

Fort Myer Heights North Zoning Ordinance Amendments – Approved 10-22-08

Note: The language that is neither underlined nor struck-through is the current Zoning Ordinance language, while the language shown with a single underline or single strike-through represents additions and deletions that were advertised in July 2008. The highlighted language with a double underline or double strike-through represents additions or deletions made since said advertisement.

ZONING ORDINANCE

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Section 13. “RA8-18” Apartment Dwelling Districts

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A. Uses Permitted.

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2. Apartment houses or town houses. Provided, however, that in the “Fort Myer Heights North Special District,” as designated on the General Land Use Plan, town houses shall not be permitted except by Special Exception Site Plan. However, town house projects for which building permit applications have been submitted to the Inspection Services Division on or before April 15, 2005 shall be allowed under the provision of this ordinance as it existed on or prior to April 15, 2005.

B. Special Exceptions.

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3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site,

County Manager: _____

County Attorney: _____

Staff: Margaret Tulloch Rhodes, Planning Division, DCPHD

PLA-5103 SUPP

project, and the surrounding area. ~~Except in the “Fort Myer Heights North Special District,”~~ The County Board may approve additional height and density based on the provision of low or moderate income housing as provided in Subsection 36.H.7. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above thirty-six (36) units per acre in residential density for a project that provides low or moderate-income housing as provided in subsection 36.H.7., provided that:

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4. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the purposes of the *Fort Myer Heights North Plan*, and ~~as~~ subject to the provisions ~~hereafter~~ set forth ~~herein~~, then, by Special Exception Site Plan approval pursuant to Section 36.H., development may be permitted at up to 3.24 F.A.R. in the “Revitalization Area” designated in the *Plan*. ~~In order to develop a site~~ The County Board may approve site plans within the “Revitalization Area” designated in the *Plan* where the goals recommended in the *Plan* for that site ~~must be~~ are addressed, including ~~met~~. That is, as applicable, the affordable housing contribution recommended in the *Plan* ~~must be provided~~; the historic buildings identified for preservation in the *Plan*, and such other buildings as the County Board may identify as worthy of historic preservation, ~~must be preserved~~ with their surrounding open spaces; the provision of the public open spaces identified in the *Plan* ~~must be provided~~; and the preservation of significant trees identified in the *Plan* or their replacement in accordance with the County’s Tree Replacement Guidelines ~~must be effected~~.
- a. A site plan project in the “Revitalization Area” designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and ~~where it furthers the~~ purposes of the *Plan*.
- b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights ~~approved by site plan~~ in the “Revitalization Area” designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, ~~if developed by site plan~~. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.

- c. The County Board may approve a site plan project where the proposal. All sites developed per the site plan process shall designate ~~as affordable~~ twenty (20) percent of the G.F.A. that is ~~above~~ ~~over~~ the General Land Use Plan maximum as affordable, in addition to meeting the requirements of the County's Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6. for the proposed G.F.A. within the General Land Use Plan maximum, except as set forth in Section 13.B.4.e.(5). Units shall be considered affordable where they are committed for a thirty (30) year term, are affordable at sixty (60) percent or less of the area median income and shall meet minimum habitability standards established by the County.
- d. Neighborhood-serving retail and other service uses, such as a doctor's office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated in Section 18A. may be approved along Clarendon Boulevard ~~or~~ Fairfax Drive and at other primary intersections and/or locations that experience significant pedestrian traffic should the County Board find they will not adversely impact the neighborhood and will be otherwise be appropriate.
- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space ~~preservation~~ and affordable housing purposes ~~for sending sites specifically identified in the Plan and located in the "Conservation Area" designated in the Plan, subject to the following provisions. Additional sending sites that are located within the "Conservation Area" designated in the Plan may be approved by the County Board.~~
- (1) For the purposes of calculating F.A.R. in the "Fort Myer Heights North Special District," an average unit size of 1,000 square feet ~~is to~~ shall be assumed.
 - ~~(2) Sending sites must be located in the "Conservation Area" designated in the Plan and must be specifically identified in the Plan. Additional sending sites within the "Conservation Area" designated in the Plan may be approved by the County Board.~~
 - (2) The County Board may approve a transfer of development rights in the amount of ~~Up~~ up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage ~~may be transferred~~ in return for an easement to preserve the

historic property in perpetuity, which easement includes an agreement to rehabilitate the property if necessary, the County Board determines that rehabilitation is necessary for preservation and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building as in a manner consistent with the *Plan*.

