

AN EMERGENCY ORDINANCE to amend Section 42-1 of Article I by adding thereto a new subsection numbered (58.1), to amend and reordain Section 42-19 of Article III, to further amend said Section 42-19 by adding thereto a new subsection lettered (h), and to amend and reordain subsection (2) of subsection (b) of Section 42-25 of Article IV, all of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article I relates to DEFINITIONS, which Section 42-1 relates to ENUMERATION, which new subsection (58.1) relates to TRACT OR TRACT OF LAND, which Article III relates to USE, AREA, ETC., REGULATIONS GENERALLY, which Section 42-19 relates to C-0 COMMERCIAL OFFICE ZONE, which new subsection (h) relates to PLANNED RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENTS, which Article IV relates to ADDITIONAL USE, AREA, ETC., REGULATIONS, which Section 42-25 relates to MINIMUM YARDS; VISION CLEARANCE AT CORNERS; LOCATION OF GARAGES; OUTER COURTS; YARDS AND COURTS OPEN TO SKY; SETBACK LINES GENERALLY; LIMITATION ON GROUPS OF ROW HOUSES; SPECIAL USES IN SUBSEQUENT ZONES; ADDRESSES FOR LICENSE PURPOSES; PARTICULAR SETBACK RESTRICTIONS; BAY WINDOWS, CORNICES, ETC., MARQUEES; which subsection (b) relates to REQUIRED VISION CLEARANCE, and which subsection (2) relates to SPECIFIC ZONE VISION CLEARANCE.

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 42-1 of Article I 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 numbered (58.1), to read as follows:

(58.1) Tract or tract of land. A unit or units of land under single ownership or control which are to be used, developed or built upon pursuant to a common development plan. A tract of land need not necessarily coincide with a lot of record.

Section 2. That Section 42-19 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 and reordained to read as follows:

42-19. C-0 commercial office zone.

In the C-0 commercial office zone the following regulations shall apply:

(a) Uses permitted. The following uses only shall be permitted in the C-0 commercial office zone:

- (1) Commercial and professional office buildings.
- (2) Churches.
- (3) Public utility uses, as permitted in the R-20 zone.
- (4) Row dwellings and multi-family dwellings.

- (5) The following uses shall be permitted in connection with commercial and professional office buildings:
- (a) Barber shops or beauty shops.
 - (b) Cleaning, pressing or laundry receiving shops, provided, however, no processing shall take place on the premises.
 - (c) Photographic studios.
 - (d) Stationery stores, including lending libraries.
 - (e) Flower shops.
 - (f) Commercial schools.
 - (g) Restaurants, subject to the issuance of a special use permit as specified in sections 42-68 to 42-71 of this Code.
 - (h) Private or fraternal clubs, subject to the issuance of a special use permit as specified in sections 42-68 to 42-71 of this Code.
- (6) The following uses, subject to the issuance of a special use permit as specified in sections 42-68 to 42-71 of this Code:
- (a) Commercial parking garages and parking lots.
 - (b) Hotels and motels which offer services traditionally associated with such facilities, such as dining rooms, and meeting rooms, but excluding tourist courts, auto courts and the like that offer only rooms and parking spaces.
 - (c) Planned residential and/or commercial developments on a tract of land of not less than two acres when a development plan is submitted and approved pursuant to the procedures, requirements and standards hereinafter set forth in subsection 42-19(h) hereof.

(b) Area regulations. For residential uses in this zone, the area regulations of the RA residence zone shall apply, except for residential uses which qualify for a special use permit as hereinafter set forth in subsection 42-19(h) hereof. For all other uses permitted in this zone, there shall be no area restrictions, except that no hotel or motel shall be erected or placed on any lot or tract containing less than one acre.

(c) Frontage regulations. For residential uses in this zone, the frontage regulations of the RB residence zone shall apply. For all other uses permitted in this zone, there shall be no frontage restrictions, except that no hotel or motel shall be erected or placed on any lot or tract containing less than 100 feet of frontage at the front lot line.

(d) Yard regulations.

