

Ordinance No. 1393

AN ORDINANCE to amend and reordain Section 30-1, Section 30-6, Subsections (d), (e) and (f) of Section 30-9, Section 30-10, Section 30-11, Section 30-12, Section 30-13, Section 30-14, Section 30-16 and Section 30-17, all of Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, and to amend Chapter 30 of said Code by the addition of new sections numbered 30-12A and 30-21; which Chapter 30 relates to SITE PLANS, which Section 30-1 relates to DEFINITIONS, which Section 30-6 relates to EXCEPTIONS AS TO CERTAIN DWELLINGS, ETC., which Section 30-9 relates to PRELIMINARY SITE PLANS and which Subsections (d), (e) and (f) thereof relate to MATTERS TO BE SHOWN ON PRELIMINARY SITE PLAN, which Section 30-10 relates to FINAL SITE PLANS, which Section 30-11 relates to REQUIREMENTS, REGULATIONS AND RESTRICTIONS GENERALLY, which Section 30-12 relates to DEDICATION FOR PUBLIC PURPOSES, which Section 30-13 relates to COORDINATION OF CITY DEPARTMENT ACTION ON SITE PLANS, which Section 30-14 relates to FILING FEES, which Section 30-16 relates to APPEALS, which Section 30-17 relates to TIME OF VALIDITY OF SITE PLANS, which new Section numbered 30-12A relates to PAYMENT FOR PUBLIC IMPROVEMENTS, and which new Section numbered 30-21 relates to AS BUILT SITE PLAN AND CERTIFICATE OF OCCUPANCY; REQUIRED.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 30-1, Chapter 30 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:

Sec. 30-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

As built site plan. A drawing delineating the placement of all improvements indicated on an approved site plan.

Building. Any structure built for the support, shelter, housing or enclosure of persons, animals or property of any kind.

Commission. The planning commission of the city.

Director. The site plan official designated by the City Manager.

Dwelling. A building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling unit. A group of one or more rooms designed for or intended for occupancy of a single family.

Flood plain. That area of a stream bed or its adjoining land subject to recurrent overflow or inundation in time of flood.

Row dwelling. One of a series of three or more attached dwelling units under a common roof with a common exterior wall, and separated from one another by continuous vertical party walls without openings from basement to roof.

Single-family dwelling. A detached building designed for or intended to be occupied by one family.

Site plan. A plan delineating the overall scheme of development of a tract of land, including but not limited to grading, engineering design, construction details and survey data for existing and proposed improvements, size, height, shape and location of buildings, location and design of parking areas, pedestrian and vehicular circulation on site and circulation for emergency apparatus.

Structure. Anything which is built or constructed, an assembly of materials or any piece of work artificially built up or composed of parts joined together in some definite manner.

Two-family dwelling. A building designed for or intended to be occupied by not over two families, living independently of each other. This shall include both duplex (one dwelling unit above another) and semidetached (two dwelling units having a common vertical party wall.)

Section 2. That Section 30-6, Chapter 30 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:

Sec. 30-6. Exceptions as to certain dwellings, etc.

The provisions of this chapter shall not apply to:

(a) Single-family dwellings, two-family dwellings, row dwellings, accessory buildings thereto or to the land on which they are situated or proposed.

(b) Additions to buildings where the total gross floor area of the proposed addition does not exceed 1/3 of the total gross floor area of the existing building or 3,000 square feet, whichever is smaller.

(c) New buildings where the total gross floor area does not exceed 3,000 square feet; provided no part of any such building is closer than 66 feet to other land that is used or zoned residential, there is no excess alteration of the grade as set forth in section 30-4, the site is not in flood plain, and the site is not in excess of 10,000 square feet.

(d) Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways; provided such improvements do not provide more than five standard parking spaces. The total number of additional parking spaces provided under this exemption shall not exceed five, all of which shall comply with applicable sections of the Chapter 42-27 of the City Code.

(e) Grading of open areas, either by excavation or fill, for the sole purpose of bringing the land to a grade compatible with the surrounding area; provided that the Director of Public Works finds, on an inspection of the site, that such grading will have no adverse effect on the land of adjoining owners, will not encroach on or impair existing drainage channels or flood plains and will not cause problems of erosion, ponding and/or silting on adjoining properties.

(f) Improvements of the City of Alexandria including but not limited to streets, bridges, alleys, sidewalks, curbs, gutters, retaining walls or sewer improvements of the City of Alexandria but not including buildings, structures or parking lots.

