

ORDINANCE NO. 3204

AN ORDINANCE to amend and reordain Article B, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended; and to amend and reordain Chapter 6, Title 7 of the Code of the City of Alexandria, Virginia 1981, by adding thereto a new Article R; 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 amendments to Article B require a Special Use Permit under new Article R for certain COMMERCIAL, RETAIL, INDUSTRIAL AND RESIDENTIAL USES and which new Article R relates to TRANSPORTATION MANAGEMENT SPECIAL USE PERMITS.

WHEREAS, the City Council of the City of Alexandria, Virginia, finds and determines that:

1. A significant increase in real estate development is anticipated in the city in the next 20 years, and such development will be generally advantageous by providing increased job opportunities and by strengthening the economic vitality and tax base of the city;
2. This increased real estate development will, however, generate substantial additional vehicular traffic coming into and circulating within the city;
3. Reports projecting future increases in traffic during peak hour periods within portions of the city show that traffic will reach excessive and unacceptable levels unless significant measures are taken to reduce the projected increases;
4. High levels of traffic in the city tend to produce a number of impacts which are contrary to the public welfare, such as congestion and danger in travel and transportation upon the public streets, parking problems, air pollution, wasteful energy consumption, excess noise and other adverse effects upon the city's public and private transportation facilities, its environmental quality, its historic areas and other qualities which make it a desirable, prosperous and attractive residential and commercial community;
5. Physical, environmental and fiscal constraints have reduced the prospects for constructing new streets or widening existing streets to accommodate increased traffic in the city;
6. A significant portion of the projected increases in traffic in the city may be avoided by reducing the density of permitted development pursuant to the police power of the city;
7. Such a reduction in the density of development would, however, preclude the advantages heretofore enumerated from

accruing to the city and may reduce the value of property within the city;

8. Innovative and less intrusive alternatives are available to the city to control the adverse impacts of development, and particularly the traffic and transportation impacts thereof, by reducing the demand for single-occupancy motor vehicle travel and by increasing the use of ride sharing modes of transportation, such as car pools, van pools and public transit;

9. Such innovative and less intrusive regulatory alternatives in the area of traffic and transportation impact management have been shown to be effective and capable of limiting increases in traffic and reducing traffic congestion, and are less costly to the development community than reductions in permitted development density;

10. Reductions in motor vehicle trips to and from locations in the city, both absolutely and within peak hour periods, are beneficial in terms of reducing traffic congestion, vehicular emissions, energy consumption and noise levels. The resulting improved traffic levels of service, ambient air quality and levels of noise contribute to making the city an attractive and convenient place to live, work, visit and do business. This greatly assists employers in the city in their efforts to recruit and retain qualified personnel;

11. The traffic and transportation impacts of certain uses which are above a given size are more pronounced and localized than the more diffuse impacts of such uses which are dispersed and conducted on a smaller scale;

12. Standardized size and occupancy level data and standardized trip generation rates compiled by the Institute of Transportation Engineers, by other recognized organizations in the field of traffic management and by the city from its own studies and surveys of existing development provide a reasonable basis upon which to calculate and assess the traffic and transportation impacts of a given development project in advance of its actual construction and occupancy;

13. A concerted city-wide approach to traffic management which creates an environment conducive to successful operation of commercial, residential and industrial transportation management programs will equitably allocate responsibility for the control of traffic and will ensure that residents of, employees working within and visitors to the city are not adversely affected by traffic congestion;

14. Cooperation with and coordination of traffic management programs with other communities in the region and

through regional agencies will assist the city in meeting the goals of this ordinance; and

15. Based upon the foregoing findings and all other facts and circumstances of which the city council may properly take notice in its capacity as the local legislative body of the City of Alexandria, adoption of this ordinance is in the best interests of the public's health, safety and general welfare; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That 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 Article R to read as follows:

ARTICLE R

TRANSPORTATION MANAGEMENT  
SPECIAL USE PERMITS

Sec. 7-6-320. Intent of article.

