

AN EMERGENCY ORDINANCE to amend Section 42-12 of Article III of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new subsection designated (h); which Chapter 42 relates to ZONING, which Article III relates to USE, AREA, ETC., REGULATIONS GENERALLY, which Section 42-12 relates to RB RESIDENCE ZONE, and which new subsection (h) relates to PLANNED DEVELOPMENT; CHANGE IN REGULATIONS; REQUIREMENTS AND PROCEDURES.

WHEREAS, pursuant to due and timely notice of the time and place of hearing published in a daily paper of general circulation published in the City of Alexandria, Virginia, a public hearing was held in relation to the matters hereinafter set forth, at which public hearing parties in interest and citizens had an opportunity to be heard.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 42-12 of Article III of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new subsection designated (h) to read as follows:

(h) Planned developments; change in regulations; requirements and procedures. Notwithstanding any other provisions of this chapter and subject to requirements and procedures (1) through (8) set forth below, the floor area ratio, the area regulations and the coverage, as set forth in this section, may be changed for a planned development on RB zoned land, and the frontage regulations and the yard regulations, as set forth in this section, and any off street parking or loading regulations of this chapter may be changed for a planned development on RB zoned land when any public street, public alley or public right of way within the boundaries of the development plan divides said land into two or more parcels and such division makes zone regulations applicable thereto that would not be applicable without the existence of a public street, public alley or public right of way. The term "planned development" is not a word of art and the definition of said term in Section 42-49 of this Code does not apply to this section.

(1) A special use permit as specified in sections 42-68 to 42-71 of this Code is first obtained.

(2) No such application for a special use permit shall be considered unless a development plan shall have first been submitted as a part of the application. Any such plan shall show the manner in which the land involved is to be developed and any change in regulations requested.

(3) The land involved must consist of abutting lots or parcels, except that such lots or parcels may be separated by a public street, public alley or public right of way.

(4) No change in regulations or special use permit granted shall be construed to allow any use, other than those permitted in RB residence zone, nor shall any such change or permit be construed to allow any increase in the total number of dwelling units, nor in the total floor area permitted in the RB Residence zone.

(5) No change in regulations or special use permit granted shall be construed to increase the allowable height of buildings, or to change the yard regulations or frontage regulations as set forth in this section along the exterior boundary of the planned development.

(6) Any special use permit granted shall run with the land and be binding upon the applicant, the owner, the occupants and their heirs, successors and assigns, and no such special use permit shall become effective unless and until the owner or owners of the land involved shall have first entered into a contract with the city so encumbering the land and binding the parties and making the land subject to the conditions of the special use permit, and said owner shall also have recorded said contract with an approved plat attached thereto in the deed books among the land records of the city. When a special use permit has been granted the city manager is hereby authorized to execute any such contract on behalf of the city and the director of planning is hereby authorized to approve any such plat on behalf of the city.

(7) Nothing in this subsection (h) shall be construed as limiting the city council in designating conditions in connection with the special use permit.

(8) No change shall be made in any special use permit granted or any development plan approved as a part thereof unless the procedures and requirements set forth in (1) through (7) above are complied with.

Section 2. That in the opinion of council an emergency exists and this is declared an EMERGENCY ORDINANCE in order to promptly provide for more flexible land development in RB residence zoned land which contained several large and important tracts within the city.

Section 3. That this EMERGENCY ORDINANCE shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

Final Passage : November 25, 1969