(1) FRONT YARDS. For residential uses in this zone, the front yard regulations of the RA residence zone shall apply. For all other uses permitted in this zone, there shall be no front yard regulations, except that where applicable all buildings shall conform to the setbacks as established in subsections 42-25(n) and 42-25(o) of this Code.

(2) SIDE YARDS. For residential uses in this zone, the side yard regulations of the RB residence zone shall apply. For all other uses permitted in this zone, there shall be no side yard regulations.

(3) REAR YARDS. For residential uses in this zone, the rear yard regulations of the RC residence zone shall apply. For all other uses permitted in this zone, there shall be no rear yard regulations.

(e) Floor area ratio. The maximum floor area ratio shall be 0.75 for residential uses in this zone and 2.0 for all other uses permitted in this zone, except as otherwise provided in subsection 42-19(h) hereof for planned residential and/or commercial developments which qualify for a special use permit. Restaurants and private or fraternal clubs, permitted in connection with commercial and professional office buildings, pursuant to a special use permit as hereinabove set forth in subsection 42-19(a) (5) hereof, shall not occupy in excess of ten percent of the gross floor area of the building in which they are located, unless said area is part of a bona fide hotel or motel use.

(f) Coverage. For residential uses in this zone, there shall be provided open and usable space, exclusive of space required for off-street parking, of not less than 800 square feet per dwelling unit. For all other uses permitted in this zone, there shall be no limitation on lot coverage.

(g) Off-street parking. The regulations set forth in section 42-27 of this Code shall apply.

(h) Planned residential and/or commercial developments. Notwithstanding any other provisions or requirements set forth in subsections 42-19(a) through 42-19(g) of this Code, both inclusive, the owner of a tract of land containing not less than two acres exclusive of streets, alleys or other public rights-of-way, or the duly authorized agent of all persons or entities having a legal interest in a tract of land containing not less than two acres exclusive of streets, alleys or other public rights-of-way, may apply for a special use permit for a planned residential and/or commercial development on said tract in accordance with the procedures, requirements and standards hereinafter set forth in this subsection 42-19(h).

The regulations set forth in subsections 42-19(h) (4) through 42-19(h) (10) of this Code, both inclusive, are intended merely as guides and it is contemplated in any given case the planning commission may recommend or the city council may require stricter regulations when authorizing the issuance of a special use permit, so as to fulfill more adequately the purposes of this subsection 42-19(h); and in no case shall the planning commission recommend or the city council authorize a development which would exceed the regulations set forth in said subsections 42-19(h) (4) through 42-19(h) (10) of this Code, both inclusive.

(1) PURPOSE. The purpose of allowing planned residential and/or commercial developments in this zone pursuant to a special use permit is to encourage large-scale office, commercial and apartment complexes under a unified and approved development plan and to offer developers flexibility in site layout and design, while at the same time providing for ample open space and green areas and maximizing the use of off-street parking facilities. The term "planned residential and/or commercial developments" as used herein is not a term of art and should not be confused with the defined term "planned development" in section 42-49 of this Code.

(2) PROCEDURES.

(a) The applicant shall prepare a narrative statement and a development plan which together shall contain all information and detail prescribed by this subsection 42-19(h) and, in addition, all information and detail required for site plans as set forth in Chapter 30 of this Code (which narrative statement and development plan is hereinafter referred to collectively as the "development plan").

(b) The applicant shall submit the development plan as part of the Special Use Permit application to the Department of Planning and Regional Affairs for review and recommendations. Within 75 days after receipt of the development plan, the Department of Planning and Regional Affairs shall submit the development plan along with its written recommendations to the planning commission, the Beautification Committee, and the Environmental Policy Commission for their comments and recommendations to the planning commission, and to the City Manager for scheduling public hearings on the application for special use permit, as specified in sections 42-68 to 42-71 of this Code.