Section 3. That subsection (d), Section 30-9, Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and re-ordained to read as follows:

(d) The preliminary site plan shall show the following:

- (1) The name and address of the developers.
- (2) The name and address of the owner of record and the applicant.
- (3) The name, address, signature and registration number of the professional preparing the plan.
- (4) The present zoning of the site and abutting property.
- (5) General alignment and lengths of all streets and all property lines.
- (6) Date, scale and north point with reference to source of meridian.
- (7) All building restriction lines, highway setback lines, easements, covenants, reservation and rights of way.
- (8) The total land area.
- (9) The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography to be shown by dashed line illustrating two foot standard contour interval, except where in the opinion of the director five foot intervals would be satisfactory, and by spot elevations where necessary to indicate flat areas, all based on U. S. Coast and Geodetic Survey datum, or city datum where the former are not available.
- (10) Two spaces for the signed approval of the commission and the director.
- (11) A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.

Section 4. That subsection (e), Section 30-9, Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and re-ordained to read as follows:

(e) The preliminary site plan shall show the general location, dimension, size and height of the following when existing:

- (1) Sidewalks, streets, alleys, easements and utilities.
- (2) Buildings and structures.
- (3) Public sewer systems.
- (4) Slopes, terraces and retaining walls.
- (5) Driveways, entrances, exits, parking areas and sidewalks.
- (6) Water mains and fire hydrants.
- (7) Major trees and shrubs.
- (8) Recreation areas and swimming pools.
- (9) Natural and artificial water courses.
- (10) Limits of flood plains.

Section 5. That subsection (f), Section 30-9, Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and re-ordained to read as follows:

(f) The preliminary site plan shall show the general location, dimensions, size and height of the following when proposed :

- (1) Sidewalks, streets, alleys, easements and utilities.
- (2) Buildings and structures with entrances and exits identified.
- (3) Public sewer systems.
- (4) Slopes, terraces and retaining walls.
- (5) Driveways, entrances, exits, parking areas and sidewalks.
- (6) Water mains and fire hydrants.
- (7) Major trees, shrubs and ground cover on slopes of 25% or more.
- (8) Recreation areas and swimming pools.
- (9) Distances between buildings.
- (10) Estimates of the following:
 - a. Number of dwelling units.

- b. Number of parking spaces.
- c. Number of loading spaces.
- d. Square feet of floor space.
- e. Number of commercial or industrial tenants and employees.

(11) Plans for collecting and depositing storm water and the method of treatment of natural and artificial water courses, including a delineation of proposed limits of flood plains, if any.

(12) A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two foot or five foot contours, as required by the director, and approximate elevations.

(13) Test borings and soil tests, when found necessary by the Director of Public Works.

(14) Natural or landscaped open space.

Section 6. That Section 30-10, Chapter 30 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:

Sec. 30-10. Final site plans.

In case the preliminary site plan is approved, or approved with modifications and no appeal, as provided in this chapter, is taken, the owner, contract purchaser or lessor shall cause a final site plan to be prepared by a person duly certified by the Commonwealth of Virginia and licensed to practice under the provisions of Sections 54-17 to 54-41 of the Code of Virginia, and submitted to the commission for its consideration. Final site plans shall be on reproducible permanent base material and shall be on sheets which shall not exceed twenty-four by thirty-six inches in size. The plan may show only part of the land designated on the preliminary site plan if desired. The original tracing and fifteen prints of the final plan shall be filed with the director. The final site plan shall be at a scale not smaller than one inch to forty feet, unless in the opinion of the director one inch to fifty foot scale would be satisfactory where detail is not necessary.

The final site plan shall show all of the information required by subsections (d), (e) and (f) of Section 30-9 of this Code for preliminary site plans, but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature. Calculations of storm water runoff shall be submitted. Final site plans shall be checked for compliance with preliminary site plans previously approved and the requirements of this section. If the director finds that a final site

plan complies in all respects, he shall submit it to the chairman or in the absence of the chairman to the vice-chairman of the commission for approval by the signatures of the chairman or vice-chairman and the director. The plan shall be dated and any such approval shall be entered in the minutes of the commission.

If the director finds that a final site plan does not comply with a previously approved preliminary site plan or the provisions of this section, the applicant shall be so advised, and shall be allowed to either bring the final plan into compliance in all respects, submit a new preliminary site plan for processing as if no plan had been previously considered or withdraw his application without refund of fees.

Section 7. That Section 30-11, Chapter 30 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:

Sec. 30-11. Requirements, regulations and restrictions generally.

(a) Any building or structure erected or altered shall comply with the provisions of this Code and other ordinances of the city and any applicable laws of the state.

