

ORDINANCE NO. 4797

AN ORDINANCE to amend and reordain Section 5-500 (W-1/WATERFRONT MIXED USE ZONE) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2013-0005.

WHEREAS, the City Council finds and determines that:

1. The Planning Commission initiated on its own motion a text amendment to the Zoning Ordinance to revise the W-1 zone and having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval of Text Amendment No. 2013-0005 to the City Council on March 5, 2013 of, which recommendation was approved with amendment by the City Council at public hearing on March 16, 2013;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-500 of the Zoning Ordinance be, and the same hereby is, amended by adding the underlined language and deleting the language shown in strikethrough, as shown in bold below:

Sec. 5-500 W-1/Waterfront mixed use zone.

5-501 Purpose. The W-1 zone is intended to promote mixed use development with suitable public amenities along appropriate portions of the city's waterfront by permitting a mixture of residential, commercial, cultural and institutional uses and by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, the design and the location warrant.

5-502 Permitted uses. The following uses are permitted in the W-1 zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (D) Public building;
- (E) Public park, athletic field or other outdoor recreation facility;

- (F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;
- (G) Accessory uses, as permitted by section 7-100.
- (H) Uses smaller than 5000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.**

5-503 Special uses. The following uses may be allowed in the W-1 zone pursuant to a special use permit:

- (A) Commercial outdoor recreation facility;
- (B) Commercial shipping and freight terminal;
- (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
- (D) Health and athletic club;
- (E) Home for the elderly;
- (F) Nursery school;
- (G) Outdoor food and crafts market;
- (H) Personal service establishment;
- (I) Privately owned public use building such as civic auditorium or performing arts center;
- (J) Restaurant;
- (K) Retail shopping establishment;
- ~~(L) Rooming house;~~
- ~~(M) Tourist home;~~
- (N) Utilities, as permitted by section 7-1200.
- (O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan.**
- (P) Uses 5000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.**

5-503.1 Prohibited uses. Any use which is not a permitted, special or accessory use pursuant to this section 5-500 is prohibited.

5-504 Floor area ratio. The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:
 - (1) Commercial: .75, or
 - (2) Residential: 1.0
 In the case of either (1) or (2), an additional .25 of retail use is permitted.
- (B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor

space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.

- (C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

- (D) Development sites in waterfront plan/SUP. For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property.**

5-505 *Density and lot requirements.*

- (A) *Density.* Gross density shall not exceed 30 dwelling units per acre.

- (B) *Lot size.*

- (1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,452 square feet of land area for each dwelling unit.
- (2) Each townhouse dwelling shall be located on a lot with a minimum of 1452 square feet of land area.
- (3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations, such as yards, floor area ratio and parking.

- (C) *Lot width and frontage.*

- (1) For multifamily dwellings, the minimum lot width at the front lot and building line shall be 50 feet.
- (2) For townhouses, the minimum lot width at the front lot and building line shall be 18 feet for all lots except interior lots for which the minimum lot width at the front lot and building line shall be 26 feet.
- (3) For all other principal uses, there shall be no minimum lot and building line requirements except those which occur as a result of other applicable regulations.

5-506 *Yard requirements.*

- (A) *Front yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

- (B) *Side yards.* No side yards are required except in the following cases:

- (1) Each interior end unit in a group of townhouses shall provide a side yard of at least 8 feet.

- (2) Multifamily residential buildings shall provide two side yards based on a setback ratio of 1:2 and a minimum of 16 feet.
- (C) *Rear yard.* Each lot shall provide a rear yard of at least 8 feet, except that each multifamily residential building shall provide a rear yard based on a setback ratio of 1:2 and a minimum distance of 16 feet.

5-507 *Height.* The maximum permitted height of buildings is ~~55 feet.~~ **the height shown in the applicable height district map.**

5-508 *Open and usable space.* Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

5-509 *Ground floor occupancy regulations.*

- (A) No room or space used for residential purposes or commercial purposes, other than restaurant or retail room or space, shall be permitted on the ground floor of any building.
- (B) The provisions of section 5-509(A) shall not apply if publicly accessible waterfront or waterfront-related amenities are provided in conjunction with a proposed building, subject to approval of a site plan for such amenities and building pursuant to section 11-400.
- (C) Publicly accessible waterfront or waterfront-related amenities may include, but are not limited to, pedestrians walkways and landscaped open space areas connected to the walkway/bikeway required along the waterfront by section 5-508, boat docking facilities, or similar improvements that enhance pedestrian access to and enjoyment of the waterfront area. The planning commission, or city council on appeal, shall approve the site plan submitted pursuant to section 5-509(B) if the commission or council in its reasonable discretion determines that the amenities to be provided enhance the publicly oriented vitality of the waterfront area.
- (D) As used in this section 5-509, "ground floor" means that floor of a building which is approximately or most nearly level with the ground surface in the general vicinity of the building and includes the headroom above such floor.
- (E) The residential building exclusions of section 11-404(A) shall not apply to any site plan submitted under the provisions of this section 5-500. Nothing in this section 5-509 shall excuse compliance with the use

regulations of this section 5-500, including any requirement for a special use permit of section 5-503, or with the floodplain regulations of section 6-300.

- (F) Any ground floor room or space used for residential purposes or commercial purposes other than restaurant or retail room or space, in a building for which a preliminary site plan was approved on or before June 28, 1988, shall be deemed to meet the requirements of this section 5-509.

5-510 Underground utilities. All developments containing new or replacement utility facilities within the development shall provide for underground installation of said facilities.

5-511 Use limitations. Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual. *5-512* Additional regulations for single-family, two-family and townhouse dwellings.

- (A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.
- (B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
- (C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.
- (D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-513 Accessory apartments. One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

Section 2. That the director of Planning and Zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-500, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and 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 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.

WILLIAM D. EUILLE
Mayor

Final Passage: April 13, 2013