving sites be limited to sites in zoning districts that have a site plan option and are located within the Rosslyn-Ballston or Jefferson-Davis Corridors, as designated on the back of the General Land Use Plan (GLUP) map dated April 27, 2004 and subsequently approved GLUP amendments. As further protection of low-density residential areas, staff proposes to exclude as receiving sites, those parcels with a GLUP designation of "Low" Residential (1-10 u/a and 11-15 u/a) and/or parcels or those portions of a parcel beyond 165 feet from R-zoned districts that are planned "Low" Residential (see Map Attachments).

Restrictions will be placed on the deeds of the receiving, as well as the sending, sites in order to preserve a record of the TDRs. The substance and form of that restriction must be acceptable to the County Attorney.

Other areas could be considered as receiving sites if and when planning efforts are completed in these areas and the resulting plans or policies include recommendations for allowing TDRs.

Community Process and Site Plan Conditions:

The TDR public review process builds on the well-established site plan process that provides significant community input on projects in the higher density areas of the County. The Site Plan process ensures that community concerns regarding additional density or other development rights are addressed. The site plan process and the site plan conditions are established methods for providing significant community input and the imposition of appropriate conditions. Restrictions on the deeds of the sending and receiving sites will ensure the long-term achievement of the goals.

The additional density that could be absorbed on the Receiving site could be above the development that is otherwise permitted by the General Land Use Plan and the Zoning

Ordinance for that site, except where exceeding the limits is expressly prohibited by the Zoning Ordinance. The County Board may consider TDRs in combination with other types of bonuses that developers are eligible for under the site plan process option, but **may** only **approve it** to the degree that the resulting development **meets the Zoning Ordinance standards and** is acceptable in terms of scale, design, and impacts.

Eligible Types of Transfers:

TDRs would be acquired through privately negotiated agreements with County approval through the site plan process. The following types of transfers could be considered: 1) a single transfer of all certified density or other development rights from one sending site to one receiving site, 2) transferring of all certified density or other development rights from one sending site to multiple receiving sites, 3) multiple transfers of certified density or other development rights over time from one sending site to one or more receiving sites. These options for transfer would provide flexibility for property owners of larger historic or affordable housing developments in circumstances where they may not be able to transfer density or other development rights in one step and to one location. The amount of transferred density or other development rights, however, would not exceed the original transferable density or other development rights of the sending site.

Conversion of Units/acre to GFA:

A conversion table is included in the Policy Document to use as guide in circumstances that involve transferring density from units/acre land use districts to floor area ratio (FAR) land use districts (i.e., for the conversion of single-family, townhouse, and multi-family apartment units to square feet). This conversion would permit residential density to be transferred to a commercial property or commercial density transferred to a residential project.

Proposed Zoning Ordinance Amendment:

Staff proposes including **some** TDR program **details parameters** in the Zoning Ordinance under “Section 36. Administration and Procedures. Subsection H. Site Plans, Subsection 5.b.” (Attachment A). The proposed Zoning Ordinance Amendment addresses property restrictions on sending and receiving sites.

Restrictions on Sending and Receiving Sites

Conditions on the use of TDRs will be imposed through the site plan process. The owner(s) of both the sending site and the receiving site would be required to record restrictions on the deeds. Any agreement governing the use or development of the sending or receiving sites will provide that its covenants or conditions shall run with the land. The substance and form of that restriction must be acceptable to the County Attorney.

The details of the TDR program are included in the Policy Document (see Attachment B). The Policy Document, as well as the Zoning Ordinance and the Administrative Regulation, will serve as guidance in the evaluation of TDR applications and the implementation of the program.

