

ORDINANCE NO. 3923

AN ORDINANCE to amend and reordain Section 5-603 (APPROVAL PROCESS GENERALLY), Section 5-604 (CONCEPTUAL DESIGN PLAN APPROVAL), and Section 5-607 (SPECIAL PROCEDURES WHERE DISTRICT NOT IN COMMON OWNERSHIP OR CONTROL) under Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICT) of Article V (MIXED USE ZONES), Section 6-405 (ADDITIONAL REGULATIONS FOR THE KING STREET METRO STATION HEIGHT DISTRICT) under Section 6-400 (HEIGHT DISTRICTS), of Article VI (SPECIAL AND OVERLAY ZONES), Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200 (PERMITTED STRUCTURES IN REQUIRED YARDS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS), Section 11-500 (SPECIAL USE PERMITS) by adding thereto a new Section 11-512 (SEPARATE PERMIT NOT REQUIRED), and Section 11-705 (CONTENTS OF APPLICATION) under Section 11-700 (TRANSPORTATION MANAGEMENT SPECIAL USE PERMITS), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES), all of the City of Alexandria Zoning Ordinance (TEXT AMENDMENT Nos. 96-15, 96-15B, 97-01 and 97-02).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That paragraph 5-603(A)(1) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(1) A conceptual design plan shall be submitted for the entire district. Such plan shall be considered by the planning commission and a recommendation thereon made to the city council. Approval of such plan by the city council shall authorize the submission of a preliminary development plan in substantial conformity with the approved conceptual design plan for review as specified in section 5-605(J), but shall not confer any right or entitlement to approvals thereof, to otherwise proceed with development, or to the continued application of the law existing at the time of conceptual design plan approval. The right to use and develop the property pursuant to the underlying zoning shall continue for any portion of the site which is covered by an approved conceptual design plan but for which a preliminary development plan is not yet approved, provided that any development is undertaken in a manner consistent with the site plan requirements of section 11-400 and does not preclude development consistent with the conceptual design plan.

Section 2. That subsection 5-603(C) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(C) No fewer than 45 days prior to submitting an application for approval of a conceptual design plan or a combined conceptual design plan and preliminary development plan, each applicant shall meet with the director and the director of transportation and environmental services and discuss such applicant's intentions with respect to a proposed development and the requirements of this section 5-600. No matters discussed at such meeting shall be binding on either the applicant or the city. The purpose of the preapplication conference is to provide staff input in the formative stages of the development project.

Section 3. That subsection 5-604(C) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto new paragraphs (14) and (15) to read as follows:

(14) A map identifying the general location of all marine clay soils.

(15) A map identifying the general location of areas with probability of contaminated soil and/or groundwater based on a Phase 1 Environmental Assessment or equivalent information.

Section 4. That subsection 5-607(A) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(A) If any district on June 24, 1992 is not in common ownership or control, or thereafter becomes not in common ownership or control by virtue of any involuntary transfer or sale, the owner of record of a portion of the district may apply for approval under this section 5-600, in conformity with the master plan guidelines for the district pertaining to the entire portion of the district under the control of such owner, notwithstanding that the application pertains only to such portion of the district. Such application shall consist of a certification which demonstrates to the director's satisfaction and on such forms as the director may provide that such owner has diligently attempted, without success is not caused in whole or in part by the applicant. Certification may consist of written communications between the applicant and the other owners indicating that a joint application will not be forthcoming.

Section 5. That subsection 6-405(B) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(B) Exception. The maximum height may be increased by up to five feet in those buildings in which at least 30 feet of depth facing public streets is designed to accommodate predominantly retail uses. For buildings that front on more than one public street, retail shall be provided on the more prominent street frontage, as determined by the director. If, after making a good faith effort as determined using guidelines issued by the director, the building owner is unable to lease or sell that space for retail use, the director may authorize that space to be leased for nonretail use for a period not to exceed ten years, after which time subsequent leases may be authorized on the same conditions. For the purpose of this section 6-405(B), retail uses shall include retail shopping establishments, restaurants, banks, financial investment and consulting offices, travel agencies, realty offices, personal service uses, educational uses, and any other commercial activity that involves a high degree of pedestrian activity, as determined by the director.

Section 6. That paragraph 7-202(A)(3) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices or window sills projecting 12 inches or less into the yard.

Section 7. That section 11-500 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding a new section 11-512 to read as follows:

11-512 Separate permit not required. No special use permit shall be required for the following development features when the location, size and design is included as part of a site plan or special use permit approval:

(A) temporary trailer used for model sales offices in conjunction with a construction project;

(B) tandem and reduced size parking spaces in conjunction with single-family, two-family and townhouse projects; and

(C) increase in height of a mechanical penthouse when necessary in order to meet the minimum needs of a building.

Section 8. That paragraph 11-705(B)(1) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(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 study elements. The extent of the required study will vary depending on the location of the site, the size and nature of the project, and may include some or all of the following elements, to be determined by the directors:

(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 assumption to be utilized in the study;

(g) The trends in the 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 that 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.

Section 9. That sections 5-603, 5-604, 5-607, 6-405, 7-202, 11-500 and 11-705 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 10. That this ordinance shall become effective upon the date at the time of its final passage, and shall apply to all applications for land use, land development or submission approval provided for under the City of Alexandria Zoning Ordinance which are on such date 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 the Zoning Ordinance.

KERRY J. DONLEY
Mayor

ATTEST:

Beverly I. Jett, CMC, City Clerk

Final Passage: April 12, 1997