

# Ordinance No. 759

**AN ORDINANCE to amend and reordain Article VIII of Chapter XXVIII of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, as said Chapter is amended by Ordinance No. 708, which said Article VIII relates to Community Unit Plan and which said Chapter XXVIII relates to Zoning.**

WHEREAS, pursuant to due and timely notice, of the time and place of hearing published in a daily paper of general circulation published in the City of Alexandria, Virginia, a public hearing was held in relation to the matters hereinafter set forth at which public hearing, parties in interest and citizens had an opportunity to be heard,

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Article VIII of Chapter XXVIII of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940 as amended by Ordinance No. 708, be and the same hereby, is amended and reordained to read as follows:

## ARTICLE VIII COMMUNITY UNIT PLAN

Sec. 1. The goal and intent of this Article is: to provide for (1) the planned development as an integral unit of a residential area of not less than twenty-five (25) acres, except that in a development comprised of land entirely in a single zone the area may be not less than ten (10) acres, with particular attention to open space, schools, parks and recreational areas and community facilities: (2) a more flexible placing of buildings on the land in order to permit the grouping of open space and such accessory facilities as garages or parking spaces; and (3) the inclusion of neighborhood shopping areas where in the opinion of the Planning Commission and the City Council the need for such shopping areas is indicated: provided such planned development shall not be detrimental to the general character of the neighborhood, and shall not be a mere device to evade and circumvent said Master Zoning Plan and the zoning laws of the City.

Sec. 2. When a Community Unit Plan is adopted the City Council may authorize the issuance of a community unit plan use permit, building permits and certificates of occupancy therefore even though the use of land and the location and use of individual structures, including yards and open spaces required by this Chapter, do not conform in all respects to the regulations contained in other Articles of this Chapter.

When a Community Unit Plan is adopted it shall run with the land and be binding on the applicant, the owner, the occupant and their heirs, successors and assigns until such plan is amended or revoked.

Sec. 3. (a) The total number of dwelling units contained in any development under the provisions of this article shall not exceed the sum total of dwelling units permitted under the requirements of Article III as applied to the Zone or Zones embraced in the development. In the computation of total number of dwelling units permitted in any zone, areas dedicated to street and alley use shall not be included in the area of any zone. Areas dedicated for parks, park-ways and play grounds, and area dedicated or reserved for schools or other public structures shall be considered as part of the development area and shall be used in computing total number of families allowable in any zone.

(b) The gross floor area of all buildings within such a develop-

ment shall not exceed the sum total of the allowable floor area of buildings permitted under the requirements of Article III as applied to the zone or zones embraced in the development. In computing such allowable floor area, the same conditions as to land area as are set forth in (a) above shall govern.

(c) In order to provide for the protection of property values and maintain the general intent of the Master Zoning Plan, the total number of dwelling units in any single family zone which is a part of a multi-zone development shall not exceed the number of units shown in Table 1 below: provided that the provisions of this Table shall apply only to such part of said single family zone as may lie within 300 feet of the boundary of the development.

ZONE	R-20	R-12	R-8	R-5
MAXIMUM NUMBER UNITS PER ACRE	4	7	10	16

Provided further, that Council may also require the use of land within said development contiguous to other lands to conform to the requirements of the particular zone involved.

Sec. 4. The buildings on such a tract shall be used only for residential purposes and uses enumerated in the "C-1" Zone, and the usual accessory uses such as automobile parking areas, private garages and community activities including Churches. The maximum commercial floor area allowed shall be twenty-five (25) square feet per dwelling unit.

Sec. 5. The City Council shall include in the ordinance authorizing a community unit plan such reasonable conditions precedent to the issuance of the Community Unit Plan Use Permit, Building Permits, and Certificates of Occupancy, as will assure that the public health, safety, morals and general welfare of the city are promoted and protected. The City Council shall also take such action as may be necessary to insure that such a plan as may be finally adopted is carried out as approved and not deviated from during or after development.

