

ORDINANCE NO. 4281

AN ORDINANCE to amend and reordain Section 5-606 (FINAL DEVELOPMENT PLAN APPROVAL), under Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICT) of Article V (MIXED USE ZONES); Section 11-303 (ADDITIONAL NOTICE REQUIRED), under Section 11-300 (NOTICE OF PUBLIC HEARINGS) of Division A (ADMINISTRATION AND ENFORCEMENT OF ORDINANCE AND NOTICE OF PUBLIC HEARINGS); Section 11-406 (CONTENTS OF PRELIMINARY SITE PLAN APPLICATIONS), Section 11-407 (PROCEDURES FOR PROCESSING SITE PLAN APPLICATION) and Section 11-409 (ACTION ON SITE PLANS), and to repeal Section 11-408 (NOTICE OF SITE PLAN COORDINATING COMMITTEE), under Section 11-400 (SITE PLAN) of Division B (DEVELOPMENT APPROVALS, all of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA NO. 2002-0005).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-606 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 5-606 Final development plan approval.

- (A) The application shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of such person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only those persons owning an interest in excess of ten percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-606(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.
- (B) Thirty-five copies of the application shall be submitted. All maps, plats or plans shall be submitted on sheets having a size of 24 inches by 36 inches. A final development plan shall be submitted for the entire district, or for such portions thereof as approved in the preliminary development plan.
- (C) The application shall include the following information and materials:

- (1) A final site plan as specified in section 11-409(D).
 - (2) Complete architectural elevations of each proposed building or structure.
 - (3) Such additional information as the director may require, or the applicant may desire to submit, in order to facilitate review and consideration of the plan.
- (D) Upon determination by the director that the application is complete, the application shall be submitted for comment and review to appropriate city departments and agencies.
 - (E) The director shall consider the final development plan and shall determine if said plan complies with all prior approvals under this section 5-600 and all other applicable provisions of law. Upon the determination that the final development plan does comply, the director shall approve the plan. Upon the determination that the plan does not comply, the director shall disapprove same, stating his reasons therefor, in which event the applicant shall be afforded reasonable opportunity to amend the plan.
 - (F) Reserved.
 - (G) Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:
 - (1) Upon a determination by the director that the proposed amendment will result in a final development plan which is still in accordance with the prior conceptual design plan and preliminary development plan approvals, then such amendment will be processed in accordance with the provisions of this section 5-606.
 - (2) Upon a determination by the director that the proposed amendment will cause the final development plan to be not in accordance with the prior conceptual design plan and preliminary development plan approvals, then the procedures for amendment of such prior approvals, either or both as the case may be, shall be followed, in addition to the procedures of this section 5-606.
 - (H) The approval of a final development plan shall be valid for the period specified for site plans by section 11-418 and otherwise subject to the provisions of that section.

Section 2. That Section 11-303 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-303 Additional notice required.

- (A) Deferral or continuance. For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, if an item is deferred or continued at the time of the public hearing, then all

notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item. For hearings before the board of architectural review, if an item is deferred or continued at the time of the public hearing for a period which exceeds 30 days, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item.

- (B) Referral. If a zoning amendment is referred by the city council back to the planning commission, all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if the referred item were a new item.
- (C) Rescheduled hearing. If the date for a public hearing is changed after notice has been given of the original date and prior to the hearing, all notices required by this section 11-300 shall be given for the rescheduled hearing as if it were a new item.
- (D) Development site plans and development special use permits. In addition to the notice required by section 11-301, applicants for development site plans and development special use permits, as defined by the director, shall place signs along all street frontages of the development site within five working days of the director's determination that the application is complete.
 - (1) The signs will clearly indicate that an application has been filed to develop the subject property and shall include a description of the proposed development and contact information for the applicant, in such number, format and size, all as reasonably determined by the director.
 - (2) The applicant shall reasonably ensure that the required signs remain on display until the public hearings on the application.
 - (3) As part of the certification of written notice required by section 11-301(A)(3), the applicant shall submit an affidavit to the director stating (i) that the required signs have been posted, (ii) that such signs have, as of the date of the affidavit, remained on display, and (iii) that the applicant shall maintain such signs on display until the conclusion of the public hearing process.