Administrative Regulations 4.1:

Changes proposed for “Administrative Regulation 4.1” include a description of TDRs and the use of TDRs through the site plan process (see Attachment C). Additions to the “Administrative Regulation 4.1” include descriptions of the submittal information required for the use of TDRs. The proposed submittal information includes, but is not limited to, the following: detailed information on the sending and receiving sites; how the density and/or development rights were calculated; and other information such as consent forms from property owners. The same information would be required for the Final Site Plan Specifications. Proposed changes to the text include references to the proposed Zoning Ordinance Amendment. A new attachment to the “Administrative Regulation 4.1” requires the applicant to submit a new form, the “Transfer of Development Rights Site Plan Specification Form”. This request would be repeated in the “Site Plan Submittal Checklist” under “Section 15. Additional Filing Information”.

Public Process: Staff has reviewed the proposed Zoning Ordinance Amendment with the Zoning Committee (ZOCO) of the Planning Commission on January 31, March 13, May 4, May 24, and October 11, 2006, and November 14, 2007. At its November 14, 2007, meeting, ZOCO reviewed the proposed Zoning Ordinance Amendment (ZOA) language and the accompanying Policy Documents. ZOCO comments focused on a lack of maps in the Zoning Ordinance Amendment (ZOA) and requests for more specificity on certain sections of the ZOA and the Policy Document. Committee members raised the following issues:

1. **Include the Eligible Receiving Site Locations maps in the ZOA;**
Staff response: The approach to include the maps in the ZOA is being evaluated and staff will address this recommendation in the final County Board Report for the December 15, 2007 meeting.
2. **Provide a greater level of detail in the Eligible Receiving Site Locations maps;**
Staff response: Staff will revise the maps to illustrate more detail and include them in the final County Board Report.
3. **Include many of the items currently in the Policy Document (including Section #7) in the ZOA;**
Staff response: The approach to include items currently proposed in the Policy Document in the ZOA was evaluated by staff. Staff determined that most of the items in the Policy documents are policies rather than standards usually

incorporated into the Zoning Ordinance. Therefore, these items are more appropriate in a policy document.

4. Refer to the Policy Document in the ZOA;

Staff response: Staff has evaluated this recommendation and determined that the proposed Zoning Ordinance Language sufficiently addresses the appropriate plans and policies that the County Board shall consider in deciding whether or not to approve a transfer of development rights application.

5. Include more specificity/clarity on the type and contents of the document(s) to be recorded on land deeds for the sending sites;

Staff response: Staff has evaluated this recommendation and determined that this approach would be very difficult to specify in the Policy Document. Because of the variability of potential transfers as well as the potential unique characteristics of each site requires some level of flexibility on the types of documents required for review and approval by the County Attorney.

6. Identify a publicly-available mechanism to keep track of sending and receiving sites;

Staff response: The approach to identify a publicly-available mechanism to keep track of sending and receiving sites is being evaluated and staff will address this recommendation in the final County Board Report.

7. Clarify if a restrictive covenant running with the land will override future zoning on a sending site.

Staff response: Staff will evaluate this question and provide information in the final County Board Report

8. Clarify if and how the TDR program defers to policies identified in various area and Sector Plans;

Staff response: Staff has evaluated this recommendation and has determined that the Policy Document, Section #5 as well as the language of Section 36.H.5.B.b of the Zoning Ordinance Amendment provides that information.

9. Conduct a work session with the Planning Commission and the County Board on TDRs;

Staff response: This can be the subject of a future work session between the Planning Commission and the County Board.

10. Specify if deed restrictions will be in perpetuity;

Staff response: Staff will address this recommendation in the final County Board Report.

11. If restrictions are not in perpetuity, specify -

a. the term/time limits, and

b. could the sites be re-zoned at the time limit, and is that in effect upzoning the property;

Staff response: Staff will address this recommendation in the final County Board Report.

12. Remove the phrase in the ZOA that refers to “for purposes of, among others” as being too vague;

Staff response: Staff has evaluated this recommendation and determined that the language of Section 36.H.5.B. of the Zoning Ordinance Amendment provides sufficient direction and discretion for purposes that the County Board consider in deciding whether or not to approve a transfer of development rights application.