(a) There are certain uses of land which, by their location, nature, or size and density, or by the accessory uses permitted or required in connection therewith, or by certain operational or design and engineering characteristics, tend to cause traffic and related impacts which are contrary to the public health, safety and general welfare in that they lead to, generate or exacerbate: danger and congestion in travel and transportation upon the public streets, parking problems, harmful air pollution, wasteful energy consumption, excess noise, and other adverse impacts upon public and private transportation facilities, environmental quality, historic areas and other qualities of the city which make it a desirable, prosperous and attractive residential and commercial community. These uses present a disproportionate danger of such impacts relative to similar uses of a different size and density and to other uses permitted under this chapter.

(b) These uses may be allowed to locate within designated zoning districts only under a special use permit, as provided in this article, which, through the imposition of pertinent conditions and requirements, shall ensure that the adverse and disproportionate traffic and related impacts of such uses are reduced to levels consonant with the public health, safety and general welfare, that surrounding land, structures, persons and property are adequately protected and that public and private transportation is facilitated.

(c) The purpose of this article is to mitigate the traffic and related impacts of such certain office, retail, industrial

and residential uses through the requirement that a transportation management plan for such uses be prepared and that a special use permit be issued for such uses containing terms and conditions which require the implementation of an appropriate transportation management plan.

Sec. 7-6-321. Scope of article.

(a) The following uses, when required by the use regulations applicable in the zone in which located, shall require a transportation management special use permit pursuant to the provisions of this article:

(1) Any individual building or structure which contains:

a. 50,000 or more usable square feet of commercial and/or professional office space;

b. 40,000 or more usable square feet of retail sales space;

c. 150,000 or more usable square feet of industrial space;

d. 250 or more residential units; or

e. any combination of space which includes 50,000 or more usable square feet of commercial and/or professional office space, or 40,000 or more usable square feet of retail sales space, or 150,000 or more usable square feet of industrial space, or 250 or more residential units.

(2) Any project, complex or development which is or becomes the subject of common ownership or control, which is or becomes the subject of a common, concerted, coordinated or phased plan of development irrespective of ownership or control, or which is or becomes the subject of a common, concerted, coordinated or phased plan of lease, sale, marketing or operation irrespective of ownership or control, and which when completed or assembled involves two or more buildings or structures containing in the aggregate:

a. 50,000 or more usable square feet of commercial and/or professional office space;

b. 40,000 or more usable square feet of retail sales space;

c. 150,000 or more usable square feet of industrial space;

d. 250 or more residential units; or

e. any combination of space which includes 50,000 or more usable square feet of commercial and/or professional office space, or 40,000 or more usable square feet of retail sales space, or 150,000 or more usable square feet of industrial space, or 250 or more residential units.

(b) All other uses shall be exempt from the requirements of this article.

Sec. 7-6-322. Definitions.

The following words and phrases shall, for purposes of this article, have the following meanings:

(a) **Bus pool.** Subscription bus service on a regular and prearranged basis between locations responsive to commuter needs.

(b) **Car pool.** Three or more people traveling together on a continuing and prearranged basis in a private motor vehicle.

(c) **Commission.** The Planning Commission of the City of Alexandria.

(d) **Director.** The director of the department of planning and community development.

(e) **Peak hour.** The period of a single hour in the morning and the period of a single hour in the afternoon or evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

(f) **Peak period.** The period from 6 a.m. to 9 a.m. in the morning and the period from 3 p.m. to 7 p.m. in the afternoon and evening during which the road system servicing the proposed use is most heavily utilized by motor vehicles other than those traveling to or from the proposed use.

(g) **Projected single occupancy vehicle trips.** The projected number of single occupancy vehicle trips generated by the proposed use in a designated time period based upon the size, type and intensity of the proposed use.

(h) **Projected trips, total number of.** The projected number of total person trips generated by the proposed use in a designated time period based upon the size, type and intensity of the proposed use.

(i) **Proposed project.** A proposed use which consists of more than one building or structure and which may be constructed in phases over time.

(j) **Proposed use.** A use which is described in an application for a special use permit filed under this article.

