



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 9, 2005**

DATE: July 1, 2005

SUBJECT: Request to Advertise public hearings on the proposed Zoning Ordinance amendment to:

1. Section 1. Definitions and Section 32. Bulk, Coverage and Placement Requirements of the Zoning Ordinance to add definitions of lot coverage and main building footprint coverage and to reduce maximum lot coverage for one-family dwelling lots in "R-5," "R-6," "R-8," "R-10," and "R-20" Districts. Maximum coverage for these districts is presently fifty-six (56) percent. The proposed amendment would reduce maximum coverage on a sliding scale ranging from fifty-six (56) percent for lots smaller than 5,000 square feet to thirty-five (35) percent for lots that are equal to or larger than 20,000 square feet. A new main building footprint coverage maximum would be added ranging from a coverage percentage that is determined by the buildable area for lots smaller than 5,000 square feet to twenty (20) percent for lots that are equal to or larger than 20,000 square feet. The proposal would also grandfather lots not in compliance with the new coverage provisions.

2. Section 35. Nonconforming Buildings and Uses to add a new Subsection 35.A.1. Qualification of Nonconforming Uses to permit reconstruction of existing, nonconforming one-family dwellings and associated accessory buildings to the original footprint and stories as long as the reconstruction is in compliance with the applicable provisions of the Zoning Ordinance, if those buildings are damaged by calamity not intentionally caused by the owner. A new provision that would also be added that allows one-family dwellings that are not in compliance with zoning regulations to be enlarged as long as the enlargement complies with all zoning requirements. The current provision that limits the expansion of one-family dwellings on undersized lots to fifty (50) percent of the existing floor area would be eliminated.

County Manager: _____

County Attorney: _____

Staff: Sakura Namioka, CPHD, Planning Division

PLA-4083

C.M. RECOMMENDATION:

Authorize the advertisement of public hearings on the proposed amendments to Sections 1., 32. and 35. of the Arlington County Zoning Ordinance at the November 15, 2005 County Board and the November 7, 2005 Planning Commission meetings. The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions concerning lot coverage and other related issues in order to modify the current lot coverage requirement that does not accurately reflect the existing conditions; to grandfather existing one-family dwellings that are not in compliance with the new coverage regulations; to add a new Subsection 35.A.1. Qualification of Nonconforming Uses to permit reconstruction of one-family dwellings to the original size and shape, if they are damaged by calamity; to allow one-family dwellings that do not comply with zoning regulations to be enlarged as long as the enlargements comply with all zoning regulations; and to eliminate the existing limitation on expansion of one-family dwellings on undersized lots to fifty (50) percent of the floor area of the existing building; to encourage orderly development of one-family residential neighborhoods; 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.

ISSUE: The primary difference between the revised proposal and the proposal advertised on February 12, 2005 is that the revised proposal sets thresholds for coverage requirements by individual lot areas and not by zoning districts. In addition, amendments to the provision on nonconforming buildings and structures concerning one-family dwelling lots are proposed to address issues associated with expansion and reconstruction of one-family dwelling lots.

SUMMARY: Two major Zoning Ordinance amendment items are proposed for lot coverage requirements and nonconforming buildings and uses. The original February 12, 2005 advertisement included only lot coverage related amendments. As staff and citizens continued to study lot coverage in more depth it became clear that the original staff proposal needed to be modified to amend the coverage provisions and to amend the nonconforming building and use provisions to address concerns raised by citizens.

Lot Coverage: As originally advertised, the proposed Zoning Ordinance amendments for *lot coverage* apply to new construction and existing houses with or without substantial changes. The proposed coverage requirements were set on a sliding scale based on zoning district and a main building footprint cap was proposed. In addition, bonus coverage was proposed for front porches and garages in the rear yard.