13. Clarify the process for cases involving County-owned land to ensure that there is no conflict of interest;

Staff response: Staff has evaluated this recommendation and determined that the process is clearly articulated, and as with site plans by private parties, notification will be provided for County-owned projects and a public hearing would be held.

14. Include a discussion about whether TDRs will cause pressure to upzone in the Metro corridors.

Staff response: Staff has evaluated this recommendation and determined that any additional pressure to upzone in the Metro corridors as a result of the TDR program would be funneled through the well-established long-range planning processes the County currently has in place. Any changes to the General Land Use Plan and any re-zonings, as they currently do, would go through the public process and ensure that community concerns regarding additional density or other changes are addressed.

Staff has also presented draft program details to the Housing Commission on May 11, 2006, the Parks and Recreation Commission on May 23, 2006, the Transportation Commission on June 22, and HALRB on August 16, 2006.

Staff made a number of presentations to community groups including the Civic Federation, the Civic Federation Planning and Zoning Committee, the Chamber of Commerce, and the Ballston-Virginia Square Partnership. A public forum was held on June 24, 2006 for broad community input. In addition, staff has responded to many public inquiries and posted information on the web throughout the process.

The following summarizes many of the questions about the proposed program, including the identification of sending and receiving site areas, notification of affected property owners and interested parties early enough in the process, and impacts on transportation infrastructure. The following includes many of the major issues and staff responses:

Q: How does the proposed Policy address the issue of receiving sites that are not located currently in a receiving area or are not zoned to allow for the site plan option, but that might be appropriate for more density or clustering development?

- R: If a site is appropriate for more density, there is the option for re-zonings in some areas. It is important, however, that the TDR program be done through the site plan process.
- Q: Should additional language be added to the Zoning Ordinance to ensure that there are sufficient means for the County to enforce restrictions placed on the sending site?
- R: The proposed Zoning Ordinance amendment establishes that the transfer of TDRs from or to a site shall not be valid unless recorded among the land records of the Clerk of the Circuit Court of Arlington County. Any agreement governing the use or development of a sending or receiving site shall provide that its covenants or conditions shall run with the land and shall be binding upon all persons having any interest in the land. Appropriate site plan conditions governing the transfer will also provide a means of enforcement.
- Q: Are there any districts that should be excluded from either sending or receiving?
- R: There are restrictions by purposes for sending sites and by location for receiving sites. The sending sites are limited by the purposes in the Zoning Ordinance. The receiving sites are limited through their location in the Metro corridors and their eligibility for the special exception site plan option.
- Q: Could the sending site be considered part of the site plan in order to allow the imposition of conditions on the sending site?
- R: No, the sending site may not be part of the same site plan, and is better regulated through changes to the land records. However, an amendment to the conditions of the sending site's site plan (where there is one) might be appropriate.
- Q: Is there the potential for third party (ies) to be part of the recordation agreements?
- R: There is the potential but not the requirement for third parties to the recordation agreements as a means of strengthening the enforcement of recordation agreements and whose exact form will be dependent on the particular circumstance of the TDR application.
- Q: Should there be a special process for projects involving County-owned land so that there will be sufficient public notification in regards to both the sending and receiving sites?
- R: As with site plans by private parties, notification will be provided for County-owned projects and a public hearing would be held.
- Q: Should density only be transferred within each station area boundary or outside of those boundaries if the distance is no more than ¼ mile between the sending site and the receiving site?
- R: The approach to limit TDRs within station areas was evaluated and determined to be too restrictive for the program to work. Also, the use of TDRs goes through the site plan process, and would allow community concerns and the County Board to ensure that community concerns regarding additional density are addressed. The

public benefits that arise from TDRs (preservation and conservation among others) are County-wide benefits.

Q: To be eligible, should sending sites be located within the Rosslyn-Ballston and Jefferson Davis Corridors as defined on the back of the General Land Use Plan dated April 27, 2004, excluding properties planned “Public” and zoned “S-3A”.?