(k) **Public transit.** Publicly provided and regularly scheduled transportation, usually by bus or rail, or a combination of both.

(l) **Ride matching.** The process of identifying interested drivers and interested riders for purposes of ride sharing.

(m) **Ride sharing.** The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride sharing arrangements known as car pools, van pools and bus pools.

(n) **Transit subsidies.** The provision of cash reimbursement or payment and/or transit fare media (e.g., tickets, tokens, flash passes) to tenants and occupants of a building to encourage their use of public transit.

(o) **Transportation coordinator.** A person responsible for educational, promotional and marketing measures to help the tenants and occupants of a building find and utilize ride sharing or public transit commuting alternatives.

(p) **Transportation management plan.** A comprehensive, coordinated and continuously operated plan submitted as part of an application for a special use permit under this article which demonstrates the administrative activities, the physical facilities and the operational, financial and other commitments which will be undertaken at or in conjunction with a proposed use in order to reduce the traffic and related impacts of the proposed use.

(q) **Usable square feet.** Floor area of a proposed use, which shall be the sum of all gross horizontal areas under a roof or roofs of all buildings or structures comprising a proposed use, computed by measuring from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line, or from the centerline of party walls, and which shall include all space with a headroom of 7 feet 6 inches or more, whether or not provided with a finished floor or ceiling. Excluded shall be elevator and stair bulkheads. No deduction shall be made for columns and projections necessary to the building or structure.

(r) **Van pool.** Eight or more people traveling together on a continuing and prearranged basis in a motor vehicle.

(r) Variable work hours. Work schedules within which employees choose their arrival and departure times within management imposed limits (also known as flex time).

Sec. 7-6-323. Application for special use permit--Filing and review by planning commission and city council.

(a) An application for a special use permit under this article shall be made in writing, on such forms as the director shall provide, and shall be filed with the director. The application shall be filed concurrently with the application for approval of a preliminary or combined site plan for the same use, if such site plan is required by title 5, chapter 5 of this code.

(b) The owner, contract purchaser or lessee of real property on or in which a use subject to this article is or may be located, or any authorized agent of such party in interest (hereafter referred to as the applicant) may file an application for a special use permit under this article.

(c) The city manager shall docket the special use permit application for public hearing and consideration by the city council and shall give notice of the hearing pursuant to article P of this chapter. The city manager shall refer the application to the planning commission for public hearing and consideration prior to consideration of the application by city council.

(d) Prior to the time the planning commission first considers the application, the director shall review the application and submit it to the other departments and offices of the city concerned therewith for their review, and shall transmit their comments and recommendations, together with his own, to the commission.

(e) Not later than five days prior to the public hearing before city council, the planning commission shall submit to council its recommendation on the application, together with its reasons therefor.

(f) At the conclusion of its public hearing on the application, city council may approve or deny the application, as provided in section 7-6-325, or defer decision on the application for no more than 30 days in order to receive such additional information as it may require.

Sec. 7-6-324. Same--Content of application.

Each such application for a special use permit under this article shall contain the following information:

(a) A clear and concise statement identifying the applicant, including the name and address of each person or entity owning an

interest in the applicant and the extent of the ownership interest. If the applicant itself or any of the entities holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of 10% in such corporation shall be identified by name and address, and the extent of his interest shall be described. For the purpose of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real estate which is the subject of the application.

(b) A traffic impact study of the proposed use, which shall be in lieu of the study required by section 5-5-9(h) of this code, and which shall comply with the following requirements:

(1) The traffic impact study shall be conducted by a qualified transportation planner or traffic engineer who shall meet and confer with the director and the director of transportation and environmental services prior to undertaking the study to define and agree upon the following study elements:

a. the streets and intersections to be included in the study;

b. the adequacy of available traffic and turning movement counts and the need for additional data;

c. the time period of the study (i.e., morning or evening peak period or both);

d. the approximate trip generation rates of the proposed use;

e. the directional distribution of the traffic generated by the proposed use;

f. the modal split and vehicle occupancy assumptions to be utilized in the study;

g. the trends in and growth of traffic in the area of but not generated by the proposed use;

h. the transportation management programs operated by the city or other governmental units in the area of the proposed use, as well as the transportation management programs proposed for the area, to be considered in the study;

i. the nature and level of public transit which will service the site of the proposed use;

j. the years to be covered by the study;

k. the intersection level of service analytical technique to be utilized in the study; and

l. the identification of citizen and neighborhood associations whose membership will be proximately affected by the traffic and related impacts of the proposed use.