Section 3. That Section 11-406 of the City of Alexandria Zoning ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-406 Contents of preliminary site plan application.

- (A) An application for preliminary site plan approval shall be submitted by the owner, contract purchaser, lessee or other party having a legal interest in the subject property on such forms as the director shall prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property,

including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-406(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

- (B) The preliminary site plan shall be prepared under the responsible charge of a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both. No fewer than 20 prints of the preliminary site plan at a scale of not less than 100 feet to the inch shall be submitted with the application. Print size shall not generally exceed 24 by 36 inches.
- (C) An application for preliminary site plan approval shall include the following information and material:
 - (1) The name and address of the developers.
 - (2) The name, address, signature and registration number of the professionals responsible for preparing the plan.
 - (3) The present zoning of the site and abutting property.
 - (4) General alignment and lengths of all streets and all property lines.
 - (5) Date, scale and north point with reference to source of meridian.
 - (6) All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.
 - (7) The total land area.
 - (8) The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown by dashed lines illustrating two foot standard contour intervals except where in the opinion of the director of transportation and environmental services five foot intervals would be satisfactory, and by spot elevations where necessary to indicate flat areas, all based on U.S. Coast and Geodetic Survey datum, or city datum where the former are not available.
 - (9) A five by seven inch space for the signed approval of the planning commission and the director and the director of transportation and environmental services.

- (10) A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.
 - (11) A complete narrative description of the proposed development.
 - (12) Archaeological evaluation reports and resource management plans as may be required by section 11-411.
 - (13) In the case of any land or use for which a special use permit or conditional zoning has been granted, any information reasonably necessary to demonstrate compliance with the conditions imposed as part of such approval.
 - (14) Building massing studies sufficient to show the mass and orientation of any proposed buildings and their relationship to nearby buildings and, if required by the director of planning and zoning in the following cases, a model:
 - (a) Site plans subject to the pre-application requirements of section 11-407(A); or
 - (b) Site plans which include nonresidential land which is adjacent to land zoned or used for residential use.
 - (15) In the case of any proposed building over 50 feet in height, a profile (section) drawing showing the location and height of each building in the development, as well as each building on adjacent sites.
 - (16) A list of all modifications of the applicable zone regulations which are sought as part of the application pursuant to section 11-416, the rationale for each and the features of the development which compensate for the impacts otherwise protected by said regulations.
 - (17) Any other information that may reasonably be required by the director or the director of transportation and environmental services to determine that the application is in compliance with all codes and ordinances of the city.
- (D) The preliminary site plan shall show the general location, dimensions, size and height of the following when existing:
- (1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
 - (2) Buildings and structures.
 - (3) Public sewer systems.
 - (4) Slopes, terraces and retaining walls.

- (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Major trees and shrubs.
 - (8) Recreation areas and swimming pools.
 - (9) Natural and artificial watercourses and bodies of water and wetlands.
 - (10) Limits of floodplains.
 - (11) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.
 - (12) Significant geological features.
 - (13) When known, areas that can reasonably be expected to or which do contain soils or materials contaminated with but not limited to heavy metals, petroleum products, PCB's, pesticides, flyash, or other toxic or hazardous materials.
 - (14) When known, underground storage tanks.
 - (15) When known, areas located within 1000 feet of a former sanitary landfill, dump or disposal area.
 - (16) When known, areas with the potential of generating combustible gases (i.e. methane).
- (E) The preliminary site plan shall show the general location, dimensions, size and height of the following regarding the proposed development:
- (1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
 - (2) Buildings and structures with entrances and exits identified.
 - (3) Public sewer systems.
 - (4) Slopes, terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Methods to control erosion on slopes of 25 percent or more.
 - (8) Recreation areas and swimming pools.

