

AN ORDINANCE to amend Section 42-25, Article IV, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, by amending and reordaining the caption thereof and by adding thereto a new subsection (s); which Chapter 42 relates to ZONING, which Article IV relates to ADDITIONAL USE, AREA, ETC., REGULATIONS, which Section 42-25 and caption thereof relate 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 LICENSES PURPOSES; PARTICULAR SETBACK RESTRICTIONS; BAY WINDOWS, CORNICES, ETC., MARQUEES; UNIT OF LAND NOT HAVING FRONTAGE ON PUBLIC STREET; RESIDENTIAL CLUSTER DEVELOPMENT, and which new subsection (s) relates to RESIDENTIAL CLUSTER DEVELOPMENT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the caption of Section 42-25, Article IV, 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:

Sec. 42-25. 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; unit of land not having frontage on public street; residential cluster development.

Section 2. That Section 42-25, Article IV, 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 (s) to read as follows:

(s) Residential cluster development. Notwithstanding any other provisions or requirements of Section 42-6 through Section 42-10, Section 42-12, Section 42-15, 42-15.1 and Section 42-22.1, the owner or the duly authorized agent of all persons or entities having a legal interest in a tract of land zoned R-20, R-12, R-8, R-5, R-2-5, R-B, R-M, R-T or W-T which can accommodate not less than five (5) single-family or row dwellings may apply for a special use permit for a residential cluster development on said tract of land in accordance with the procedures, requirements and standards set forth in this subsection 42-25(s).

The regulations set forth in subsections 42-25(s)(3) through 42-25(s)(9) 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 42-25(s); and in no case shall the planning commission recommend or the city council authorize a development which would exceed the regulations set forth in subsections 42-25(s)(3) through 42-25(s)(9) of this Code, both inclusive.

(1) Purpose. The purpose of allowing residential cluster development pursuant to a special use permit is to permit more efficient, less destructive land utilization and to encourage the concentration of groups or clusters of single-family and row dwellings in order to reserve large portions of a site in open and usable space.

(2) Procedures.

a. The applicant shall prepare a narrative statement and a cluster development plan which together shall contain all information and detail prescribed by this subsection 42-25(s) 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 45 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 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. After the planning commission has considered an application for a special use permit for a residential cluster 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.

d. No special use permit for a residential cluster development granted by the city council pursuant to this subsection 42-25(s) shall be modified or amended thereafter, except in accordance with the procedures, requirements and standards set forth in this subsection 42-25(s). Provided however that such minor modifications or amendments as are made necessary because of conditions attached to the special use permit, code requirements or more detailed plans may be approved by the director of planning and regional affairs when such modifications or amendments are in keeping with the purpose and intent of the special use permit.

e. No special use permit for a residential cluster development shall become effective unless and until the special use permit permittee has cause 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.

f. In conjunction with any special use permit for a residential cluster development which creates private common areas pursuant to this subsection 42-25(s) there shall be established by the applicant a homeowners association, said association to be a nonprofit corporation with membership required of and limited to all individual property owners within the cluster development. Control and responsibility of the association shall remain with the applicant until fifty-one percent (51%) of the development (bona fide sales) has been released to private purchasers.

(3) Uses authorized for a residential cluster development. The following uses only shall be authorized in a residential cluster development:

- a. Single-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, R-B, R-M, R-T and W-T zones.
- b. Two-family dwellings in the R-2-5, R-B, R-M and W-T zones.
- c. Row dwellings in the R-B, R-M, R-T and W-T zones.
- d. Public utility uses as set forth in Section 42-6 of this Code.
- e. Public utility uses as set forth in Section 42-8 of this Code in the R-8, R-5, R-2-5, R-B, R-M, R-T and W-T zones.
- f. Home occupations as set forth in Section 42-6 of this Code.
- g. Private and/or public recreational facilities.
- h. Accessory building, including private garages and servants' quarters, as provided in Sections 42-23 and 42-25 of this Code.

(4) Area regulations. The regulations of the respective zones shall apply, except the lot area regulations may be reduced below the minimum set forth for such zones for residential cluster development.

(5) Lot coverage. There shall be no lot coverage regulations for residential cluster development.

(6) Common areas. There shall be provided within a residential cluster development common areas used as recreational and/or parking areas. Such space shall be equal to the total lot area for all dwelling units required by the applicable zone regulations less the total lot area allowed for all dwelling units in a residential cluster development.

(7) Frontage regulations. There shall be no frontage regulations for residential cluster development.

(8) Yard regulations. There shall be no yard regulations for residential cluster developments except that the yard regulations applicable to any property abutting a residential cluster development shall also be applicable to the exterior boundary of the residential cluster development where abutting.

(9) Floor area ratio. The maximum floor area ratio shall be the same as the floor area ratio permitted in the zone in which the property is located. The floor area ratio shall be computed on the minimum lot area required in the applicable zone before any reduction in the lot area pursuant to this subsection 42-25(s) or on the actual amount of lot area provided, whichever is greater.

(10) Off-street parking. The parking requirements as set forth in Section 42-27 of this Code, except for subsection (c) thereof, shall be applicable to a residential cluster development.

(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 residential cluster development:

(a) The arrangement and location of buildings, structures and spaces as they relate to the intent and purposes of this subsection 42-25(s).

(b) The safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking 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 areas.

d. The design of grades, paving, gutters and drainage necessary to handle storm waters and to prevent erosion.

e. The provisions 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, recreational facilities and other open areas necessary or appropriate to the use or enjoyment of the development and the protection of the environment.

g. The provision for dedication of land for public rights-of-way, parks, schools and recreational space when necessary and appropriate to the development and the environs.

Section 3. 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: JULY 6, 1972