(2) Unless otherwise directed by the director or the director of transportation and environmental services, the traffic impact study shall include the following information:

a. all mutually agreed upon elements of the study identified in subsection (b)(1);

b. traffic volumes and levels of service for all designated streets and intersections at the time of the study;

c. projections of future traffic volumes and levels of service for all designated streets and intersections, without consideration of the proposed use, at the time the proposed use is to be completed or, if applicable, at the time each phase of the proposed project is to be completed;

d. trip generation rates of and directional traffic distribution to and from the proposed use at the time the proposed use is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied, and, where the proposed use will include on-site parking in excess of the requirements of this chapter, the trip generation rates and directional traffic distributions which would exist if such excess parking was not included;

e. projections of future traffic volumes and levels of service for all designated streets and intersections and of any other significant traffic and related impacts attributable to the proposed use at the time it is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied;

f. based on the projections in subsections (b)(2)c and (b)(2)e, projections of the cumulative future traffic volumes and levels of service for all designated streets and intersections and of any other significant traffic and related impacts at the time the proposed use is to be occupied or, if applicable, at the time each phase of the proposed project is to be occupied;

g. identification of all proposed parking facilities, their type of operation (e.g., self-park, valet, attendant), their hours of operation, whether parking in the facilities is to be leased or purchased, and parking charges,

including lease rates and purchase prices, for unrestricted and restricted spaces;

h. an appendix of all study references and background field data;

i. a statement that the applicant has made a good faith effort to discuss the traffic and related impacts of the proposed use with the associations identified pursuant to subsection (b)(1)1, an identification of the associations with which discussions have occurred and a summary of the assessment by affected citizen and neighborhood associations of the traffic and related impacts of the proposed use; and

j. such additional information, diagrams and drawings as the director or the director of transportation and environmental services may require in order to consider and evaluate the impacts of the proposed use.

(c) A transportation management plan for the proposed use which shall be in narrative form, shall contain specific detail and supporting documentation to ensure that the use will comply with the provisions of this article, shall be prepared by a qualified transportation planner or traffic engineer and shall comply with the following requirements:

(1) The transportation management plan shall include a description of the following procedures:

a. Procedures whereby the car pool spaces required, and any van pool spaces provided, pursuant to section 7-6-72 of this code are restricted to car pool vehicles and van pool vehicles, respectively;

b. Procedures whereby car pool vehicles and van pool vehicles are registered with the city's office of transit services and programs;

c. Procedures for the management and supervision of on-site parking facilities proposed for the use generally and for the enforcement of the parking facilities management aspects of the transportation management plan; and

d. Procedures for the provision of a transportation coordinator for the proposed use who will administer its transportation and management plan and coordinate its activities with the city's office of transit services and programs, and whose responsibilities shall include but not be limited to:

1. the distribution, display and promotion of any transportation packet issued by the city's office of transit services and programs;

2. in the case of office and industrial uses, a survey, using adequate sampling procedures, of owner/tenant employees at the time 60% occupancy is reached to determine the number of employees, their residence, modes of transportation, willingness and ability to use car pooling, van pooling and/or public transit, and such additional information as the director may require, such surveys to be conducted annually thereafter and all surveys to be submitted to the office of transit services and programs to be used for the operation match program;

3. the preparation and submission of an annual report, consistent with guidelines established by the director, which discusses the activities taken during the year pursuant to the transportation and management plan for the use which demonstrates that the plan has been complied with fully and continuously during the year and which describes the effect of the plan's activities in reducing the traffic and related impacts of the use.

e. Procedures for the phased implementation of the transportation management plan in the event such phased implementation is appropriate.