(b) Any work or development on the site, including but not limited to the following, shall comply with the provisions of this Code and other city ordinances and any applicable laws of the state: The grading of land, the installation of utilities, the construction of curbs, gutters and sidewalks, the construction of streets and alleys, the building of retaining walls, the construction of drains and sewers, the construction of off-street parking and the construction or erection of any improvement on the site.

(c) Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access by the Fire Chief or the Director of Traffic, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.

(d) The width, grade, location, alignment and arrangement of streets, sidewalks and alleys shall conform to the master plan of the city as near as reasonably practicable.

(e) Off-street parking facilities shall have a reasonable slope and be accessible, safe and properly drained.

(f) Streets, sidewalks and alleys shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks and proposed or planned streets, alleys and sidewalks.

(g) Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good fire

fighting and fire prevention practice acceptable to the Chief of the Fire Department.

(h) Adequate provision shall be made for the collection and disposition of all on and off-site storm water and natural water. Natural drainage ways shall be used when it is reasonably practicable to do so and improvements shall be made to said ways in accordance with good engineering practice when in the opinion of the Director of Public Works good engineering practice indicates improvements.

(i) Adequate provision shall be made for the collection and disposition of all on and off-site sanitary sewage.

(j) Adequate provision shall be made to control flooding.

(k) The obstruction of natural water courses shall be avoided.

(l) No building for any residential use shall be allowed within a fifty year flood plain, unless there is first a change in elevation placing the lowest habitable floor of any such building above the flood plain and unless the waterway involved has been improved in accordance with good engineering practice acceptable to the Director of Public Works. This shall not be construed to allow buildings in flood plains where the City Council by ordinance or resolution has declared otherwise.

(m) Adequate provision shall be made to control the slippage, shifting, erosion, accretion and subsidence of soil.

(n) Adequate provision shall be made to control the slipping and shifting of buildings and structures.

(o) Adequate provision shall be made to protect other lands, structures, persons and property.

Section 8. That Section 30-12, Chapter 30 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:

Sec. 30-12. Dedication for public purposes.

The commission shall require the dedication of sixty (60) feet of land within the site from property located in the R-20 through the R-2-5 zones inclusive, and sixty-six (66) feet of land within the site from property located in all other zones, for the installation of public streets, sidewalks, curbs and gutters when the commission finds that any such improvement is necessary to properly service the site.

The commission shall require the dedication of new streets within the site or the extension of existing streets within the site to the width called for by Section 34-17 of the City Code when any such dedication would constitute

a part of the major thoroughfare plan of the city and the commission finds that any such improvement is necessary to properly service the site.

The commission shall require from the site the dedication of one-half of the land necessary for the installation of public streets, sidewalks, curbs and gutters to the 60 or 66 foot width required above when an existing street abutting a site is of less width than that required above and the commission finds that such improvement is necessary to properly service the site.

The commission shall require from the site the dedication of one-half of the land necessary for the installation of public streets, sidewalks, curbs and gutters to the width called for by Section 34-17 of the City Code when an existing street abutting a site is of less width than that required by said section, when any such dedication would constitute a part of the major thoroughfare plan of the city and the commission finds that any such improvement is necessary to properly service the site.

The commission shall require the dedication of public alleys to the width called for by Section 34-17 of the City Code.

Section 9. That Article II, Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 30-12A to read as follows:

Sec. 30-12A. Payment for public improvements.

The commission shall require payment in full or guarantee of payment in full of all costs or a proportionate share of costs for the installation of public streets, alleys, sidewalks, curbs, gutters, sewers, drains and other public improvements, subject however to the following schedule:

(a) Local street and/or alleys within site—all cost.

(b) Collector or arterial street within site—all cost of sidewalk, curb, gutter, driveway and grading and thirty-six foot wide pavement in single and two-family zones or forty-four foot wide pavement in multi-family, commercial and industrial zones. (Pavement in excess of these requirements installed at city cost).

(c) Streets abutting site—all cost of curb, gutter, sidewalk, driveways and grading on abutting side. (Paving of traveled way installed at city cost.)

Exception—all costs when an additional lane or service road is required to service the site.

(d) Storm and sanitary sewers—all costs, including sewers required to serve upper areas of drainage shed, except costs of off-site sanitary sewers shall be as provided for in section 34-19 (c) of the City Code.

(e) Natural streams and channels—where a natural stream or channel abuts or crosses the site and a portion of the site to be used is within the flood plain of such stream or channel, the owner or developer shall be required at his expense to improve said stream or channel to the extent necessary to provide sufficient waterway to carry the projected 50 years flood for said stream or channel.

Only a corporate surety bond, for at least the sum estimated to be the full cost of the required improvements, of a company authorized to do business in the state, or a cash escrow for the estimated full amount of improvements, shall be deemed to be satisfactory guarantee.

