



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 14, 2006

DATE: September 19, 2006

SUBJECT: Zoning Ordinance Amendments to Section 36. Administration and Procedures: Subsection 36 H. Site Plan Approval of the Arlington County Zoning Ordinance to change the definition of a *Major Amendment* to include projects that change (increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet.

C.M. RECOMMENDATION:

Adopt the attached Zoning Ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance Section 36. Administration and Procedures, Subsection 36 H. Site Plan Approval, to amend the definition of a major amendment to include projects that change (either increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet (see Attachment A).

SUMMARY: The current language in the Zoning Ordinance defines a Major Amendment to a Site Plan as any modification that meets one of six criteria. Two of these criteria relate to increases in total density greater than five (5) percent of the total floor area of the building and increase in building height of more than twelve (12) feet. The proposed amendment would modify this language to include both increases and decreases; i.e., increases or decreases of total density greater than five (5) percent and all changes, increases or decreases, in building height greater than twelve (12) feet.

BACKGROUND: Section 36. H. 2. a. of the Zoning Ordinance currently provides as follows:

Major Amendment: Any modification of the approved site plan which meets one (1) or more of the following criteria:

- (1) Principal use of the building would change in more than five (5) percent of the total floor area of the building.
- (2) Density would increase by more than five [5] percent of the total floor area of the building.
- (3) Building height would increase by more than twelve (12) feet.
- (4) Gross floor area of the first floor would change in more than twenty [20] percent of the area of the first floor.
- (5) Change in the site area which is used to calculate density.

County Manager: _____

County Attorney: _____

Staff: Colleen Connor, Planning Division, DCPHD

PLA-4506

- (6) Any change which the Zoning Administrator determines is similar in significance to the above stated changes.

Arlington County routinely is asked to consider amendments to site plan projects that vary the approved site plan. In order to achieve County goals, it is essential that significant changes to approved site plan projects go through the public review process, including meetings with the Site Plan Review Committee and the Planning Commission. Significant changes may include either an increase or decrease in density or height and therefore both increases and decreases should be included under the definition of Major Site Plan Amendments. The proposed Zoning Ordinance amendment would allow the evaluation of the overall impact on a site plan project of significant increases or decreases in density or height.

The Zoning Ordinance Amendment was discussed at the Zoning Committee meeting on September 14, 2006 and was heard by the Planning Commission on October 3, 2006. The Planning Commission made a motion to change the language regulating the amount of change in height from the existing 12 feet to 9 feet in order to capture any potential addition or subtraction of one story to a site plan. The current language in the Ordinance -- of a change in 12 feet in height -- was originally intended to capture a change of one floor as a major site plan amendment. Given changes in construction and development, the proposed change to 9 feet will ensure that a change of a story would be considered as a major site plan amendment.

Since this was not advertised, the change can not be adopted by the County Board at this time. However, the intent of this requirement is that any change in the height of a project by a floor would be a major site plan amendment. Therefore, staff does not believe that it is required to adopt the specific language.

At the Zoning Committee meeting, community participants expressed concern regarding any changes in community benefits associated with minor or major site plan amendments and the level of review those changes would be subject to. The community participants requested that staff include additional Zoning Ordinance Amendment language to address any change in community benefit as a major amendment. Any proposed change to the level/amount of community benefit established by the approved site plan would be reviewed by the County Board in the context of the review of the site plan amendment regardless of whether the amendment was major or minor. An exhaustive list of potential community benefits as well as the degree of measurement for "change" would be difficult to articulate in the Zoning Ordinance.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify Section 36. H Administration and Procedures, Subsection 36.H.2.a. Site Plan Approval of the Arlington County Zoning Ordinance by changing the definition of a Major Amendment to include projects that change (either increase or decrease) density by more than five (5) percent and/or building height by more than twelve (12) feet, as set forth in Attachment A, 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

ATTACHMENT A

ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ARLINGTON COUNTY ZONING ORDINANCE TO CHANGE THE DEFINITION OF A MAJOR AMENDMENT TO INCLUDE PROJECTS THAT CHANGE (EITHER INCREASE OR DECREASE) DENSITY BY MORE THAN FIVE (5) PERCENT AND/OR BUILDING HEIGHT BY MORE THAN TWELVE (12) FEET.

Be it ordained by the County Board of Arlington County that Section 36. Administration and Procedures of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows 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:

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SECTION 36. ADMINISTRATION AND PROCEDURES

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H. Site Plan Approval.

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2. Site Plan Application Process: Every application for a site plan approval or a major site plan amendment shall be filed in writing with the Zoning Administrator a minimum of one hundred twenty (120) days before the public hearing; however, the County Board may, on its own motion, schedule hearings for a date which is less than one hundred twenty (120) days from the date of filing the application. When a completed site plan or major site plan amendment is filed, the Zoning Administrator shall notify, as required in Administrative Regulation 4.1, the applicant of the scheduled date of the public hearing for the site plan or major site plan amendment, which date will be up to one hundred and eighty (180) days after filing. The date of filing of a complete application shall be determined as set forth in Administrative Regulation 4.1, based on whether the requirements of Administrative Regulation 4.1 have been met. Public hearings for site plans and major site plan amendments shall be the first regularly scheduled County Board meeting of each month, except the County Board may establish, on its own motion, another board meeting for the hearing. Public hearings for minor site plan amendments shall be as required for use permits under Subsection 36.G.4. Major site plan amendments, minor site plan amendments, and administrative changes shall be defined as follows: (2/7/04)
 - a. *Major Amendment:* Any modification of the approved site plan which meets one (1) or more of the following criteria:

- (1) Principal use of the building would change in more than five (5) percent of the total floor area of the building.
- (2) Density would ~~increase~~ change by more than five [5] percent of the total floor area of the building.
- (3) Building height would ~~increase~~ change by more than twelve (12) feet.
- (4) Gross floor area of the first floor would change in more than twenty [20] percent of the area of the first floor.
- (5) Change in the site area which is used to calculate density.
- (6) Any change which the Zoning Administrator determines is similar in significance to the above stated changes.

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