(c) In the event that an application for a special use permit for a planned residential and/or commercial development shall also entail a request for rezoning of land, the applicant shall submit the development plan to the Department of Planning and Regional Affairs for review and recommendations as prescribed by subsection 42-19(h)(2)(b) above, and thereafter the City Manager shall schedule combined hearings on the application for special use permit and zoning amendment in accordance with the procedures of sections 42-99 to 42-108 of this Code.

(d) Before making its recommendations to the Council the planning commission shall obtain and consider the comments and suggestions of the City Beautification Committee and the Environmental Policy Commission, which recommendations shall be made to the planning commission within 30 days following the receipt by the planning commission of the development plan. The planning commission may recommend and the city council may impose such conditions and restrictions upon a special use permit for a planned residential and/or commercial development as are deemed reasonably necessary or appropriate to promote the purposes of this subsection 42-19(h), or to implement the regulations, standards and conditions set forth in this subsection 42-19(h).

(e) After the planning commission has considered an application for a special use permit for a planned residential and/or commercial development it shall vote to approve the application, disapprove the application, or approve the application in part and disapprove the application in part, and it shall, not later than three days prior to council's public hearing, submit its recommendations to the council along with the vote, together with its reasons for its recommendations and vote. If the planning commission shall disapprove the application it shall require a recorded three-fourths vote of all of the members of city council to grant the application. If the planning commission shall approve the application in part and disapprove the application in part, it shall require a recorded three-fourths vote of all the members of city council to grant that part of the application disapproved. In the event of a referral back to the planning commission the same procedures with respect to voting and recommendations by the commission shall apply and the three-fourths vote requirement for council shall again apply with respect to any disapprovals.

(f) If a protest is filed with the city clerk against a special use permit for a planned residential and/or commercial development signed by the owners of twenty percent or more of the area of land within three hundred feet of the boundaries of such proposed

development, the council shall not grant a special use permit for such planned residential and/or commercial development by less than a two-thirds affirmative vote of all the members of council. Streets, alleys and land dedicated to public use or land owned by the city, state or federal government shall not be included in computing the above mentioned area. Any such protest shall be filed not later than 12 o'clock noon on the day first advertised for public hearing before the city council. Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal may be made after such 12 o'clock noon deadline. In instances in which a change is made in the boundaries of the land sought to be developed subsequent to the publication of the required fifteen day notice before the hearing before city council, final action shall be deferred at least until the next regular council meeting after said advertised meeting. A protest shall be filed not later than 12 o'clock noon on the day of the deferred meeting, and once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal may be made after said 12 o'clock noon deadline.

(g) No special use permit for a planned residential and/or commercial development granted by the city council pursuant to this subsection 42-19(h) shall be modified or amended thereafter, except in accordance with the procedures, requirements and standards set forth in this subsection 42-19(h).

(h) No special use permit for a planned residential and/or commercial development shall become effective unless and until the Special Use Permit permittee has caused to be recorded in the deed books among the land records of the city, an executed contract between the city and the said permittee and the record owners of the tract in which the said permittee and the record owners of the tract covenant and agree, on behalf of themselves and their respective successors in interest, to develop the tract only in compliance with the approved development plan, the terms of the special use permit, the regulations of this Code and all other applicable ordinances of the city. The development plan and the special use permit shall be duly referenced in the contract and shall be physically attached thereto as exhibits.

(3) USES AUTHORIZED FOR A PLANNED RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENT.
The following uses only shall be authorized in a planned residential and/or commercial development:

(a) Commercial and professional office buildings which, in whole or in part, would not comply with the requirements set forth in subsections 42-19(b) through 42-19(g) of this Code, both inclusive.

(b) Row dwellings and multi-family dwellings which, in whole or in part, would not comply with the requirements set forth in subsections 42-19(b) through 42-19(g) of this Code, both inclusive.

(c) Mixed residential and commercial developments consisting of row dwellings or multi-family dwellings in conjunction with commercial and professional office buildings and in conjunction with any uses permitted in the C-2 zone and the C-2-B zone.

(4) AREA REGULATIONS.

(a) For row dwellings and multi-family dwellings the maximum number of dwelling units per acre exclusive of streets, alleys or other public rights-of-way shall not exceed 130.

