

ORDINANCE NO. 5027

AN ORDINANCE to amend and reordain Sections 5-604 (Conceptual Design Approval), 5-605 (Preliminary Development Approval) and 5-606 (Final Development Approval) of Section 5-600 (CDD/Coordinated Development Districts) all of Article V (Mixed Use Zones) and Sections 11-351 (Definitions) of Section 11-350 (Required Disclosures), 11-406 (Contents of Preliminary Site Plan Applications) of Section 11-400 (Site Plans), Section 11-503 (Procedure) of Section 11-500 (Special Use Permits), Section 11-803 (Application for Map Amendment) of Section 11-800 (Zoning Amendment), Section 11-903 (Application for Map Amendment) of Section 11-900 (Master Plan Amendment) and Section 1706 (Contents of Preliminary Plat Application) of Section 11-1700 (Subdivisions) all of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on May 14, 2016 as Text Amendment No. 2016-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2016-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on May 3, 2016 of a text amendment to the Zoning Ordinance to adopt revised floodplain regulations, which recommendation was approved by the City Council at public hearing on May 14, 2016;
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 Sections 5-604, 5-605 and 5-606 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

ARTICLE V. - MIXED USE ZONES

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*Sec. 5-600 - CDD/Coordinated development district.*

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**5-604 - Conceptual design plan approval.**

- (A) The application for conceptual design plan approval 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 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, in which case only those persons owning an interest in excess of ~~ten~~ **three** percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-604(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the property which is the subject of the application.

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#### **5-605 - Preliminary development plan approval.**

- (A) The application for preliminary development plan approval 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 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, in which case only those persons owning an interest in excess of ~~ten~~ **three** percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-605(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.

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#### **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~~ **three** 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.

Section 2. That Sections 11-351, 11-406, 11-503, 11-803, 11-903, and 11-1706 of the Zoning Ordinance be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as shown:

#### **ARTICLE XI. - DEVELOPMENT APPROVALS AND PROCEDURES**

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*Sec. 11-350 - Required application disclosures.*

**11-351 - Definitions.**

As used in this section 11-350:

- (A) "Business or financial relationship" means a relationship that a member of a city approving body or any member of his immediate household has, or has had within the 12-month period prior to a hearing on an application, with the applicant in the case, or with a party with an ownership interest in the applicant or the property that is the subject of the application. This relationship may be:
- (1) A direct one;
  - (2) By way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
  - (3) Through a partner of the member or a member of his immediate household;
  - (4) Through a corporation in which any of them is an officer, director, employee, agent or attorney or holds ~~ten~~ three percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of ~~ten~~ three percent or more of the units in the condominium.
  - (5) Not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship.
  - (6) Created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100.00, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.
- (B) "City approving body" means city council, the planning commission, the board of zoning appeals, and the boards of architectural review.
- (C) "Application" means any application for any land use or land development approval submitted pursuant to this ordinance which will be considered by a city approving body.
- (D) "Ownership interest" in the applicant or the real estate that is the subject of the application means those parties required to be identified under section 11-406(A) of this ordinance.
- (E) "Immediate household" means (i) a spouse or life partner and (ii) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by

blood or marriage, if such person receives from the member, or provides to the member, more than one-half of his financial support.

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*Sec. 11-400 - Site plan.*

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### **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~~ **three** 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.

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*Sec. 11-500 - Special use permits.*

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### **11-503 - Procedure.**

(A) Application. An application for a special use permit shall be submitted to the director on such forms as the director may prescribe and shall include the following:

- (1) A statement identifying the applicant, who shall be the owner, 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 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~~ **three** percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-503(A)(1), 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.

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*Sec. 11-800 - Zoning amendment.*

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**11-803 Application for map amendment.**

An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

- (A) A statement identifying the applicant, who shall be the owner, 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 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~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-803(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.

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*Sec. 11-900 - Master plan amendment.*

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**11-903 - Application for map amendment.**

An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

- (A) A statement identifying the applicant, who shall be the owner, 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 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~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-903, 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.

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DIVISION E. - SUBDIVISION REGULATIONS

*Sec. 11-1700 - Subdivisions.*

**11-1706 - Contents of preliminary plat application.**

- (A) An application for preliminary plat approval shall be submitted by the owner or contract purchaser of the subject property on forms the director may 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 the ownership interest. If any of those entities is a corporation or a partnership, only those persons owning an interest in excess of ~~ten~~ **three** percent in that corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-1706(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.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Article V, as amended pursuant to Section 1 of this ordinance, and Article IX as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. 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.

ALLISON SILBERBERG  
Mayor

Final Passage: June 18, 2016