(2) The transportation management plan shall include a reasonable and effective combination of some or all of the following elements which shall be appropriate to the size, scale and location of the proposed use and shall demonstrate that reasonable and practicable actions will be taken in conjunction with and over the life of the use which will produce a significant reduction in the traffic and related impacts of the use:

a. Ride sharing incentive programs which may include activities to encourage and assist the formation of car, van and bus pools, such as cash payments or subsidies and preferential parking charges and parking space location, and other analogous incentive programs;

b. Public transit incentive programs which may include the provision of paratransit services to and from convenient public transit sites and to accommodate mid-day and evening excursions, the construction of transit shelters and amenities, the construction of bus/rail transit stations and related facilities, the dedication of land and the provision of other subsidies for the construction and operation of public transit facilities, the provision of transit fare media subsidies and marketing programs, and the provision of other analogous incentive programs.

c. Recommended improvements in public transit which services the site of the proposed use, such as changes in service routes, increases in the frequency of service, alterations in the location of facilities, the establishment of fare incentive

programs and other measures designed to make public transit more accessible to occupants of the proposed use;

d. Bicycle and pedestrian incentive measures which may include the provision of bicycle parking and storage facilities, the construction and extension of bicycle paths and pedestrian walkways, the provision of shower and locker facilities and similar incentive features;

e. In the case of office and industrial uses, variable work hour, or flex time, programs under which employees working at the proposed use will stagger their work hours in order to affect a reduction in the amount of peak period traffic to and/or from the use which would otherwise occur;

f. Measures to reduce the reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use which may include parking fee structures tailored to discourage single-occupancy vehicles, proscription of tenant-employer subsidy of parking costs for single-occupancy vehicles, time and other access restrictions to parking spaces in on-site parking facilities, and programs to support and encourage the utilization of alternative transportation modes;

g. Use and accessory use design options which reduce reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use, such as the provision of less parking area than that required under the provisions of this chapter, shared parking arrangements, the incorporation of residential units (in the case of proposed commercial uses) and other analogous design features; and

h. Any other technique or combination of techniques capable of reducing the traffic and related impacts of the proposed use.

Sec. 7-6-325. Same--City council action on transportation management special use permit.

(a) In reviewing an application for a special use permit under this article, the city council shall only consider the traffic and related impacts of the proposed use and the following characteristics of the proposed use which will determine or affect the extent of those impacts:

(1) Traffic. Number of employees, staff, residents and other persons regularly present at the proposed use during normal working hours and other hours of the day, number of guests, service providers and other persons who periodically travel to and from the proposed use, level of vehicular traffic generated by the proposed use, traffic peaking characteristics of the proposed use and of the traffic affected by the proposed use,

likely vehicle use patterns, extent of traffic congestion in the vicinity of the proposed use, types and number of vehicles associated with the proposed use, and such other operational characteristics of the proposed use as the council may determine substantially affect the traffic and related impacts associated with the proposed use;

(2) Accessory parking use. Evidence of parking demand created by the proposed use, minimum number of on-site parking spaces required by this chapter to be provided, number of on-site parking spaces proposed for construction, fee structure for the proposed accessory parking, and such other operational characteristics of the proposed accessory parking use as the council may determine substantially affect the traffic and related impacts associated with the proposed use;

(3) Parking overflow. Extent to which adjacent neighborhoods may be affected by vehicles associated with the proposed use which park on the public streets, current availability of off-site, off-street parking in the vicinity of the proposed use, and such other design and operational characteristics of the proposed use as the council may determine substantially affect the parking overflow associated with the proposed use;

(4) Safety. Number and location of driveways and curb cuts associated with the proposed use, traffic control, accessibility to fire, police and emergency service vehicles, access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks, as well as proposed or planned streets, alleys and sidewalks, design of traffic circulation and control within the site of the proposed use and in coordination with adjoining properties and facilities, vehicle loading and service areas, pedestrian circulation, walkways and safety, and such other design and engineering characteristics of the proposed use as the council may determine substantially affect the traffic and related impacts of the proposed use; and

(5) Location. The location of the proposed use relative to public transit facilities, to public streets and highways, and to geographic areas with eating, shopping and other facilities within pedestrian range.