The revised proposal sets thresholds for coverage requirements on a sliding scale based on the lot size and not by zoning district. The current Zoning Ordinance permits fifty six (56) percent coverage for one-family residential lots in all five "R" Districts regardless of the minimum required area of the lot. The revised proposal is summarized below:

	<i>Lot Coverage</i>	<i>Main Building Footprint</i>
<i>Lot Area Ranges (sf)</i>	<i>Max Coverage</i>	<i>Max Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 - 19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

The revised proposal would be applied only to new construction as recommended by staff in February but the definition of new construction has been modified. New construction occurs when one of the following criteria is met:

- Constructing a main building on a lot where there has been no main building.
- An existing main building is intentionally torn down to the foundation, regardless of how much of the existing foundation remains.
- New outer walls are built around the existing main building on a new exterior foundation.
- Construction that retains (as outer walls) less than fifty (50) percent of the linear feet of a structure's outer walls (measured at the top of the wall where it meets the roof) as those outer walls existed on November 15, 2005. A new description, including a graphic, of how to calculate this is provided.

The revised proposal removes the provision that limits the size of an addition to an increase of one hundred (100) percent due to concerns about its impact on smaller houses. It also increases the coverage ratios, removes the main building footprint size cap and removes the bonus provision for porches and garages.

Nonconforming building related issues: The proposed Zoning Ordinance amendments for nonconforming buildings and uses include the following changes in response to comments made by the public over the past several months:

- To exempt existing one-family dwellings from the current requirement that restricts the size of additions and enlargements to less than fifty (50) percent of the floor area of the existing building when the lot is undersized.
- To permit reconstruction of one-family dwellings that do not comply with zoning regulations when the existing buildings are demolished or damaged by calamity not intentionally caused by the owner, provided that the reconstruction is made within the footprint and number of stories that existed before it was damaged or destroyed.

- To permit additions to nonconforming, one-family dwellings as long as the additions comply with all zoning requirements.

For the reasons stated above, it is recommended that the County Board authorize the advertisement of public hearings on the proposed amendments to the Zoning Ordinance at the November 15, 2005 County Board and November 7, 2005 Planning Commission meetings.

BACKGROUND: The County Board authorized advertisement of amendments to the coverage provision of the Zoning Ordinance on February 12, 2005. There were two options advertised. One was the recommendation of the Zoning Ordinance Review Committee (ZORC) and the other was a recommendation of the County Manager. The primary difference between the two options is that the ZORC proposal would apply to all one-family dwelling lots and the County Manager's would apply only to new construction. There were also slight differences in the coverage percentages.

Subsequent to advertising staff continued to research data about existing lots and coverage and to meet with citizen groups.

Civic Associations and Citizen Outreach:

- **Planning Commission:** On April 13, 2005, Zoning Committee (ZOCO) met and reviewed the proposed Zoning Ordinance amendment for coverage. The group discussed the coverage issue with staff and asked a number of questions. The key questions were about follow-up and updating of the GIS data, application of the GIS data to the proposed Zoning Ordinance amendments, undersized lots and building height. ZOCO requested staff to share the staff report/recommendation with the Planning Commission at its earliest availability.
- **Neighborhood Conservation Advisory Committee (NCAC):** On November 11, 2004, the NCAC adopted a resolution generally endorsing the ZORC recommendations. The attached letter generally affirms the original position that was sent to the County Board on May 17, 2005 (Attachment C).
- **Arlington County Civic Federation (ACCF):** The ACCF generally supported efforts to control infill residential development and, on February 1, 2005, passed a resolution recommending advertisement of staff's recommendation. After an April 23, 2005 Forum on lot coverage, the ACCF adopted a resolution recommending that the County Board not adopt the ZORC recommendation and that the proposal be referred back to staff and a community committee to change the proposed zoning ordinance amendments with a more equitable effect (Attachment D).
- From late 2004 to present, a representative of ZORC and staff attended many civic association meetings to present the proposed Zoning Ordinance amendments. A list of organizations that staff either met with or provided information to are as follows: NCAC, the Northern Virginia Building Industry Association (NVBIA), Waycroft -Woodlawn, Lyon Park, Courthouse-Clarendon, Ashton Heights, Donaldson Run, Leeway-Overlee,

Cherrydale, Arlington Forest, Arlington East Falls Church, Riverwood, and Williamsburg Civic Associations.