R: These limitations also were determined to be too restrictive to achieve the goals of the TDR Program. Eligible sending sites for preservation or conservation exist outside of these geographic boundaries.

CONCLUSION: The proposed TDR Policy Document and the Zoning Ordinance amendment promote an attractive and harmonious community; encourage orderly and efficient land use development, and are recommended for other reasons required by public necessity, convenience and general welfare and good zoning practice. Therefore, staff recommends that the County Board **ratify authorize** advertisement of public hearings by the Planning Commission on December 3, 2007 and the County Board on December 15, 2007 **to consider approve the TDR Policy Document and** to consider adopting an ordinance to amend, re-enact, and re-codify certain Zoning Ordinance provisions in Section 36.H.5.b that restricts Transfer of Development Rights to protect against destruction of or encroachment upon, among others, historic areas; to preserve and facilitate open space; to preserve and enhance community recreation and facilities; and to encourage the creation and retention of affordable housing.

ATTACHMENT A

RESOLUTION TO RATIFY AUTHORIZE THE ADVERTISEMENT OF THE PUBLIC HEARINGS FOR THE PROPOSED AMENDMENT TO SECTION 36. ADMINISTRATION AND PROCEDURES, SUBSECTION H. SITE PLAN APPROVAL, SUB-SUBSECTION 5. b. OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE DECEMBER 3, 2007 PLANNING COMMISSION AND THE DECEMBER 15, 2007 COUNTY BOARD MEETINGS TO AMEND, REENACT AND RECODIFY THE PROPOSED ZONING PROVISIONS TO RESTRICT THE TRANSFER OF DEVELOPMENT RIGHTS.

The County Board of Arlington County hereby resolves to ratify authorize the advertisement of the following amendment to Section 36. Administration and Procedures of the Zoning Ordinance, Subsection H. Site Plan Approval, Sub-subsection b. for public hearings at the December 3, 2007 Planning Commission and the December 15, 2007 County Board meetings, to amend, reenact and recodify the proposed Zoning provisions; to restrict the Transfer of Development Rights to encourage orderly and efficient development of public facilities; 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 36. ADMINISTRATION AND PROCEDURES

* * *

H. Site Plan Approval

5. a. *Uses and Regulations Modified.* The County Board may, in appropriate cases, modify the uses permitted and use regulations in harmony with the general purpose and intent of the districts as follow:

* * *

- b. Transfer of Development Rights: In approving and accepting a site plan, the County Board may, subject to such conditions as the Board may approve, permit the dedication of density or other rights to develop, as determined by the Board, from one or more parcels that are not the subject of a particular site plan application to one or more parcels of property that are the subject of that same site plan application for purposes of, among others, open space, historic preservation, affordable housing, community recreation, and/or community facilities. In

considering the approval of such dedication, the County Board shall consider the appropriateness of the dedicated density or other development rights at the proposed location, and whether the dedication is consistent with the Zoning Ordinance, approved land use policies and plans, and the public health, safety and welfare generally.

The County Board may approve a site plan including a use of transfer of development rights where the proposed development, including any transferred rights, meets standards of site plan approval as set forth in Section 36.H.3 and where the applicant/developer has provided assurances that the community benefit from the transfer of development rights is protected.

In deciding whether or not to approve a transfer of development rights application or not, the County Board shall consider, among other things, the following:

- a. Whether the restrictions on the sending site will further a purpose or purposes of the Transfer of Development Rights Ordinance Section 36.H.5.b. and of adopted County plans and policies; and
- b. Whether the proposed receiving site is located in an area appropriate for receiving additional density or other development rights that result from the transfer of development rights and whether the proposed site plan development meets the standards of adopted County plans and policies.

Transferring development rights from or to a site shall not be effective until recorded among the land records of the Clerk of the Circuit Court of Arlington County. Any restrictions so recorded shall provide that they shall run with the land and be binding upon all persons having any interest in the land.