(b) The city council will approve an application for a special use permit under this article if it determines (i) that the applicant's transportation management plan is in accord with the requirements of this article, and (ii) that the transportation management plan, together with any amendments deemed appropriate by council, demonstrates that reasonable and practicable actions will be taken in conjunction with and over the life of the proposed use which will produce a significant reduction in the traffic and transportation impacts of the use. In deciding whether such a determination may be made, council may

consider whether either of the following goals for the proposed use will be achieved by the transportation management plan:

(1) that 10% to 30% of the total number of projected trips to the use during the a.m. peak hour in the case of commercial, industrial or retail uses, or from the use during the a.m. peak hour in the case of residential uses, utilize a mode of travel other than the single occupancy vehicle, and that 10% to 30% of the total number of projected trips from the use during the p.m. peak hour in the case of commercial, industrial or retail uses, or to the use during the p.m. peak hour in the case of residential uses, utilize a mode of travel other than the single-occupancy vehicle; or

(2) that the use attains a degree of trip dispersion which results in no more than 40% of the number of projected single-occupancy vehicle trips to the use in the case of commercial, industrial or retail uses, or from the use in the case of residential uses, between 6:00 a.m. and 10:00 a.m. occurring during the a.m. peak hour, and no more than 40% of the number of projected single-occupancy vehicle trips from the use in the case of commercial, industrial or retail uses, or to the use in the case of residential uses, between 3:00 p.m. and 7:00 p.m. occurring during the p.m. peak hour.

(c) In approving an application for a special use permit under this article, city council may place such reasonable conditions and requirements in the permit as it deems necessary to ensure that the transportation management plan for the proposed use, which forms the basis for its determination under subsection (b), will, unless revised or rescinded by council, be fully and continuously implemented throughout the life of the proposed use.

(d) Any special use permit granted by city council under this article, unless revoked or expired, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all of their heirs, successors and assigns. Any use authorized by a special use permit granted under this article shall be operated in conformity with such permit, and failure to so operate shall be deemed grounds for revocation of such permit, after notice and hearing, by the city council.

Sec. 7-6-326. Special use permit validity and modification.

(a) Each special use permit issued pursuant to the provisions of this article shall expire and become null and void concurrently with the expiration of the site plan approved in connection therewith as provided in chapter 5, title 5 of this code; provided, that if no such site plan is required to be submitted and approved, then the special use permit issued under the provisions of this article shall expire and become null and void

18 months after the date such permit is approved and issued, unless operation of the use authorized by such special use permit is commenced and thereafter diligently and continuously pursued within such 18-month period.

(b) The prior applicant, or the successor in interest thereof, or any authorized agent of such applicant or such successor in interest, who is bound by a special use permit issued pursuant to the provisions of this article, may petition the city council for modification of the permit's transportation management plan, after notice and hearing, consistent with the provisions of this article. Such petition shall set forth with particularity the modifications desired and the reasons therefor and shall show that the plan as so modified will comply with the provisions of this article.

Sec. 7-6-327. Nonconforming use status and related matters.

(a) No individual building or structure, otherwise subject to the provisions of this article, which is in existence on May 16, 1987, or for which a preliminary or combination site plan approved on or before May 16, 1987, continues in force and effect, shall be deemed a nonconforming use by virtue of any provision of this article, nor shall any such building or structure be subject to the provisions of this article.

(b) Any other provision of law to the contrary notwithstanding, the owner, contract purchaser or lessee, or any authorized agent of such party in interest, of any individual building or structure or project, complex or development which is or becomes a lawful nonconforming use under the provisions of this article, may file an application for the issuance of a special use permit under the provisions of this article.