- The Arlington Citizen Newsletter containing an article on lot coverage was mailed to all county residents and businesses on May 12, 2005.
- From 2001 to 2005 information related to the lot coverage study was added to the county's web site. In addition, the County established a hotline for lot coverage in October 2004 to receive citizen's comments. Staff talked with and met with approximately sixty citizens during the past three months.

DISCUSSION: Staff has continued to work with the community as discussed above, and analyzed issues raised by these groups and additional data that staff was able to generate. The primary issues staff heard during this review include:

- The small house issue – smaller houses would be unfairly restricted by the limit on one hundred (100) percent expansion relative to larger house that had already been expanded.
- The undersized lot issue – existing provision of the nonconforming section of the Zoning Ordinance limits the ability to expand houses on undersized lots (lots that have less area than the required minimum of the Zoning District). Additional data showed that there are a substantial number of undersized lots. The unintended result of this provision might be the demolition of existing houses rather than preservation of existing houses with tasteful additions compatible with the existing neighborhood.
- The oversized lot issue – the main building footprint cap was viewed as too restrictive for larger lots and would make expansion of ranch style houses difficult. Many felt that it was unfair to not allow larger houses on larger lots. One potential unintended consequence could be the resubdivision of larger lots into two or more lots.
- The nonconforming issue – the public discussion of coverage raised concerns about the current nonconforming provision which limits expansion of existing one-family dwellings on undersized lots to fifty (50) percent of the floor area of the existing building, which was more restrictive than the proposed definition of new construction.

Staff developed a modified proposal as a response to these issues based on the additional data. The revised coverage requirements are on a sliding scale and based on the lot area not by zoning district.

	<i>Lot Coverage</i>	<i>Main Building Footprint</i>
<i>Lot Area Ranges (sf)</i>	<i>Max Coverage</i>	<i>Max Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 -19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

The revised proposal includes a deletion of the main building footprint size caps and the deletion of the bonuses for front porches and garages in the rear yard. It also amends the definition of new construction to delete the limit on expansion to one hundred (100) percent. It retains the requirement to retain at least fifty (50) percent of the existing outside walls and provides a clear description, including a graphic, of how this requirement is calculated.

The revised proposal also includes amendments to Section 35. Nonconforming Buildings and Uses to address the three issues staff heard from the community.

- The current Zoning Ordinance limits additions and enlargements to fifty (50) percent of the floor area contained in the existing building if the building does not comply with the height or area regulations. Under this provision, buildings located on an undersized lot can be enlarged only up to fifty (50) percent of gross floor area of the building. Staff proposes eliminating the application of this restriction on one-family dwellings.
- The current Zoning Ordinance prohibits additions to a nonconforming structure unless the entire structure is brought into compliance with all zoning requirements. Staff proposes to eliminate this restriction and allow additions to one-family dwellings as long as the addition complies with applicable zoning requirements.
- The current Zoning Ordinance allows nonconforming structures which are damaged by natural disaster or calamity to be rebuilt only if they are not damaged to the degree that the damage is not more than seventy-five (75) percent of the value of the structure as it existed prior to being damaged. Staff proposes to amend this provision to allow nonconforming one-family dwellings to be rebuilt within the existing footprint and to the existing number of stories.

CONCLUSION: The proposed Zoning Ordinance amendments would amend, reenact, and recodify the Zoning provisions concerning lot coverage and nonconforming buildings and uses in order to amend the current lot coverage requirement that does not accurately reflect the existing conditions; exempt existing one-family dwelling lots located in “R-5,” “R-6,” “R-8,” “R-10,” and “R-20” Districts from the coverage requirements that are adopted on November 15, 2005; to exempt one-family dwelling lots from the current requirement that limit the size of additions and enlargements to not exceed fifty (50) percent of the existing floor area; to permit reconstruction of one-family dwellings that are partially damaged or destroyed to the footprint and number of stories that existed before the calamity; to allow additions to nonconforming, one-family dwellings as long as the addition complies with all applicable zoning requirements; to encourage orderly development of one-family residential neighborhoods; 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. It is therefore, recommended that the County Board authorize the advertisement of public hearings on the proposed amendments to Section 1. Definitions, Section 32. Bulk, Coverage and Placement (Attachment A), and Section 35. Nonconforming Buildings and Uses (Attachment B) of the Arlington County Zoning Ordinance at the November 15, 2005 County Board and November 7, 2005 Planning Commission meetings.