(b) For mixed residential and commercial developments, the maximum number of dwelling units shall be determined as follows: Maximum number of dwelling units = [total tract area in square feet minus (the commercial floor area in square feet divided by the tract floor area ratio)] multiplied by 130 units per acre.

(c) For commercial and professional office buildings, there shall be no area regulations.

(5) FRONTAGE REGULATIONS. There shall be no frontage regulations for planned residential and/or commercial developments.

(6) YARD REGULATIONS. There shall be no yard regulations for planned residential and/or commercial developments, except as set forth in section 42-46 of this Code, as amended.

(7) LOT COVERAGE. There shall be no minimum lot coverage regulations for planned residential and/or commercial developments.

(8) BUILDING HEIGHT. There shall be no maximum height limitation for planned residential and/or commercial developments; provided, however, for buildings constructed in the Old and Historic Alexandria District, as defined in section 42-85 of this Code, the height limitations prescribed by section 42-24 of this Code shall apply.

(9) FLOOR AREA RATIO. The maximum floor area ratio shall depend upon the size of the tract, as follows:

<u>Site Area (Acres)</u>	<u>F.A.R.</u>
2 but less than 3	2.10
3 but less than 4	2.25
4 but less than 5	2.50
5 but less than 6	2.75
6 but less than 7	3.00
7 but less than 8	3.25
8 but less than 9	3.50
9 but less than 10	3.75
10 or more	4.00

(10) OFF-STREET PARKING. The number of off-street parking spaces required for a planned residential and/or commercial development shall be the aggregate number of parking spaces required under section 42-27 of this Code; provided, however, for a mixed residential and commercial development, where the city council, upon the recommendation of the planning commission, determines from the development plan that the parking spaces for commercial uses in the development will be used primarily during the day and will be available at other times for occupants of residential units in the development, the city council may authorize a reduction in the total required off-street parking spaces, determined as follows: The required off-street parking spaces for residential, office, or other commercial use, whichever is greater, plus one-half of those spaces required for each of the other uses.

(11) SPECIAL USE PERMIT STANDARDS. In addition to the provisions of sections 42-68 to 42-71 of this Code, the following standards, to the extent

relevant in each individual case, shall be considered in connection with an application for a special use permit for a planned residential and/or commercial development:

- (a) The arrangement and location of buildings, structures and spaces as they relate to the intent and purposes of this subsection 42-19(h).
- (b) The safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, lighting and facilities for waste disposal.
- (c) The location of and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking and loading areas.
- (d) The design of grades, pavings, gutters and drainage necessary to handle storm waters and to prevent erosion.
- (e) The provision of walls, fences, landscaping and increased setbacks when deemed necessary to minimize adverse effects upon nearby properties and within the proposed development.
- (f) The treatment and extent of plazas, courts, terraces and other open areas necessary or appropriate to the use or enjoyment of the development and the protection of the environs.
- (g) The distance of parking areas and buildings from the nearest single-family zoning and single-family development.
- (h) The provision for dedication of land for public rights-of-way, parks, schools and recreation space, when necessary and appropriate to the development and the environs.
- (i) The treatment of off-street parking spaces, including outdoor, in-structure and underground parking. If fees are to be charged for off-street parking, information shall be furnished with respect to the number of free parking spaces, the number of parking spaces to be provided for a fee, and the estimated fees.
- (j) The effects of traffic, generated by planned residential and/or commercial development, on nearby streets, highways or other public rights-of-way.
- (k) The proximity to mass transit or other public transportation facilities.

Section 3. That subsection (2) of subsection (b) of section 42-25 of the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(2) C-2, C-2-B, C-3, C-0 and I zones; Seventy-five feet.

Section 4. That in the opinion of the City Council an emergency exists and this ordinance is hereby declared an EMERGENCY ORDINANCE to prevent several months' delay in enacting it into law. This ordinance is deemed important to the City of Alexandria and should be enacted so that builders and developers can plan accordingly.

Section 5. 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

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First Reading: 5-12-70
Publication: 5-15-70
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