

ORDINANCE NO. 3047

AN ORDINANCE to amend and reordain subsection (d), Section 7-6-34, and to amend Section 7-6-34 by adding a new subsection (h.1), to amend and reordain subsection (f), Section 7-6-35, and to amend Section 7-6-35 by adding a new subsection (j.1), all of Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 7 relates to PLANNING AND DEVELOPMENT, which Chapter 6 relates to ZONING, which Article B relates to USE, AREA, ETC., REGULATIONS GENERALLY, which Section 7-6-35 relates to M-2 METRO-BRADDOCK ROAD STATION AREA ZONE, which new subsection (j.1) relates to PLANNED RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENTS; CHANGE IN REGULATIONS; REQUIREMENTS AND PROCEDURES, which Section 7-6-34 relates to M-1 METRO-KING STREET STATION AREA ZONE, which subsection (d) relates to YARD REGULATIONS, which new subsection (h.1) relates to PLANNED RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENTS; CHANGE IN REGULATIONS; REQUIREMENTS AND PROCEDURES and which subsection (f) relates to YARD REGULATIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (d), Section 7-6-34, Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(d) **Yard regulations.**

(1) **Front yards.** For residential uses in this zone, the front yard setback shall be based on a setback ratio of one to two (1:2) from the front lot line with a minimum distance of 16 feet. For commercial uses in this zone, the ground floor shall be set back six (6) feet from the front lot line. That portion of the building fronting directly on a public street shall be used for permitted uses other than off-street parking.

(2) **Side yards.** For residential uses in this zone, the yard provisions of division 2, article G of this chapter shall apply.

(3) **Rear yards.** For residential uses in this zone, the yard provisions of division 2, article G of this chapter shall apply.

Section 2. That Section 7-6-34, Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new subsection (k) to read as follows:

(k) **Planned residential and/or commercial developments; change in regulations; requirements and procedures.** Notwithstanding any other provisions of this chapter and subject to requirements and procedures (1) through (9) set forth below, the frontage and yard regulations and the setback provisions of section 7-6-123 of this code may be waived for planned residential and/or commercial developments on M-1 zoned land.

(1) A special use permit as specified in sections 7-6-191 to 7-6-195 of this code shall be approved.

(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. A duly filed preliminary site plan, pursuant to section 5-5-9 of this code, shall constitute a development plan, as required in this subsection.

(3) The applicant shall submit the development plan as part of the special use permit application to the department of planning and community development for review and recommendations. Within 45 days after receipt of the development plan, the department of planning and community development shall submit the development plan along with its written recommendations to the planning commission and to the city manager for scheduling of public hearings on the application for special use permit, as specified in sections 7-6-191 to 7-6-195 of this code.

(4) The land involved may 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.

(5) No change in regulations or special use permit granted shall be construed to allow any use, other than those permitted in the M-1 metro 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 M-1 metro zone.

(6) No change in regulations or special use permit granted shall be construed to increase the allowable height of buildings.

(7) In addition to the provisions of sections 7-6-191 to 7-6-195 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;

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 and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking areas;

d. the provision of walls, fences and landscaping when deemed necessary to minimize adverse effects upon nearby properties and within the proposed development;

e. 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.

(8) Any special use permit granted shall run with the land and be binding upon the applicant, the owners, 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.

(9) Except for changes of a minor nature that are within the purpose and intent of the approved development plan, approved by the city manager, in consultation with the director of planning and community development and the director of transportation and environmental services, 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 (8) above are complied with.

Section 3. That subsection (f), Section 7-6-35, Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(f) Yard regulations.

(1) Front yards. For residential uses, except row dwellings, the front yard setback shall be based on a setback ratio of one to two (1:2) from the front lot line with a minimum

distance of 16 feet. For commercial uses, there shall be no minimum setback except as may be required by sections 7-6-121 through 7-6-124 and sections 7-6-138 and 7-6-139 of this code.

(2) Side yards. For residential uses in this zone, the yard provisions of division 2, article G of this chapter shall apply.

(3) Rear yards. For residential uses in this zone, the yard provisions of division 2, article G of this chapter shall apply.

Section 4. That Section 7-6-35, Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new subsection (m) to read as follows:

(m) **Planned residential and/or commercial developments; change in regulations; requirements and procedures.** Notwithstanding any other provisions of this chapter and subject to requirements and procedures (1) through (9) set forth below, the frontage and yard regulations and the setback provisions of section 7-6-123 of this code may be waived for planned residential and/or commercial developments on M-2 zoned land.

(1) A special use permit as specified in sections 7-6-191 to 7-6-195 of this code shall be approved.

(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. A duly filed preliminary site plan, pursuant to section 5-5-9 of this code, shall constitute a development plan, as required in this subsection.

(3) The applicant shall submit the development plan as part of the special use permit application to the department of planning and community development for review and recommendations. Within 45 days after receipt of the development plan, the department of planning and community development shall submit the development plan along with its written recommendations to the planning commission and to the city manager for scheduling of public hearings on the application for special use permit, as specified in sections 7-6-191 to 7-6-195 of this code.

(4) The land involved may 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.

(5) No change in regulations or special use permit granted shall be construed to allow any use, other than those

permitted in the M-2 metro 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 M-2 metro zone.

(6) No change in regulations or special use permit granted shall be construed to increase the allowable height of buildings.

(7) In addition to the provisions of sections 7-6-191 to 7-6-195 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;

(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 and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking areas;

(d) the provision of walls, fences and landscaping when deemed necessary to minimize adverse effects upon nearby properties and within the proposed development;

(e) 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.

(8) 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.

(9) Except for changes of a minor nature that are within the purpose and intent of the approved development plan, approved

by the city manager, in consultation with the director of planning and community development and the director of transportation and environmental services, 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 (8) above are complied with.

Section 5. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: May 28, 1985