ATTACHMENT A

RESOLUTION TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 1. DEFINITIONS AND SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS OF THE ZONING ORDINANCE TO ADD NEW ITEMS TO THE LIST OF DEFINITIONS AND TO AMEND COVERAGE REQUIREMENTS FOR ONE-FAMILY DWELLING LOTS.

The County Board of Arlington hereby resolves that the following amendments to Sections 1.and 32. of the Arlington County Zoning Ordinance shall be advertised for public hearings at the November 15, 2005 County Board meeting and at the November 7, 2005 Planning Commission meeting, in order to modify the current lot coverage requirement that is incongruous with the existing conditions; to permit one-family dwellings that are not in compliance with the new coverage provisions to be rebuilt if they are damaged by calamity; to encourage orderly development of one-family residential neighborhoods; 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.

* * *

Section 1. Definitions

* * *

Lot Coverage. The percentage determined by dividing: (a) the area of a lot covered by the total (in square feet) of; (1) the footprint of the main building, and (2) the total footprints of accessory buildings [counting only buildings with footprints larger than one hundred fifty (150) square feet or with a height of two stories or more], and (3) parking pads and driveways; by (b) the gross area of that lot.

* * *

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot on which the main building is located. The main building footprint shall include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay-windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

* * *

Section 32. Bulk, Coverage and Placement Requirements

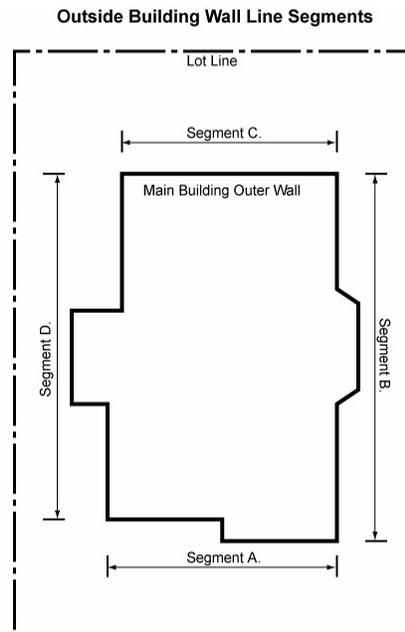
* * *

C. Coverage

~~For the purpose of securing open space for the exclusive use of pedestrians, except by site plan approval, no building or structure in “R,” “RA,” and “C-1-O” Districts, including accessory buildings and all areas for parking, driveways, maneuver and loading space, shall cover more than fifty six (56) percent of the area of the lot, except as may be specified in the various district classifications.*~~

The maximum lot coverage percentage shall be as follows:

1. On lots in “R” Districts (“R” District to include “R-20,” “R-10,” “R-8,” “R-6,” and “R-5, but not “R2-7””) where new construction is built, this subsection C.1. shall apply. For purposes of this section, “new construction” means when one of the following criteria is met: constructing a main building on a lot where there has been no main building; or where construction retains (as outer walls) less than fifty percent (50%) of the linear feet of outer walls (measured by outside building wall line segments as set forth below at the top of the wall where that section of wall meets the first roof) as those outer walls existed on November 15, 2005.



50% of the four (4) outside wall line segments, (A,B,C,and D) in linear feet, must be retained to be considered NOT new construction.

- a. Maximum lot coverage shall be limited to the percentages shown in the table below; and
- b. Maximum main building footprint coverage shall be limited to the percentages shown in the table below.

