

ORDINANCE NO. 3547

AN ORDINANCE to amend and reordain Section 37 of Ordinance No. 3350, enacted by the Alexandria City Council on December 17, 1988, which Section 37 provides a sunset date and savings clause for Division 2 (TRANSITION SPECIAL USE PERMITS AND RELATED MATTERS) of Article R (TRANSPORTATION MANAGEMENT AND TRANSITION SPECIAL USE PERMITS AND RELATED MATTERS) and to amend and reordain subsection (b) of Section 7-6-354 (TRANSITION SPECIAL USE PERMITS -- CONTENT OF APPLICATION), all of Chapter 6 (ZONING), Title 7 (PLANNING AND COMMUNITY DEVELOPMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

1. The process of updating and revising the city's master plan and comprehensively amending the city's zoning code in light of the updated master plan, as described in the preamble to Ordinance No. 3350, has not been completed.

2. It is the policy and directive of City Council that the process be completed no later than December 31, 1992.

3. The findings and determinations stated in the preamble to Ordinance No. 3350 in support of the Transition Special Use Permit regulations continue to be reasonable and valid, and are incorporated fully herein by reference.

4. Continuation of the Transition Special Use Permit regulations beyond the December 31, 1991, sunset date provided in Section 37 of Ordinance No. 3350 is required in order to ensure that implementation of the goals and objectives of the updated master plan and the provisions of the new zoning code will not have been hindered or precluded because inconsistent development projects have been approved or constructed prior to adoption of the new zoning code.

5. Continuation of the Transition Special Use Permit regulations beyond the December 31, 1991, sunset date provided in Section 37 of Ordinance 3350 is required in order to prevent disruption of the existing, orderly transition process between the current and new zoning codes, and disruption of the settled expectations of residents, property owners, and land developers as to the continuity of the Transition Special Use Permit regulations until such time as the new zoning code is finally adopted.

6. 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 legislative body of the City of Alexandria, adoption of this ordinance is necessary and desirable to protect the public health, safety and general welfare; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 37 of Ordinance No. 3350, be and the same hereby is amended and reordained to read as follows:

Section 37. That this ordinance shall cease to be effective at the earlier of the expiration of the period limited by section 15.1-493G of the Code of the Virginia (1950), as amended, following the adoption of the 6th Revised Zoning Map of the City of Alexandria, Virginia, or December 31, 1992, unless such date certain is sooner amended by the city council; provided, however, that this Section 37 shall not be applicable to any land within the city as to which there is pending on the date herein limited any action in a court of competent jurisdiction contesting the decision of the city council adopting the said map or regulations relative to such land; and provided, further, that the operative effect of this Section 37 shall not affect any act committed or done, or any right established, accrued or accruing before the day on which the operative effect of this Section 37 commences.

Section 2. That subsection (b) of Section 7-6-354 be, and the same hereby is, amended and reordained to read as follows:

(b) A development plan which shall consist of a narrative description of the proposed use and all the information required for a preliminary site plan as set forth in section 5-5-9, subsections (d), (e), (f), (g) and (i) of this code, excluding subparagraphs (d)(10), (f)(4) and (f)(12), and including a general scheme of proposed grading and surface drainage. Approval of the transition special use permit as provided in this division shall constitute authorization for approval by the planning commission of a site plan for the proposed use which meets the requirements of title 5, chapter 5 of this code and other applicable law when an application therefor is filed. Absent approval of such special use permit, the proposed use shall be deemed not to comply with the zoning code, and no site plan therefor shall be approved.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: December 14, 1991