(c)(1) The enlargement, extension or increase of more than 5% in the floor area expressed in usable square feet of any use for which a special use permit has been issued under the provisions of this article shall require an application for and approval of a new or amended special use permit governing the entire use as enlarged, extended or increased.

(2) In the case of a mixed-use building or structure for which a special use permit has been issued under this article, any modification of the mixture of uses which increases or decreases the amount of usable square feet utilized by the dominant use by more than 20% shall require an application for and approval of a new or amended special use permit governing the entire building or structure as modified.

(3) Any change in use of a building or structure for which a special use permit has been issued under this article to another use required to obtain such a permit under this article

shall require an application for and approval of a new special use permit for the building or structure so changed in use.

(d) Whenever the use of any land, building or structure required to obtain a special use permit under the provisions of this article, irrespective of whether or not such permit has been obtained, ceases to be operated for a period in excess of 24 months, or is changed to another use likewise required to obtain a special use permit under the provisions of this article, then such other use shall require application for and approval of a new special use permit under these provisions, and the former special use permit, if any, shall expire at the end of such 24-month period in the event operation ceases or at the time the use is so changed in the event of a change in use.

Sec. 7-6-328. Relationship with other provisions of law.

(a) Unless otherwise specifically provided, the provisions of this article shall apply in addition to all other requirements and provisions of this code, the city charter and general law, and compliance with the provisions of this article shall not excuse compliance with any other provision or requirement of this code, the charter and of general law.

(b) Whenever a proposed individual building or structure or project, complex or development is required to obtain a special use permit under the provisions of article J of this chapter as well as under the provisions of this article, then one joint application without duplication of information shall be filed for both special use permits, and the application for both such permits shall be considered together by the planning commission and city council.

(c) The provisions of article J of this chapter shall not apply to any application for a special use permit filed solely under the provisions of this article.

Sec. 7-6-329. Administration.

(a) The director shall administer the provisions of this article and shall consult and coordinate with the directors of transportation and environmental services and of the office of transit services and programs and such other divisions of the city government as may be appropriate.

(b) The fee for filing and processing a special use permit application shall be according to the following schedule, and such fee shall be in addition to any other fees required under this code:

(1) Application for a special use permit under the provisions of this article, unless otherwise provided: \$5.00 per

1,000 usable square feet or portion thereof of space in the proposed use.

(2) Application for a special use permit under the provisions of this article, to replace, revise, amend or modify a previously approved and currently valid such special use permit, which is occasioned by new construction of additional usable space:  $3/5$  of the prevailing fee as established in subsection (1), for the aggregate floor area.

(3) Application for a special use permit under the provisions of this article, to replace, revise, amend or modify a previously approved and currently valid such special use permit, which is occasioned by other than new construction of additional usable space:  $1/5$  of the prevailing fee as established in subsection (1).

Section 2. That subsection (2), subsection (a), Section 7-6-17, 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:

(2) Multi-family dwellings, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 3. That subsection (6), subsection (a), Section 7-6-17, 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:

(6) Offices for architects, attorneys-at-law, dentists, physicians, osteopaths, professional engineers, public accountants, ministers, teachers and such other professional occupations as are licensed by the state; provided, that special permission for such use shall have been granted by the city council under the provisions of sections 7-6-191 to 7-6-195 of this code, and subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 4. That paragraph d, subsection (3), subsection (a), Section 7-6-19, 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. The uses specified in paragraphs a, b and c above shall be permitted only with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code, and shall be permitted only in multi-family dwellings four (4) or more stories in height, provided that the total area devoted to such uses does

not exceed the square foot area of the first story or any story below the first story, whichever is less, and subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 5. That paragraph a, subsection (1), subsection (a), Section 7-6-20, 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:

a. Multi-family dwellings, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 6. That subsection (2), subsection (a), Section 7-6-20, 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:

(2) Within the buildings constructed primarily for uses (1)a and (1)b, the following additional uses shall be permitted, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 7. That subsection (3), subsection (a), Section 7-6-21, 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:

(3) Apartments, in masonry buildings existing on February 10, 1953, only, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 8. That subsection (a), Section 7-6-23, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-1 commercial zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 9. That subsection (a), Section 7-6-24, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-1-B commercial business zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 10. That subsection (a), Section 7-6-25, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-2 commercial zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code.