	<i>Lot Coverage</i>	<i>Main Building Footprint</i>
<i>Lot Area Ranges (sf)</i>	<i>Max Coverage</i>	<i>Max Coverage</i>
Smaller than 5,000	56%	Shall be determined by the building placement requirements.
5,000 - 5,999	2800 square feet or 50% of lot area, whichever is larger	1750 square feet or 35% of lot area, whichever is larger
6,000 - 7,999	3000 square feet or 50% of lot area, whichever is larger	2100 square feet or 35% of lot area, whichever is larger
8,000 - 9,999	4000 square feet or 45% of lot area, whichever is larger	2800 square feet or 30% of lot area, whichever is larger
10,000 - 19,999	4500 square feet or 40% of lot area, whichever is larger	3000 square feet or 25% of lot area, whichever is larger
20,000 or larger	8000 square feet or 35% of lot area, whichever is larger	5000 square feet or 20% of lot area, whichever is larger

- 2. Existing main and accessory buildings or structures that are not in conformance with the coverage requirements adopted on November 15, 2005, may be rebuilt within the building footprint and stories as they existed on November 15, 2005 if structures are damaged or destroyed by fire, wind, earthquake, or other force majeure.
- 3. For all lots in “R” Districts that do not contain new construction as defined in subsection C.1. above or are not used for one-family dwellings, and for all lots in any other zoning districts, lot coverage shall not exceed fifty-six (56) percent, except as may be specified in the various district classifications, or unless otherwise permitted to be modified by site plan or use permit.

ATTACHMENT B

RESOLUTION TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 35. NONCONFORMING BUILDINGS AND USES REQUIREMENTS OF THE ZONING ORDINANCE TO ADD A NEW SUBSECTION 35.A.1. QUALIFICATION OF NONCONFORMING USES AND TO PERMIT ADDITION OR EXPANSION OF ONE-FAMILY DWELLINGS IF THE ADDITION OR EXPANSION IS IN COMPLIANCE WITH THE APPLICABLE SECTION OF THE ZONING ORDINANCE.

The County Board of Arlington hereby resolves that the following amendments to Section 35. of the Arlington County Zoning Ordinance shall be advertised for public hearings at the November 15, 2005 County Board meeting and at the November 7, 2005 Planning Commission meeting, in order to permit reconstruction of one-family dwellings to the original size and shape, if they are damaged by calamity, to allow buildings that do not comply with zoning regulations to be enlarged as long as the enlargements comply with all applicable zoning regulations and to eliminate the existing limitation on expansion of one-family dwellings on undersized lots to fifty (50) percent of the existing floor area; to encourage orderly development of one-family residential neighborhoods; 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.

* * *

SECTION 35. NONCONFORMING BUILDINGS AND USES

A. Nonconforming Buildings.

1. Qualification of Nonconforming Uses: This qualification shall apply only to lots containing one-family dwellings.
 - (a) Existing main and accessory buildings or structures shall be permitted to be added or expanded, provided that the addition or expansion complies with applicable provisions of the Zoning Ordinance.
 - (b) Existing main and accessory buildings or structures shall be permitted to be rebuilt within the building footprint and stories as they existed if structures are damaged or destroyed by fire, wind, earthquake or other force majeure, and if construction commences within two (2) years from the date of the calamity.

- ~~2.1.~~ *Maintenance Permitted:* Nonconforming buildings or structures may be maintained, except as otherwise provided in this section.
- ~~3.2.~~ *Repairs - Alterations:* Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alteration shall be made except those required by law or ordinance.
- ~~4.3.~~ *Additions – Enlargements - Moving:* This provision shall not apply to one-family dwelling.
- a. A nonconforming building or structure shall not be added to or enlarged in any manner unless ~~such building or structure, including~~ such additions and enlargements, ~~is~~ are made to conform to all the regulations of the district in which ~~it is~~ they are located.
- ~~b.~~ ~~A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located; provided, that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) percent of the floor area contained in said building or structure, at the time this ordinance became effective.~~
- ~~e.~~ b. A building or structure lacking sufficient automobile parking space in connection therewith as required in Section 33 may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of Section 33.
- ~~d.~~ c. No ~~Non~~conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

* * *

~~*5.~~ 4. *Renumber after this subsection.* .