- (9) Natural and artificial watercourses and bodies of water.
 - (10) Distances between buildings.
 - (11) Calculations of the following:
 - (a) Number of dwelling units;
 - (b) Number of parking spaces;
 - (c) Number of loading spaces; and
 - (d) Square feet of floor space.
 - (12) Plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any.
 - (13) A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two foot or five foot contours, as required by the director, and approximate elevations.
 - (14) A landscape plan showing all natural or landscaped areas, including the general location, names and area coverage of trees, shrubs and ground cover to be planted, the areas to be retained in natural vegetation, noting total existing crown area of trees being retained, and means of compliance with each of the landscaping requirements of section 11-410(CC).
 - (15) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.
 - (16) Any locations intended for the outdoor display or storage of goods and merchandise.
 - (17) Underground plans showing location of existing and proposed poles, transformers and switches.
 - (18) Types of materials to be used for proposed improvements within the public right-of-way.
 - (19) Plans to remediate, remove, or control on site any contaminated soils, materials, underground storage tanks, combustible gases, or old landfills, dumps or disposal areas.
 - (20) Plans for minimizing the impact on existing or developing wetlands or for the creation of new wetlands.
- (F) All documents and information submitted as part of an application for preliminary site plan approval constitute a statement by the applicant that he intends and agrees to be

bound to develop in accord with such information upon approval.

- (G) The preliminary site plan shall be accompanied by the fee prescribed pursuant to section 11-104.

Section 4. That Section 11-407 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-407 Procedures for processing site plan application.

The following procedures shall govern the processing and review of applications for site plan approval.

- (A) Pre-application requirements.

- (1) Conceptual review conference. The purpose of the conceptual review conference and subsequent follow-up meetings is to allow the director to ensure that the City's policies regarding land use planning and zoning, and building footprint, height, density, mass and scale, are met before an applicant prepares a specific site design for a project. No matters discussed at this meeting shall be binding on either the applicant or the city. No fewer than 90 days prior to filing an application which includes a preliminary site plan, an applicant for any of the following projects shall meet with the director to discuss the applicant's intentions with regard to the proposed development:

- (a) a project within a coordinated development district;
- (b) a project which requires a master plan or zoning amendment;
- (c) a project which requires a special use permit for increased floor area ratio, density or building height;
- (d) a project which requires a transportation management special use permit;
- (e) a project which requires a parking or open space reduction;
- (f) a project in a historic district, or
- (g) a project on property which includes environmentally sensitive lands, including resource protection areas, or wooded sites or steeply sloped sites as defined by the director by general rule.

- (2) Pre-application conference. No fewer than 30 days prior to filing an application for preliminary site plan approval, an applicant shall meet with the director to discuss the applicant's intentions with regard to the proposed development and the

requirements of this section 11-400, and other city requirements related to land use and site development. It is the intention of this section 11-407(A)(2) that this meeting shall be held prior to the time when the site plan and application for site plan approval are prepared. No matters discussed at this meeting shall be binding on either the applicant or the city.

(B) Filing application.

(1) An application for site plan approval shall be filed with the director and shall contain the information specified in section 11-406.

(2) No application shall be accepted and reviewed unless determined to be complete by the director. A complete application is one which includes the minimum submission requirements expressly listed in section 11-406. Each application shall be reviewed to determine if it includes the minimum submission requirements and notice regarding the completeness of the application shall be mailed to the applicant.

(C) Reserved.

(D) Staff report and recommendation. The director shall prepare a staff report for the planning commission on each application which report shall include all staff comments and analysis, including any report and recommendation prepared by another department, and a recommendation for approval, for approval with conditions or for disapproval. If the director disagrees with the recommendations of another department, the report to the planning commission shall so indicate and the reasons for disagreeing shall be given.

(E) Review by planning commission. The director shall see that all required staff and committee reviews are completed and that the application is docketed for the planning commission to act.

(F) Changes to application. If an applicant submits materials to supplement its application prior to final action by the planning commission, the director shall review the additional material to determine whether additional staff time is necessary to assess the application. If additional time is necessary, the director may extend the review period accordingly, or, in the event of a major revision, may require that a new application be filed.

Section 5. That Section 11-408 of the City of Alexandria Zoning Ordinance be, and the same hereby is, repealed, and the section number reserved, as follows:

Sec. 11-408 Reserved

Section 6. That Section 11-409 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-409 Action on site plans.