Sec. 6. The owners or developers of any tract of land comprising an area of not less than the acreage specified in Section 1, may submit to the Director of Planning not less than five (5) copies of a preliminary plan for the development and use of all of such tract of land. Such preliminary plan shall be drawn to scale, and shall show the outside boundaries of the entire tract; the overall plan of development with building types; the street widths and layout; the gross acreage by zones; the acreage of all streets, alleys, parks, park-ways, school sites, etc; the total number of dwelling units proposed for the development; and the proposed sanitary and storm sewer systems. There shall be included with the preliminary plan a fee equal to twenty-five (25) per cent of the fee required for a similar preliminary plan under the provisions of the Subdivision Control Ordinance of the City. A copy of such plan shall be kept on file in the Planning Commission Office and shall be available for public inspection.

The Director of Planning shall, upon the receipt of such a plan, refer it to the City Planning Commission for study. The Planning Commission shall conduct its study with the idea of advising the owners or developers of the type of plan that would meet the requirements set forth in this article and would be satisfactory to the departments of the City of Alexandria, the City Planning Commission and the City Council. In conducting its study the Commission shall consult with all affected departments of the City and it shall conduct at least one public meeting to be held jointly with the City Council. Notice of the public meeting shall be given by mail to all adjoining property owners and shall also be published in a daily newspaper of

general circulation published in the City not less than ten (10) days prior to said meeting. Subsequent to said public meeting the Commission shall also conduct at least one closed joint meeting with the City Council. After a period not to exceed forty-five (45) days from the time the preliminary plan is first presented to it, the City Planning Commission shall submit to the owners and developers a written report containing comments and recommendations concerning said Plan. It being specifically understood that such report to the owners and developers shall not bind either the Planning Commission or the City Council in their consideration of a final plan submitted under Section 7.

**Sec. 7.** After receipt of the report the owners or developers of such a tract may file an application seeking the adoption of a Community Unit Plan for the tract and a Community Unit Plan Use Permit. The application shall be accompanied by:

- a. A list containing the names and addresses of all abutting property owners and when the property borders on a street, public way or public service company right-of-way, the names and addresses of the property owners directly opposite the property across such streets, public way or public service company right-of-way.
- b. A fee equal in amount to seventy-five (75) per cent of the fee required for a similar preliminary plan submitted under the provisions of the Subdivision Control Ordinance of the City.
- c. Five (5) copies of a complete Plan of Development containing, but not limited to, the following:
  1. Complete outside boundary survey, with closure, showing zone boundary lines and topography.
  2. Lot layout with approximate lot dimensions and building locations.
  3. Street layout, including widths and connections with existing streets or conformance with the Master Plan of the City
  4. Sanitary and storm sewer systems proposed.
  5. Community facilities including parks, recreational areas, school sites, etc.
  6. A tabulation showing:
    - (a) Gross acreage by zones.
    - (b) Net acreage by zones.
    - (c) Street and alley acreage.
    - (d) Community area acreage.
    - (e) Total number of separate dwelling units by types.
    - (f) Average lot area per family.
    - (g) Total Floor Area of buildings.
    - (h) Total Floor Area of Commercial use (if any).
- d. Five (5) complete sets of Building Plans including architectural treatment and specifications in sufficient detail to allow the Building Inspector and other interested City departments to check for compliance with City ordinances. One (1) copy of the plan of development and any amendments thereto and one (1) copy of the building plans and specifications and any amendments thereto shall be kept on file in the Planning Commission office and shall be available for public inspection.

Any such application shall be addressed to the City Council of Alexandria, Virginia and shall be filed with the Director of Planning.

Upon the filing of such application or applications, the Director of Planning shall confer with the City Manager for the purpose of scheduling hearing dates before the City Planning Commission and the City Council, respectively. The first such hearing before the Commission shall be held not later than forty-five (45) days after the date an application is filed: The City Manager shall then cause to be prepared an advertisement stating the date and the time of the proposed hearing before the Commission and the general nature of the plan and the location of the property to be used in the plan; he shall further cause said advertisement to be published once in a daily newspaper of general circulation published in the City, which publication shall be at least ten (10) days before the proposed hearing before said Commission. Like notice of the hearing shall also be given by mail to the applicant and to each of the property owners listed in each application for such Community Unit Plan. Placing in the mail shall be sufficient service of this notice.

The City Planning Commission may hold such other hearings in such manner as it shall deem desirable, provided that no such hearing shall be later than thirty (30) days after the first public hearing.

