

ORDINANCE NO. 3181

AN ORDINANCE to amend and reordain Section 7-6-43, Article C, and Section 7-6-72, Article E, 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 C relates to ADDITIONAL USE, AREA, ETC., REGULATIONS and which Section 7-6-43 relates to ALLOWANCE FOR INCREASE IN FLOOR AREA RATIO, DENSITY AND HEIGHT, and which Article E relates to OFF-STREET PARKING AND LOADING and which Section 7-6-72 relates to OFF-STREET PARKING GENERALLY.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-43, Article C, 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 in its entirety to read as follows:

Sec. 7-6-43. Allowance for increases in floor area ratio, density and height and for increases and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.

(a) **Definitions.** For the purposes of this section, low- and moderate-income housing units shall be determined in accordance with regulations which are issued by the city manager and approved by the city council and which reflect the following guidelines:

(1) Low- and moderate-income rental units are rental units for which the combined cost of rent and utilities does not exceed 30 percent of the maximum income limits used by the U.S. Department of Housing and Urban Development for its Section 8 and Housing Voucher programs, as adjusted for family size and corresponding number of bedrooms, and which are occupied by persons or households whose gross income does not exceed the limits applicable to the Section 8 program;

(2) Low- and moderate-income sales units are units with sales prices for which a person or household whose gross annual income is at or below the median income for the Washington, D.C., Metropolitan Statistical Area, adjusted for family size, could qualify using the lending criteria applied by the Virginia Housing Development Authority in its single-family mortgage assistance program and which are occupied by persons or households whose gross annual income is at or below such median income level.

(b) **When increases and reductions may be allowed.** Increases in allowable floor area ratio, density and height, and increases and reductions in required off-street parking, may be allowed for a building which contains one or more dwelling units or a project which includes one or more such buildings through a special use

permit granted by the city council in accordance with sections 7-6-191 to 7-6-195 of this code when:

(1) The applicant for the special use permit commits to providing low- and moderate-income sales or rental housing units in conjunction with the building or project which is the subject of the permit application;

(2) The applicant for the special use permit agrees and provides sufficient assurance, by way of contract, deed or other recorded instrument acceptable to the city attorney, that the low- and/or moderate-income housing units to be provided will remain in these categories for the period of time specified in the special use permit granted by city council;

(3) City council determines that the building or project which is subject to the special use permit, with the increase in allowable floor area ratio, density and height and the increase or the reduction in required off-street parking, meets the standards for the issuance of a special use permit set forth in section 7-6-192(5).

**(c) Limits on increases which may be allowed.**

(1) Floor area ratio and density may not be increased pursuant to this section by more than 20 percent of the ratio and density otherwise permitted by this code. The increase permitted under this section is exclusive of any other floor area ratio and density increases allowable under any other section of this code.

(2) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by this code; provided, however, that no building located in height district number 1 may be allowed to exceed the height limits applicable to that district as set forth in section 7-6-42.

Section 2. That subsection (1) of Section 7-6-72, Article E, 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 in its entirety to read as follows:

(1) a. Except as provided in subsections b, c, and d below, no land shall be used or changed in use, no structure or building shall be constructed, and no existing structure or building shall be changed in use, significantly enlarged or significantly altered, unless the off-street parking required by this article is provided for the entire land, structure or building or, in the case of a change in use, significant enlargement or significant alteration of an existing structure or building, a special use permit is obtained under section 7-6-43 or sections 7-6-191 to 7-6-195 which authorizes the change in use, significant enlargement or significant alteration with the provision of less off-street parking than is required by this article. Except as provided in subsections b, c and d below, no existing building or structure shall be enlarged unless the

off-street parking required by the article is provided for such enlargement or a special use permit is obtained under section 7-6-43 or sections 7-6-191 to 7-6-195 which authorizes the enlargement with the provision of less off-street parking than is required by this article.

b. Notwithstanding the provisions of subsection a above and except as provided in subsection d below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

(i) if any such land is changed in use or any such structure or building is changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this article shall apply only to such change in use, enlargement or alteration; and

(ii) if any such land is changed in use or any such structure or building is changed in use, enlarged, significantly enlarged or significantly altered after January 27, 1987, the parking requirements of this article shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-6-43 or sections 7-6-191 to 7-6-195 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

c. Notwithstanding the provisions of subsection a above and except as provided in subsection d below, any change in use in land which had been placed in use between June 23, 1963, and January 27, 1987, and any change in use, enlargement, significant enlargement or significant alteration of a structure or building which had been constructed between those dates shall be governed by the provisions of subsections b(i) and b(ii).

d. The provisions of this section shall not apply to the enlargement, significant enlargement or significant alteration of single-family, two-family or row dwellings. A special use permit may not reduce the parking spaces otherwise required for a structure or building which is being changed in use, enlarged, substantially enlarged or substantially altered below the number of spaces which are provided at or by the structure or building at the time of the permit application, unless required by another provision of this code or by extraordinary circumstances.

e. For purposes of this section, the following definitions shall apply:

(i) "Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to 33-1/3 percent or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit.

(ii) "Enlarged" and "enlargement" shall mean an addition to a structure or building which increases its floor area by less than 20 percent. In the case of uses whose parking requirements are determined by a factor other than floor area (e.g., dwelling units, seats, patient beds), these terms shall mean any action which increases this factor by less than 20 percent, whether or not accompanied by an increase in floor area.

(iii) "Significantly enlarged" and "significant enlargement" shall mean an addition, or additions over any two-year period, to a structure or building which increases its floor area by 20 percent or more. In the case of uses whose parking requirements are determined by a factor other than floor area, these terms shall mean any action, or actions over any two- (2) year period, which increases this factor by 20 percent or more, whether or not accompanied by an increase in floor area.

Section 3. 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.

JAMES P. MORAN, JR.  
Mayor

Final Passage: January 27, 1987