ATTACHMENT C

NEIGHBORHOOD CONSERVATION ADVISORY COMMITTEE
2100 CLARENDON BOULEVARD, SUITE 700
ARLINGTON, VIRGINIA 22201
703.228.3820 FAX 703.228.3834



INTA MALIS, CHAIRMAN (COLUMBIA FOREST)
ROB SWENNES, VICE CHAIR (LEEWAY)
KRISTINE WOOD, DEPUTY-VICE CHAIR (CLARENDON-COURTHOUSE)

Mr. Jay Fiset, Chairman
Arlington County Board
2100 Clarendon Boulevard
Arlington, Virginia 22201

May 17, 2005

Residential Maximum Lot Coverage

Dear Chairman Fiset:

At its May 12, 2005 meeting, the Neighborhood Conservation Advisory Committee (NCAC) took up once again the issue of lot coverage on single-family lots in Arlington. We examined the Planning Commission's proposal on this subject, which the County Board agreed to advertise at its February 2005 meeting.

The NCAC approved by a wide margin a motion asking the County Board to give serious consideration to three matters related to the advertised zoning proposal regarding coverage. These three items are explained below. Two of them are suggested adjustments to the advertised lot coverage rules. One change is directed at homes on oversized lots in each zoning district. The other is aimed at homes on undersized lots in the districts.

Data analyzed by the Arlington County Civic Federation suggests that a large percentage of the lots that would be rendered nonconforming as regards main building size by the advertised coverage proposal are oversized lots. Also, more detailed information on individual civic associations recently provided by staff has shown a higher percentage of lots in many associations that are more than 120 percent larger than the standard lot in the zoning district. Some concern about the advertised coverage changes can be alleviated by decreasing the number of lots on which the size of the main building would be capped. This is illustrated by enclosure (1), which was prepared by staff. The data show (using R-6 zoning category as an example) that the number of lots with homes that would exceed the proposed maximum footprint goes down significantly if the main building footprint cap is raised from 120% of the standard lot size to 130% or 140%. Thus the NCAC recommends that the Board give serious consideration to **capping the main building footprint on oversized lots at 130 or 140 percent of the house size on a standard lot—as opposed to the 120 percent cap that has been advertised.** This change would, for example, raise the main building footprint cap for oversized lots in R-6 districts from 2160 sq. ft. to as much as 2520 sq. ft.

Request to Advertise
Proposed Zoning Ordinance Amendment
Coverage Study
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At the Civic Federation's public forum held on April 23, 2005, it was discovered that a key element of the original coverage proposal as regards homes on undersized lots was not included in the Manager's Report last February. The report issued by the Zoning Ordinance Review Committee (ZORC) on February 4, 2004 recommended that **the main building footprint allowed on a standard sized lot also be permitted on buildable undersized lots in the zoning district**. The NCAC endorsed this concept in its resolution approved on November 11, 2004. The record will show that this was also an element of the Planning Commission's subsequent recommendation to the Board. It is unclear why language to this effect was not included in Appendix E to the County Manager's report of February 12, 2005. Correction of this error will help to reduce the number of lots that would be rendered nonconforming by the advertised coverage changes. We recognize that there are other existing rules within the Zoning Ordinance (such as setback requirements) that may prevent a particular home on an undersized lot from reaching this footprint size, but they are separate and apart from the proposed coverage allowances.

Both of the above coverage changes recommended here by the NCAC would, in effect, reduce any perceived adverse impact of the advertised residential lot coverage proposal. We understand that the two are changes that the Board could legally entertain and implement on June 18th without the need for any readvertisement.

A final recommendation from the NCAC has to do with residence height. As you are aware, many citizens continue to complain that it is the apparent height of homes as much as their footprint that creates bad infill development. The NCAC recommends that the Board give serious consideration to asking the Planning Commission through its zoning committee to reexamine the issue of home height. In particular, there are questions with respect to the current guidance for how height is measured.

