

ORDINANCE NO. 3675

AN ORDINANCE to amend and reordain subsection (C) (COMMENCEMENT OF USE REQUIRED) of Section 11-506 (DURATION OF VALID PERMIT), under Section 11-500 (SPECIAL USE PERMITS) of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (C) of Section 11-506 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(C) Commencement of use required.

(1) Use without new construction. A special use permit granted under this section 11-500 that does not involve new construction shall become void unless operation is commenced within a period of one year of the date that the permit was approved and is thereafter diligently pursued. If an application to extend a special use permit is filed with the director prior to the expiration of its term, and after compliance with the notice and hearing requirements for an original special use permit application, the city council may grant a one year extension of the permit.

(2) Use with new construction.

(a) Construction to begin with 18 months. A special use permit approved pursuant to the provisions of this section 11-500 that involves new construction shall expire and become null and void as to any uncommenced construction and any uncompleted construction, unless substantial construction of the project approved in such permit is commenced within the period herein provided after initial city council approval of the permit and such construction is thereafter pursued with due diligence. Such commencement as is required by this paragraph shall occur within 18 months unless the permit is one that involves more than seven acres and the applicant requests and council approves a different time period.

(b) Extension of time allowed under certain conditions. An extension of time may be permitted by city council under the same conditions and procedures as those provided for in section 11-418(A).

(c) Evidentiary standards for "substantial construction" and "due diligence." As used in this section 11-506, the terms "substantial construction" and "due diligence" shall have that meaning provided in section 11-418(B).

(d) Finding that permit has expired. The procedures by which the director may make a finding that a special use permit has expired and by which that finding may be challenged shall be those provided in section 11-418(C).

(e) Application to site plans approved as part of special use permit. The provisions of this subsection shall control the validity of all site plans, preliminary, final or combined, approved as part of a special use permit, and no such site plan shall continue in force and effect beyond the expiration of the special use permit by which such site plan was approved.

(f) Refund of fees. Fees and contributions paid by the applicant to the city in connection with a project, except application and on site inspection fees, shall be proportionately refunded if a special use permit expires under the provisions of this section.

(3) "New construction" defined. For purposes of this section 11-506(C), the term "new construction" shall mean that construction, development or improvement which requires the approval of a site plan pursuant to section 11-403.

(4) Application to previously issued permits. The provisions of this section 11-506(C) shall apply to all special use permits approved after (October 16, 1993) and to any application for an extension of a special use permit, regardless of when approved, properly filed after (October 16, 1993).

Section 2. That subsection (C) of Section 11-506 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which on such date are pending before any city department, agency or board, or before city council, or on judicial review; shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance.

PATRICIA S. TICER
Mayor

Final Passage: October 16, 1993