- (3) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are proposed to be committed for a thirty (30) year term affordable at sixty (60) percent or less of the area median income and to meet minimum habitability standards established by the County, the County Board may approve a transfer of development rights in the amount of up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion.
- (4) In order to achieve the goals of the *Plan*, it is preferred that density be transferred to sites within the “Revitalization Area” designated in the *Plan*, provided that development using such density is consistent with the design guidelines, including building height maximums, and the purposes of the *Plan*. Receiving sites will be expected to meet, on-site, the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that twenty (20) percent of the G.F.A. over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the “Conservation Area” designated in the *Plan*. At its discretion, the County Board may permit receiving sites located within the “Revitalization Area” designated in the *Plan* to exceed the *Plan*’s maximum density of 3.24 F.A.R.. In such instances, receiving sites that meet or exceed 3.24 F.A.R. will not be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

(5) The County Board may also approve the transfer of density
Density may also be transferred to sites located elsewhere
in the County, with a preference for the Rosslyn or
Courthouse Metro Station Areas. Receiving sites located
outside the “Fort Myer Heights North Special District” that
meet or exceed 3.24 F.A.R. will remain ~~be~~ subject to the
provisions of the Special Affordable Housing Protection
District policy of the General Land Use Plan.

f. The County Board may also approve the transfer of development
rights in accordance with Section 36.H.5.b. for historic
preservation, open space preservation and affordable housing
purposes for sending sites located in the “Revitalization Area”
designated in the Plan. Sites located in the “Revitalization Area”
designated in the Plan may transfer density to another site located
within the “Revitalization Area” or to another site located outside
the “Fort Myer Heights North Special District.” In such instances,
the provisions of Section 13.B.4.e.(2), (3), (4) and (5) will not
apply.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either four (4) stories or forty (40) feet; provided, however, that by site plan approval dwellings may be increased to a height not to exceed either eight, (8) stories or seventy-five (75) feet. In the “Revitalization Area” of the “Fort Myer Heights North Special District” designated on the General Land Use Plan, building heights shall in no event exceed ~~thirty (30) feet if developed by right or~~ twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan in the “Revitalization Area” designated in the Plan in a manner consistent with the design guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

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Section 15. “RA6-15” Apartment Dwelling Districts

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B. Special Exceptions.

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3. When a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area. ~~Except in the "Fort Myer Heights North Special District,"~~ The County Board may approve additional height and density based on provision of low or moderate income housing as provided in Subsection 36.H.7. The County Board, in its discretion, may modify regulations on height, setback, yard, coverage, or parking requirements and may approve up to a twenty-five (25) percent increase above forty-eight (48) units per acre in residential density for a project that provides low or moderate-income housing as provided in Subsection 36.H.7., provided that:

* * *

5. When a site within the area designated as the “Fort Myer Heights North Special District” on the General Land Use Plan is sought to be used in a manner consistent with the purposes of the *Fort Myer Heights North Plan*, and ~~as~~ subject to the provisions hereafter set forth ~~herein~~, then, by Special Exception Site Plan approval pursuant to Section 36.H., development may be permitted at up to 3.24 F.A.R. in the “Revitalization Area” designated in the *Plan*. ~~In order to develop a site~~ The County Board may approve site plans within the “Revitalization Area” designated in the *Plan* where the goals recommended in the *Plan* for that site ~~must be~~ are addressed, including ~~met~~. That is, as applicable, the affordable housing contribution recommended in the *Plan* ~~must be provided~~, the historic buildings identified for preservation in the *Plan*, and such other buildings as the County Board may identify as worthy of historic preservation, ~~must be preserved~~ with their surrounding open spaces, the provision of the public open spaces identified in the *Plan* ~~must be provided~~, and the preservation of significant trees identified in the *Plan* or their replacement in accordance with the County’s Tree Replacement Guidelines ~~must be effected~~.
- a. A site plan project in the “Revitalization Area” designated in the *Plan* may exceed 3.24 F.A.R. with bonus density for achieving goals consistent with the intent of the *Plan*, such as LEED, provided that development is consistent with the design guidelines, including building height maximums, and where it furthers the purposes of the *Plan*.
 - b. Building heights shall be consistent with the heights recommended in the *Plan*. Building heights approved by site plan in the “Revitalization Area” designated in the *Plan* shall in no event exceed twelve (12) stories or 125 feet, exclusive of penthouses, ~~if developed by site plan~~. Penthouses shall be minimized in terms of height, bulk and visual appearance and shall in no event exceed sixteen (16) feet.
 - c. The County Board may approve a site plan project where the proposal ~~All sites developed per the site plan process shall designate~~ as affordable twenty (20) percent of the G.F.A. that is above over the General Land Use Plan maximum as affordable, in addition to meeting the requirements of the County’s Affordable Dwelling Unit Ordinance as outlined in Section 36.H.6. for the proposed G.F.A. within the General Land Use Plan maximum, except as set forth in Section

15.B.5.e.(5). Units shall be considered affordable where they are committed for a thirty (30) year term, are affordable at sixty (60) percent or less of the area median income and shall meet minimum habitability standards established by the County.

