

ORDINANCE NO. 5205

AN ORDINANCE to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/RESIDENTIAL MULTIFAMILY ZONE) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0013, 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 February 5, 2019 of a text amendment to the Zoning Ordinance to adopt the RMF/Residential multifamily zone, which recommendation was approved by the City Council at public hearing on February 23, 2019;
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 1-400 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language in subsection (B) shown in underline, as follows:

Sec. 1-400 - Interpretation of ordinance.

(B) *Interpretation of zone regulations.*

- (1) If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be interpreted to be allowed only where the narrowly defined use is listed.
- (2) Maximum height regulations shall be as specified in a given zone, except as may be qualified by section 6-400 regarding height districts.
- (3) Maximum floor area ratio and maximum density shall be calculated as follows:
 - (a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:
 - (1) Areas to be dedicated for street purposes that are in excess of:
 - (a) 30 feet from the centerline in the instance of property located in the R-20 through R-2-5 zones, inclusive.

- (b) 33 feet from the centerline in the instance of property located in each of the other zones.
- (2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.
- (b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.
- (c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone, RMF zone, or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.
- (d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)(2).
- (e) Single-family and two-family dwellings on lots which contain public or private streets, including alleys or driveways providing access to three or more dwelling units, and townhouse dwellings on lots which contain public or private streets, including alleys or driveways providing access to more than one dwelling unit, existing on March 1, 2000 or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of clause (d) of this paragraph, shall not be characterized as noncomplying structures or substandard lots, and shall be characterized as structures and lots grandfathered under prior law, pursuant to Section 12-500 of this ordinance.
- (f) When calculating the floor area of an office, multifamily or mixed-use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:
 - (1) A maximum of 10,000 square feet of floor area may be excluded under this provision;
 - (2) Space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.
- (4) In the case of a conflict among various zone requirements, such as density, lot size, height and floor area ratio, permitted development shall comply with the most restrictive of such requirements.

- (5) Where residential density is prescribed in a zone for single family, multifamily or townhouse dwellings, the same density limitation shall apply to alternative housing types allowed in such zone unless more than one residential density regulation is provided, in which case the density most appropriate to the specific form of alternative housing being provided shall apply.

Section 2. That Section 2-128.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Section 2-128.1 Committed Affordable Housing.

Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

Section 3. That Section 3-1400 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Section 3-1400 RMF/Residential multifamily zone.

3-1401 - Purpose.

The RMF zone is established to provide land areas for multifamily residential development and to enhance or preserve long-term affordability of housing. The zone would also permit limited neighborhood-serving commercial uses.

3-1402 - Permitted uses.

The following uses are permitted in the RMF zone:

- (A) Multifamily dwelling;
- (B) Accessory uses, permitted by section 7-100;
- (C) The following uses shall be permitted within a multifamily building on the ground floor:
 - (1) Arts and crafts studios or stores;
 - (2) Appliance repair and rental;
 - (3) Bicycle repair;
 - (4) Barbershops and beauty shops;
 - (5) Dressmakers and tailors;
 - (6) Dry-cleaning and laundry pickup stations;
 - (7) Laundromat;
 - (8) Locksmiths;
 - (9) Musical instrument repair;
 - (10) Optical center;
 - (11) Professional photographer's studios;
 - (12) Shoe repair;
 - (13) Furniture upholstering shops;
 - (14) Watch repair;
 - (15) Printing and photocopy service;
 - (16) Business office;
 - (17) Day care center;

- (18) Retail shopping establishment;
- (19) Private school, commercial;
- (20) Private school, academic (less than 20 students);
- (21) Health profession office;
- (D) Utilities, as permitted by section 7-1200;
- (E) Church;
- (F) Public park;
- (G) Public Building.

3-1403 - Special uses.

The following uses may be allowed in the RMF zone pursuant to a special use permit:

- (A) Townhouse, up to 30% of the total number of units.
- (B) Home for the elderly.
- (C) The following uses shall be permitted with a special use permit within a multifamily building on the ground floor:
 - (1) Restaurant;
 - (2) Private school; academic with more than 20 students;
 - (3) Health and athletic club;
 - (4) Convenience store.

3-1404 – Prohibited uses.

Any use which is not a permitted, special, or accessory use pursuant to this section 3-1400 is prohibited.

3-1405 - Bulk and open space regulations.

- (A) Yard Requirements
 - (1) Front Yard. No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 or the yard standards of the governing small area plan.
 - (2) Side Yards. Each end lot in a group of townhouses shall provide a side yard based on a minimum setback size of eight feet. Each other use shall provide two side yards setbacks of eight feet.
 - (3) Rear Yards. Each use shall provide a rear yard based on a setback minimum size of 8 feet.
- (B) Open Space. The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space. Provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by city council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

3-1406 - Floor area ratio.

The permitted floor area ratio of a development in the RMF zone shall be as follows:

- (A) Permitted. The maximum permitted FAR shall not exceed .75.
- (B) Special use permit. The floor area ratio may be increased to an amount not to exceed 3.0 if the applicant commits to providing committed affordable housing in the building or project which is the subject of the permit application in compliance with the following requirements:
- (1) The committed affordable housing shall be equivalent to at least one third of the increase in the floor area ratio above the maximum permitted in Section 3-1405(A).
 - (2) An Affordable Housing Plan and a Relocation Plan shall be submitted consistent with published City standards for such plans.
 - (3) Rents payable by households for the committed affordable units shall not, on average, exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 40 percent of the area median income for the Washington D.C. Metropolitan Statistical Area. Average rents payable by households for the committed affordable units may be increased up to the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 50 percent of the area median income for the Washington D.C. Metropolitan Statistical Area subject to the submission of a revised Affordable Housing Plan. Any existing Housing Assistance Payment contract in effect as of *<effective date of the ordinance>* and any extension thereof or new contract which maintains the material aspects of the existing contract shall be deemed to be in compliance with this subsection.

3-1407 - Height.

The maximum permitted height of buildings shall be the height as depicted in the governing small area plan.

3-1408 - Special use permit standards.

In addition to the regulations listed in section 3-1400 and the procedures and criteria for special use permits listed in section 11-500, council shall consider the following in determining whether to approve a special use permit under section 3-1405(B):

- (A) The inclusion of site amenities, open space and other similar features, supporting uses and community and cultural facilities in a manner which encourages pedestrian use and promotes internal compatibility of uses.
- (B) The ability of the development to provide residents of all units access to all amenities within the development.

3-1409 - Use limitations.

- (A) All commercial operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director in accordance with section 7-1500.
- (B) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

(C) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

(D) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(E) Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic. With the approval of a special use permit pursuant to section 11-500, the requirements of this provision may be modified.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Section 1-400 (Interpretation of ordinance) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/Residential multifamily zone) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013, as amended or added pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. 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.

JUSTIN WILSON
Mayor

Final Passage: March 16, 2019