Section 11. That subsection (a), Section 7-6-26, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-2-B commercial business zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 12. That subsection (a), Section 7-6-27, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-3 commercial zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 13. That subsection (a), Section 7-6-28, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-0 commercial office zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 14. That subsection (3), subsection (i), Section 7-6-28, 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:

(3) Uses authorized for a planned residential and/or commercial development. The following uses only shall be authorized in a planned residential and/or commercial development, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 15. That subsection (a), Section 7-6-29, 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:

(a) Uses permitted. The following uses only shall be permitted in the C-4 commercial park zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code, and shall be conducted wholly within a completely enclosed building, except for the on-site parking of vehicles. Uses outside the main buildings subordinate to the dominate use of the property may be permitted in compliance with the performance standards set forth herein.

Section 16. That subsection (b), Section 7-6-30, 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:

(b) Uses permitted. The following uses only shall be permitted in the I-1 industrial/planned unit development zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 17. That subsection (c), Section 7-6-30, 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:

(c) Lawfully existing uses. Any use of land or structures which was lawfully in existence on or for which a site plan has been approved by the planning commission prior to July 17, 1981, shall be subject to the issuance of a special use permit as specified in article R of this chapter unless exempted therefrom pursuant to section 7-6-321 of this code, and shall continue to be a lawful use unless otherwise provided in article R of this chapter, shall not be subject to the permitted use subsection of this section and shall not be deemed a nonconforming use as a result of amendments made to this chapter on July 17, 1981, but this subsection shall not be construed to authorize a like use of

any other land or structure within this zone subsequent to said date without complying with the applicable provisions of this chapter.

Section 18. That subsection (l), subsection (k), Section 7-6-30, 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:

(l) Uses permitted. A planned unit development shall contain the following uses only, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 19. That subsection (b), Section 7-6-31, 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:

(b) Uses permitted. The following uses only shall be permitted in the I-2 industrial/planned unit development zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 20. That subsection (c), Section 7-6-31, 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:

(c) Lawfully existing uses. Any use of land or structures which was lawfully in existence on or for which a site plan has been approved by the planning commission prior to July 17, 1981, shall be subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code, and shall continue to be a lawful use unless otherwise provided in article R of this chapter, shall not be subject to the permitted use subsection of this section and shall not be deemed a nonconforming use as a result of amendments made to this chapter on July 17, 1981, but this subsection shall not be construed to authorize a like use of any other land or structure within this zone subsequent to said date without complying with the applicable provisions of this chapter.

Section 21. That subsection (l), subsection (k), Section 7-6-31, 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:

(1) Uses permitted. A planned unit development shall contain the following uses only, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 22. That subsection (a), Section 7-6-33, 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:

(a) Uses permitted. The following uses only shall be permitted in the W-1 waterfront (mixed use) zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 23. That subsection (a), Section 7-6-34, 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:

(a) Uses permitted. The following uses only shall be permitted in the M-1 metro-King Street station area zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 24. That subsection (5), subsection (k), Section 7-6-34, 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:

(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, and any use permitted under a planned residential and/or commercial development pursuant to this subsection shall be subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code, 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.

Section 25. That subsection (c), Section 7-6-35, 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:

(c) Uses permitted. The following uses only shall be permitted in the M-2 metro-Braddock Road station area zone, subject to the issuance of a special use permit as specified in article R

of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 26. That subsection (5), subsection (m), Section 7-6-35, 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:

(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, and any use permitted under a planned residential and/or commercial development under the provisions of this subsection shall be subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code, 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.

Section 27. That subsection (c), Section 7-6-36, 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:

(c) Uses permitted. The following uses only shall be permitted in the M-3 metro-Eisenhower Avenue station area zone, subject to the issuance of a special use permit as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 of this code:

Section 28. 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 requests. 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: May 16, 1987