- d. Neighborhood-serving retail and other service uses, such as a doctor's office, neighborhood delicatessen, drycleaner, neighborhood-scale library branch or small café and other uses as permitted and regulated in Section 18A, may be approved along Clarendon Boulevard or, Fairfax Drive and at other primary intersections and/or locations that experience significant pedestrian traffic should the County Board find they will not adversely impact the neighborhood and will be otherwise be appropriate.
- e. The transfer of development rights in accordance with Section 36.H.5.b. is permitted for historic preservation, open space preservation and affordable housing purposes for sending sites specifically identified in the Plan and located in the "Conservation Area" designated in the Plan, subject to the following provisions. Additional sending sites that are located within the "Conservation Area" designated in the Plan may be approved by the County Board.
 - (1) For the purposes of calculating F.A.R. in the "Fort Myer Heights North Special District," an average unit size of 1,000 square feet is to shall be assumed.
 - ~~(2) Sending sites must be located in the "Conservation Area" designated in the Plan and must be specifically identified in the Plan. Additional sending sites within the "Conservation Area" designated in the Plan may be approved by the County Board.~~
 - (2) The County Board may approve a transfer of development rights in the amount of Up to three (3) times the first 10,000 square feet of a preserved historic building and up to two (2) times the density of the remaining square footage may be transferred in return for an easement to preserve the historic property in perpetuity, which easement includes an agreement to rehabilitate the property if necessary

the County Board determines that rehabilitation is necessary for preservation and to maintain it in good condition; and a commitment to maintain the open space surrounding the historic building ~~as~~ in a manner consistent with the *Plan*.

- (3) If, in addition to meeting the preservation and rehabilitation requirements outlined above, ten (10) percent or more of the units in the subject building are proposed to be committed for a thirty (30) year term affordable at sixty (60) percent or less of the area median income and to meet minimum habitability standards established by the County, the County Board may approve a transfer of development rights in the amount of up to an additional two (2) times the density of the first 10,000 square feet of the preserved building and up to an additional one (1) times the remaining density may be transferred, for a total of up to five (5) times the density of the first 10,000 square feet of the preserved building and up to three (3) times the density of the remaining square footage. If additional units are committed as affordable, the County Board may increase proportionally the aforementioned multipliers at its discretion.
- (4) In order to achieve the goals of the *Plan*, it is preferred that density be transferred to sites within the “Revitalization Area” designated in the *Plan*, provided that development using such density is consistent with the design guidelines, including building height maximums, and the purposes of the *Plan*. Receiving sites will be expected to meet, on-site, the aforementioned affordable housing requirements for all sites developed per the site plan process, except that the County Board may modify the requirement that twenty (20) percent of the G.F.A. over the General Land Use Plan maximum be designated as affordable for that portion of the density transferred from the “Conservation Area” designated in the *Plan*. At its discretion, the County Board may permit receiving sites located within the “Revitalization Area” designated in the *Plan* to exceed the *Plan*’s maximum density of 3.24 F.A.R.. In such instances, receiving sites that meet or exceed 3.24 F.A.R. will not be subject to the

provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

- (5) The County Board may also approve the transfer of density. Density may also be transferred to sites located elsewhere in the County, with a preference for the Rosslyn or Courthouse Metro Station Areas. Receiving sites located outside the “Fort Myer Heights North Special District” that meet or exceed 3.24 F.A.R. will remain be subject to the provisions of the Special Affordable Housing Protection District policy of the General Land Use Plan.

- f. The County Board may also approve the transfer of development rights in accordance with Section 36.H.5.b. for historic preservation, open space preservation and affordable housing purposes for sending sites located in the “Revitalization Area” designated in the *Plan*. Sites located in the “Revitalization Area” designated in the *Plan* may transfer density to another site located within the “Revitalization Area” or to another site located outside the “Fort Myer Heights North Special District.” In such instances, the provisions of Section 15.B.5.e.(2), (3), (4) and (5) will not apply.

C. Height Limit.

No building, nor the enlargement of any building, shall be hereafter erected to exceed either six (6) stories or sixty (60) feet. In the “Revitalization Area” of the “Fort Myer Heights North Special District” designated on the General Land Use Plan, building heights shall in no event exceed ~~fifty (50) feet if developed by right or~~ twelve (12) stories or 125 feet, exclusive of penthouses, if developed by site plan in the “Revitalization Area” designated in the *Plan* in a manner consistent with the design guidelines, heights plan and purposes of the *Fort Myer Heights North Plan*.

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Modification of height limit in “RA6-15” Districts. By site plan approval as specified in the “RA4.8” District, dwellings may be increased to a height not to exceed either twelve (12) stories or one hundred twenty-five (125) feet, except in areas designated as “Radnor Heights East Special District” on the General Land Use Plan

where heights of buildings, exclusive of penthouses, shall be limited to sixty (60) feet as referenced in Section 15.C.1. to 5.

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