After the last hearing by the Commission the City Manager shall then cause to be prepared an advertisement stating the date and time of the proposed hearing before the City Council and the general nature of the plan and the location of the property to be used in the plan; he shall further cause said advertisement to be published once in a daily newspaper of general circulation published in the City, which publication shall be at least ten (10) days before the proposed hearing before said Council. Like notice of the hearing shall also be given by mail to the applicant and to each of the property owners listed in each application for such Community Unit Plan. Placing in the mail shall be sufficient service of this notice.

If any person or organization shall pay to the City through the City Manager the sum of Ten (10.00) Dollars to cover costs, the City Manager shall cause to be mailed to each such person or organization for a period of one year notice of the respective public hearings on all Community Unit Plan matters, which notice shall be mailed at least five (5) days before the hearings of the Commission and at least ten (10) days before the hearing of the City Council and shall state the dates, places and nature.

Sec. 8. After the last hearing by it, the City Planning Commission shall make its written recommendation to the Council either for or against adoption of the proposed plan and give its reasons. The recommendations shall also state whether or not (a) the property adjacent to the area included in the plan will be adversely affected to any material extent (b) the plan is consistent with the intention of this Chapter to promote public health, safety, morals and general welfare. The Commission may also include suggestions as to what it considers a proper plan. Such recommendation shall be sent to the Council not later than ten (10) days after the last hearing before the Planning Commission. The Council at the time scheduled shall conduct a full and impartial public hearing on each application and it may grant such application by authorizing an ordinance establishing a Community Unit Plan or it may deny such application by motion; provided however, that if the City Planning Commission shall recommend against adoption of any such community unit plan, it shall require a recorded three-fourth vote of all members of Council to adopt such plan; and provided further however, that the Council may refer the matter to the Commission for further study.

In any event, at this point the Council shall either approve such plan, reject the plan, or refer it to the Commission; provided how-

ever, if such plan is rejected it may also be referred to the Commission for further study. If such referral is made the Council may include such suggestions and modifications as it shall see fit. The Commission shall hold at least one public hearing on any such referral, notice of which hearing shall be advertised once in a daily newspaper of general circulation published in the City, and which publication shall be at least five (5) days before the proposed hearing. The Commission shall act on such referral within fifteen (15) days and submit its reviewed recommendations to Council. If adopted by a vote of two-thirds of the entire membership of the Commission at the referral meetings, such recommendations may be modified only by a three-fourths vote of all members of the Council. If the Commission fails to act within the prescribed period or by a two-thirds vote, the Council may adopt said application by a simple majority. The public hearings on any matter referred by Council to the Planning Commission for further study may be continued by the Council over a period not to exceed thirty (30) days. The Council shall take final action on or before thirty (30) days after such referral.

**Sec. 9.** If a protest is filed with the City Clerk against a Community Plan, signed by the owners of twenty (20) per cent or more of the total area of the lots outside of the proposed community unit tract any point of which is within four-hundred (400) feet of any point on the boundary of such tract, the Council shall not adopt such plan by less than three-fourths affirmative votes of the members of the council.

**Sec. 10.** The Subject matter of any application for a Community Unit Plan which is rejected by the Council and not referred to the Commission or which is rejected by the Council after such referral shall not be considered thereafter by the City Planning Commission or the Council for a period of one (1) year.

**Sec. 11.** Applications for a Community Unit Plan may be withdrawn at any time, but where the withdrawal is made after the City Planning Commission has made its recommendation pursuant to the referral mentioned in Section 8 above, and there is opposition to the withdrawal by a citizen or a party in interest, the Subject matter of the withdrawn application shall not be considered by the City Planning Commission or the Council for a period of one (1) year after such withdrawal. Any such opposition to a withdrawal shall be made not later than the time at which the application is finally considered by the Council on its docket.

**Sec. 12.** The Subject matter of an application for a Community Unit Plan which has been rejected by the Council, or withdrawn with opposition, may be reconsidered by the City Planning Commission and the Council after a period of six (6) months from the time of such rejection or withdrawal if the new application differs in material respects from the application rejected or withdrawn.

**Sec. 13.** Failure on the part of the City to place any notice in the mail required by this Article shall not invalidate any action taken pursuant to this Article.

**Section 2.** That this ordinance shall be published in a daily newspaper of general circulation published in the City not later than five (5) days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Published: October 21, 1952  
Final Passage: November 12, 1952

Marshall J. Beverley  
Mayor