Width of streets shall be governed by the requirements of section 34-17 of the City Code.

Section 10. That Section 30-13, Chapter 30 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:

Sec. 30-13. Coordination of city department action on site plans.

Prior to the time that the commission first considers any preliminary site plan, the director shall call a meeting at which there shall be a representative from each of the following: The public works department, the fire department, the planning department, the traffic department, the construction and inspection department and any other department that the director deems necessary or desirable.

At such meeting, the preliminary site plan shall be examined and discussed in light of the provisions of this chapter and recommendations concerning the plan may be made. The director shall note any such recommendations on a copy of the site plan and forward a copy to the applicant. The director shall also report any such recommendations to the commission on or before the time it first considers the plan.

Section 11. That Section 30-14, Chapter 30 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:

Sec. 30-14. Filing fees.

(a) The following filing fees shall be paid upon filing the preliminary site plan and final site plan:

(1) Preliminary site plan: Thirty-five dollars, plus:

a. Fifty cents per dwelling unit for each apartment unit.

b. Two dollars per one thousand square feet of gross floor area of all commercial structures.

c. One dollar per one thousand square feet of gross floor area of all industrial structures.

d. Five dollars per acre where site plan is in excess of seven acres and does not involve building construction.

(2) Final site plan: Twenty dollars, plus:

a. Forty cents per dwelling unit for each apartment unit.

b. One dollar per one thousand square feet of gross floor area of all commercial structures.

c. Fifty cents per one thousand square feet of gross floor area of all industrial structures.

(b) Whenever the site plan submitted shall be in a form of a preliminary and final site plan combined, the fee shall equal the fee required for preliminary site plans plus one-half of the fee for final site plans, provided the site plan does not have to be modified substantially. If there are substantial modifications in the opinion of the director, the fees shall be paid in full.

(c) After approval, only one preliminary site plan and one revision thereof shall be permitted for the filing fee. Each further revision shall require the payment of the filing fee, except where the revision is required by the city.

Section 12. That Section 30-16, Chapter 30 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:

Sec. 30-16. Appeals.

In case the commission approves or disapproves any preliminary site plan or combined site plan properly submitted under the provisions of this chapter, there may be an appeal from the decision to the council by the developer or a property owner within 300 feet of the boundaries of the site plan, provided that the appeal is made in writing and filed with the city clerk within fifteen days after the decision is announced. In the event such an appeal is filed, the city council shall schedule at least one public hearing on the matter. The city council may affirm, reverse, or modify the decision of the commission or return the matter to the commission for further consideration.

Whenever an appeal is filed, the commission shall forward its reasons for approval or disapproval to the city council and shall designate at least one member of the commission to appear before the city council at the public hearing.

Section 13. That Section 30-17, Chapter 30 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:

Sec. 30-17. Time validity of site plans.

Approval of any site plan shall become null and void if no building or foundation permit is issued within one

year after initial planning commission approval, or council approval in case of an appeal.

Section 14. That Article II, Chapter 30 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 30-21 to read as follows:

Sec. 30-21. As built site plan and certificate of occupancy; required.

It shall be unlawful for any person to occupy, or cause or allow to be occupied, any building, structure or portion thereof or use, or cause or allow to be used any land for which a site plan is required by this chapter until an "as built site plan" has been approved by the director and a certificate of occupancy issued by the Director of Building and Mechanical Inspection.

Upon satisfactory completion of the installation of the improvements shown on the approved site plan or a section thereof, the owner, developer or his authorized agent shall submit to the director ten copies of an "as built site plan" certified by a person duly certified by the Commonwealth of Virginia and licensed to practice under the provisions of Sections 54-17 to 54-41 of the Code of Virginia, as amended, for review and approval for conformity with the approved site plan by the appropriate city departments. The director shall approve an "as built site plan" within ten days of the receipt of such plan or advise the applicant of deficiencies. No "as built site plan" shall be approved until the building, structure and site involved shall comply in all respects with the approved site plan or section thereof. Two inspections for compliance may be made of an entire site plan or a section thereof without cost to the applicant. The applicant shall pay a fee of fifty dollars for any additional inspection. No performance bond, certified check or other guarantee shall be released until the "as built site plan" has been approved by the director. Every approved "as built site plan" shall be dated, state that the building, structure and the land involved complies with all provisions of this chapter and be signed by the director or his duly authorized representative. A record of all "as built site plans" issued shall be kept on file in the office of the director. One copy of the approved "as built site plan" shall be sent to the applicant.

Section 15. That this 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.

Final Passage: July 6, 1966

FRANK E. MANN
Mayor