- (A) Action on preliminary site plan.
 - (1) The planning commission shall hold a public hearing and act on the application for preliminary site plan approval by approving or disapproving the plan or approving it with conditions, required revisions, additions or changes. In the case of disapproval, the commission shall give its reasons therefor. Two copies of the site plan shall be returned to the applicant with the date of approval or disapproval noted thereon over the signature of the director. Any action by the planning commission shall be entered in the minutes of the commission.
 - (2) Reserved.
- (B) Standard for approval by planning commission. An applicant for preliminary site plan approval shall demonstrate to the satisfaction of the commission that:
 - (1) The applicable factors of section 11-410 have been appropriately considered in the site plan;
 - (2) The development will not adversely affect the public health safety and welfare; and
 - (3) The application complies with all provisions of this ordinance and all applicable laws.
- (C) Appeal of action on preliminary site plan.
 - (1) The planning commission's approval or disapproval of a preliminary site plan or combined site plan may be appealed to the city council by the applicant, by the city manager, by an owner of property located within 1,000 feet of the boundaries of the site plan property, or by a group who submits a petition signed by at least 25 property owners or residents of the city. The appeal shall be made in writing, shall state clearly the grounds of the appeal and shall be filed with the city clerk within 15 days after the decision is announced. Following the filing of such an appeal, the director shall verify that each person filing the appeal has the right of appeal as set forth in this subsection. The filing of an appeal shall stay the effect of site plan approval by the planning commission.
 - (2) Whenever an appeal is filed, the commission shall forward the record and its reasons for approval or disapproval to the city council, which may be in the form of the transcription of the public hearing, and shall designate at least one member of the commission to appear before the city council at the public hearing.
 - (3) In the event an appeal is filed, the city council shall schedule at least one public hearing on the matter. The council shall review the record, documents and actions taken by the planning

commission and may take additional evidence if necessary for complete and competent review of the issues before it. The council may affirm, reverse or modify the decision of the commission or vacate and remand the matter to the commission for further consideration.

- (4) The issues on appeal shall be limited to the grounds identified in the appeal papers filed with the city clerk. The proposed use shall not be grounds for appeal.
- (5) The council's action on appeal may be reviewed by appeal to the circuit court to determine whether substantial evidence exists to support the decision of council provided the appeal to court is filed within 60 days of the council action.

(D) Action on final site plan.

- (1) If a preliminary site plan is approved, or approved with modifications, and no appeal as provided in section 11-409(C) is taken, the applicant shall cause a final site plan to be prepared by a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both, and to be submitted to the director for consideration. Final site plans shall be on reproducible permanent base material and shall be on sheets which shall not exceed 24 x 36 inches in size. The plan may show only part of the land designated on the preliminary site plan if desired. The original tracing and 20 prints of the final site plan shall be at a scale no smaller than one inch to 40 feet unless, in the opinion of the director, a one inch to 50-foot scale would be satisfactory where detail is not necessary.
- (2) The final site plan shall show all of the information required by sections 11-406(C) through (E) for preliminary site plans, but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature. Calculations of storm water runoff shall be submitted. The final site plan submission shall include test borings and soil tests, when the subject property contains marine clay or fill or when otherwise found necessary by the director of transportation and environmental services, including proposals for sheeting, shoring, dewatering, excavating, foundation design and backfilling. Final site plans shall be checked for compliance with preliminary site plans previously approved and the requirements of this section 11-409(D). If the director and the director of transportation and environmental services find that a final site plan complies in all respects, they shall indicate their approval thereon and submit it to the chairman or vice-chairman of the commission for approval. The date of the final approval signature shall be noted on the plan.

- (3) If the director or the director of transportation and environmental services find that a final plan does not comply with a previously approved preliminary site plan or the provisions of this section 11-409(D), the applicant shall be so advised, and shall be allowed to either bring the final plan into compliance in all respects, submit a new preliminary site plan for processing as if no plan had been previously considered, or withdraw his application without refund of fees.
- (4) The director shall release the approved final site plan to any applicant who has complied with all applicable requirements.

Section 7. That Sections 5-606, 11-303, 11-406, 11-407, and 11-409 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 8. 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 subdivision 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, 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; provided, however, that the Director of Planning and Zoning shall adopt reasonable rules for the implementation of the provisions of Section 11-303(D) of the City of Alexandria Zoning Ordinance as to applications pending on the effective date, and for the implementation of Section 11-407(A) (1) of the City of Alexandria Zoning Ordinance as to applications filed within 90 days subsequent to the effective date.

KERRY J. DONLEY
Mayor

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