We wish to acknowledge and applaud the many man-months of work that staff and citizens across the County have put in to develop and refine the proposed residential coverage changes. We look forward to final County Board action on this matter in June.

Sincerely,

Inna Malis, Chair

Enclosure (1): Main Building Footprint Caps (5/7/05) (1 page)

cc: Chair, Planning Commission
Jim Snyder, Planning Staff

Main Building Footprint Caps

Draft: (4/26/05, revised 5/3/05, 5/7/05)

Staff received many comments from businesses and homeowners concerning maximum main building footprint caps. Staff has analyzed the impact of the proposed caps that would affect the lot that are larger than 120% of the minimum required lot area. These percentages do not include the proposed front porch bonus, since front porch data are not available under the current GIS based database.

Zoning District	R-5	R-6	R-8	R-10	R-20
Threshold lot areas for caps	6,000 sf	7,200 sf	9,600 sf	12,000 sf	24,000 sf
Proposed main building footprint caps	2,040 sq.ft.	2,160 sq.ft.	2,400 sq.ft.	3,000 sq.ft.	3,880 sq.ft.
% of lots exceed the caps among the oversized lots	4.8%	6.4%	8%	6.9%	17.6%
% of lots exceed the caps among all lots	2.5%	2.7%	4.9%	2.6%	7.5%
No. of oversized lots that exceed caps	56	462	87	123	21
No. of oversized lots	1,153 (51%)	7,189 (41%)	967 (55%)	1,771 (37%)	119 (42%)
No. of lots	2,253	17,428	1,763	4,790	281

If the thresholds for caps are changed to 130% of the minimum required lots, the results are as follows:

Zoning District	R-5	R-6	R-8	R-10	R-20
Threshold lot areas for caps	6,500 sf	7,800 sf	10,400 sf	13,000 sf	26,000 sf
Proposed main building footprint caps	2,210 sq.ft.	2,340 sq.ft.	2,600 sq.ft.	3,250 sq.ft.	4,160 sq.ft.
% of lots exceed the caps among the oversized lots	4.1%	5.4%	8.7%	8.3%	13.7%
% of lots exceed the caps among all lots	1.5%	1.7%	2.5%	2.3%	3.4%
No. of oversized lots that exceed caps	33	291	44	112	13
No. of oversized lots	806 (36%)	5,353 (31%)	505 (29%)	1,351 (28%)	95 (34%)
No. of lots	2,253	17,428	1,763	4,790	281

If the thresholds for caps are changed to 140% of the minimum required lots, the results are as follows:

Zoning District	R-5	R-6	R-8	R-10	R-20
Threshold lot areas for caps	7,000 sf	8,400 sf	11,200 sf	14,000 sf	28,000 sf
Proposed main building footprint caps	2,380 sq.ft.	2,520 sq.ft.	2,800 sq.ft.	3,500 sq.ft.	4,480 sq.ft.
% of lots exceed the caps among the oversized lots	2.8%	4%	7.3%	7.7%	9.2%
% of lots exceed the caps among all lots	0.8%	0.9%	1.5%	1.7%	2.8%
No. of oversized lots that exceed caps	17	161	27	81	8
No. of oversized lots	608 (27%)	4,057 (23%)	368 (21%)	1050 (22%)	87 (31%)
No. of lots	2,253	17,428	1,763	4,790	281

ATTACHMENT D

Resolution of Arlington County Civic Federation: Lot Coverage Amendment

The Arlington County Civic Federation at the April 23, 2005 public forum passed the following resolution.

