

ORDINANCE NO. 1901

AN ORDINANCE to amend subsection (h) of Section 42-19, Article III, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new paragraph between the existing first and second paragraphs, and to amend and reordain sub-subparagraphs a., b., c., d., e., g., and h. of subparagraph (2), subsection (h), Section 42-19, Article III, Chapter 42 of the said Code; which Chapter 42 relates to ZONING, which Article III relates to USE, AREA, ETC., REGULATIONS GENERALLY, which Section 42-19 relates to C-O COMMERCIAL OFFICE ZONE, which subsection (h) relates to PLANNED RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENTS, which subparagraph (2) relates to PROCEDURES and which sub-subparagraphs a., b., c., d., e., g., and h. relate to ENUMERATION OF PROCEDURES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (h) of Section 42-19, Article III, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding between the existing first and second paragraph a new paragraph to read as follows:

The City Council may for a planned residential and/or commercial development approve a development plan for the entire tract, which development plan shall include a general scheme of proposed grading and surface drainage, and shall also include the information required for preliminary site plans by subsections (d), (e) and (f) of Section 30-9 of this Code (excluding subparagraph (10) of Section 30-9(d) and subparagraphs (4) and (12) of Section 30-9(f)). The applicant may only build that portion of the tract for which a preliminary site plan has been approved by the Planning Commission as in keeping with the intent and purpose of the development plan, and for which a final site plan has been approved pursuant to Chapter 30 of this Code.

Section 2. That sub-subparagraphs a., b., c., d., e., g., and h. of subparagraph (2), subsection (h), Section 42-19, Article III, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and they hereby are amended and reordained to read as follows:

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 prescribed for preliminary site plans as set forth in Section 30-9, subsections (d), (e) and (f) of this Code (excluding subparagraphs (d)(10), (f)(4) and (f)(12)), and a general scheme of proposed grading and surface drainage. (The narrative statement and development plan are hereinafter referred to collectively as "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 and/or the master 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 45 days following the receipt by the department of planning and regional affairs 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 with such conditions as are appropriate, 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.

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 changes of a minor nature that are within the purpose and intent of the approved development plan may be made: provided that such changes are considered by the director of planning and regional affairs, the director of public works and the director of building and mechanical inspections, and the approval of the city manager in writing is obtained, except further that changes of a major nature may be made only 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, preliminary site plan or plans, the terms of the special use permit, the regulations of this Code and all other applicable ordinances of the city. The development plan and preliminary site plan or plans and the special use permit shall be duly referenced in the contract and shall be physically attached thereto as exhibits; this shall be done by later appropriately amending the contract to include preliminary site plans where a development plan has been first approved.

Section 3. The provisions of this ordinance shall apply to all plans for planned residential and/or commercial developments presently on file or hereafter filed.

Section 4. That this ordinance shall be published in a newspaper of general circulation published 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: OCTOBER 24, 1973