Whereas the Arlington County Board in 2001 directed the Zoning Ordinance Review Committee (ZORC) of the Planning Commission, as part of a review of the various elements in the zoning code that affect new residential development, to "...analyze options to control the impacts of new residential development on one-family residential neighborhoods, in response to the many concerns raised about recent infill residential development";

Whereas a modified September 2004 ZORC proposal, which would apply to all new construction and improvements to residential lots in the County, including all additions to existing houses, was before the County Board for advertising at the Board's December 11, 2004, meeting;

Whereas the County Manager, at the County Board meeting of December 11, 2004, in response to concerns expressed by potentially affected residents, recommended that the County Board advertise an amendment of more limited scope, which would apply the ZORC lot coverage limitations only to new houses and to expansions of existing houses that, *inter alia*, exceed 100% of the footprint of an existing house; and whereas the County Board deferred the matter to its February 12, 2005, meeting;

Whereas the Arlington County Civic Federation (ACCF) has followed this matter closely over the years, and held a special forum on an earlier version of the ZORC lot coverage proposal 3 years ago, at which time ACCF delegates expressed concern about the impact of that proposal;

Whereas the ACCF at its meeting February 8, 2005, in view of concerns about the impact that a broadly applicable amendment might have, passed a resolution urging the County Board, if it advertised an amendment, to advertise an amendment that would be no broader than the amendment proposed for advertising by the County Manager;

Whereas the County Board at its February 12, 2005, meeting voted to advertise an amendment similar in scope to the ZORC proposal;

Whereas the rules that currently apply to lot coverage in the County are already complex, and include setback requirements, an overall coverage limitation, and special rules for additions to houses on undersize lots that are based on livable house size (density) in 1950 or the year in which the house was built, if after 1950;

Whereas about 60 percent of all lots in the County are either undersize or oversize, with a significant percentage of those lots being so far under or over the lot size threshold for their zoning district as to be more appropriately subject to rules that would apply to a different zoning district;

Whereas substantial new information has come to light in recent months about the number of lots that would be made nonconforming or ineligible for even modest additions and improvements if the new ZORC rules were adopted, and new information has also come to light concerning the locations of those lots and the zoning districts in which those lots are located;

Whereas the ZORC rules, if adopted, would automatically render about 11 percent of all lots in the County non-conforming in that existing coverage would exceed the new limits, and would render an additional estimated 14 percent of all lots ineligible for even a modest addition or other improvement (defined as an improvement of 300 square feet);

Whereas the ZORC rules, if adopted, would have a disproportionate impact on both smaller and larger lots within a zoning district, including larger lots on which larger houses have been traditionally built; would have a disproportionate impact on certain neighborhoods, rendering up to 23 percent of lots in some neighborhoods non-conforming; and would impact lots in some zoning districts more than others;

Whereas the ZORC rules were drafted without the benefit of the impact information referred to above, and without consideration for changing market needs, economic impact on property owners, or the housing needs of families with children or aging family members (need for family rooms, first floor bedrooms and baths, etc);

Whereas the ZORC rules, if adopted, may have the unintended effect of encouraging tear-downs and taller replacement houses, which may have a greater impact on neighboring houses and neighborhood character than a modest addition or improvement to an existing house;

Whereas the ZORC rules, if adopted, will likely increase survey and other documentation costs for new construction on lots with buildable space, and may impose certain new disclosure requirements on homeowners at the time of sale of the property;

Whereas the ZORC rules, if adopted, will likely adversely affect the resale value of improved and unimproved lots in the County, particularly those that are made non-conforming or that lose significant building rights, and whereas such effects will adversely affect County real estate tax revenues;

Whereas the Manager's proposal, if adopted, would also impact disproportionately larger lots in individual zoning districts and also encourage taller houses that may be out of character in a given neighborhood; and

Whereas the Manager's proposal, if adopted, would discriminate against additions to smaller houses, because its application would be based on the size of the existing house;

BE IT RESOLVED THAT the Arlington County Civic Federation recommend:

(1) that the Arlington County Board not adopt either the ZORC proposal or the Manager's proposed amendment; and

(2) that the Arlington County Board determine that no change is warranted to the lot coverage rules in the absence of consideration of other factors and refer the matter back to staff and a community committee to examine how the zoning rules might be changed with more equitable effect, including to take into account the special circumstances of individual neighborhoods.