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ORDINANCE NO. _____

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.

- 1 (b) 33 feet from the centerline in the instance of property located in
2 each of the other zones.
- 3 (2) Areas located within fire, emergency vehicle, buffer, scenic, channel,
4 bicycle, utility, park or sewer easements.
- 5 (b) Except as provided in subparagraph (c) below, compliance with floor area
6 ratio and density requirements shall be determined separately for each
7 individual lot of record.
- 8 (c) An applicant for a special use permit for a CDD pursuant to section 5-602(D),
9 for development in a CRMU zone, RMF zone, or for a cluster development
10 may request that the land covered by the application be treated as a "tract" for
11 purposes of calculating floor area ratio and density so as to achieve an overall
12 figure that meets the requirements of the zone without regard to compliance on
13 a lot by lot basis.
- 14 (d) Lots created for single-family and two-family dwellings shall not include
15 areas used, in whole or in part, for public or private streets, including alleys or
16 driveways providing access to three or more dwelling units. Lots created for
17 townhouse dwellings shall not include areas used, in whole or in part, for
18 public or private streets, including alleys or driveways providing access to
19 more than one dwelling unit, except as allowed pursuant to section 7-
20 1600(F)(2).
- 21 (e) Single-family and two-family dwellings on lots which contain public or
22 private streets, including alleys or driveways providing access to three or more
23 dwelling units, and townhouse dwellings on lots which contain public or
24 private streets, including alleys or driveways providing access to more than
25 one dwelling unit, existing on March 1, 2000 or for which a building permit
26 application or preliminary site plan application was filed, and was pending or
27 had been approved on March 1, 2000, shall not be subject to the provisions of
28 clause (d) of this paragraph, shall not be characterized as noncomplying
29 structures or substandard lots, and shall be characterized as structures and lots
30 grandfathered under prior law, pursuant to Section 12-500 of this ordinance.
- 31 (f) When calculating the floor area of an office, multifamily or mixed-use
32 building constructed after June 22, 2010, space devoted to day care facilities
33 and programs offering early childhood education, elder care and other related
34 services shall not be calculated as floor area, provided:
- 35 (1) A maximum of 10,000 square feet of floor area may be excluded under
36 this provision;
- 37 (2) Space for which this floor area exclusion has been allowed shall remain
38 devoted to day care facilities and programs offering early childhood
39 education, elder care and other related services unless a special use permit
40 is approved for alternative community facilities or civic functions,
41 including public schools; community arts exhibition or performance space;
42 private education center; neighborhood reading room or library; space for
43 community meetings and functions; or a youth center.
- 44 (4) In the case of a conflict among various zone requirements, such as density, lot
45 size, height and floor area ratio, permitted development shall comply with the most
46 restrictive of such requirements.

1 (5) Where residential density is prescribed in a zone for single family, multifamily or
2 townhouse dwellings, the same density limitation shall apply to alternative housing
3 types allowed in such zone unless more than one residential density regulation is
4 provided, in which case the density most appropriate to the specific form of
5 alternative housing being provided shall apply.
6

7 Section 2. That Section 2-128.1 of the Zoning Ordinance be, and the same hereby is,
8 added and ordained, as shown:
9

10 Section 2-128.1 Committed Affordable Housing.
11 Rental or ownership dwelling units available to eligible households through income and/or
12 occupancy restrictions required under federal, state, or local programs.
13

14 Section 3. That Section 3-1400 of the Zoning Ordinance be, and the same hereby is,
15 added and ordained, as shown:
16

17 Section 3-1400 RMF/Residential multifamily zone.
18

19 3-1401 - Purpose.

20 The RMF zone is established to provide land areas for multifamily residential development and
21 to enhance or preserve long-term affordability of housing. The zone would also permit limited
22 neighborhood-serving commercial uses.
23

24 3-1402 - Permitted uses.

25 The following uses are permitted in the RMF zone:

- 26 (A) Multifamily dwelling;
- 27 (B) Accessory uses, permitted by section 7-100;
- 28 (C) The following uses shall be permitted within a multifamily building on the ground
29 floor:
 - 30 (1) Arts and crafts studios or stores;
 - 31 (2) Appliance repair and rental;
 - 32 (3) Bicycle repair;
 - 33 (4) Barbershops and beauty shops;
 - 34 (5) Dressmakers and tailors;
 - 35 (6) Dry-cleaning and laundry pickup stations;
 - 36 (7) Laundromat;
 - 37 (8) Locksmiths;
 - 38 (9) Musical instrument repair;
 - 39 (10) Optical center;
 - 40 (11) Professional photographer's studios;
 - 41 (12) Shoe repair;
 - 42 (13) Furniture upholstery shops;
 - 43 (14) Watch repair;
 - 44 (15) Printing and photocopy service;
 - 45 (16) Business office;
 - 46 (17) Day care center;

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

9
10 3-1403 - Special uses.

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

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

20
21 3-1404 – Prohibited uses.

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

23 prohibited.

24
25 3-1405 - Bulk and open space regulations.

26 (A) Yard Requirements

- 27 (1) Front Yard. No front yard is required except as may be applicable pursuant to
- 28 the supplemental yard and setback regulations of section 7-1000 or the yard
- 29 standards of the governing small area plan.
- 30 (2) Side Yards. Each end lot in a group of townhouses shall provide a side yard
- 31 based on a minimum setback size of eight feet. Each other use shall provide two
- 32 side yards setbacks of eight feet.
- 33 (3) Rear Yards. Each use shall provide a rear yard based on a setback minimum
- 34 size of 8 feet.

35 (B) Open Space. The multifamily residential portion of each development shall provide

36 a minimum of 25 percent of land area as open and usable space. Provided however that a

37 portion of the space which would otherwise be required as green area may be met by

38 comparable amenities and/or facilities provided in lieu thereof if such amenities or

39 facilities meet or exceed the beneficial purposes which such green areas would

40 accomplish. A determination by the director or by city council in the case of a special use

41 permit shall be made in each case as to whether the open space provided, in addition to

42 meeting the technical definition of open space, is functional and usable or includes

43 comparable amenities.

44
45 3-1406 - Floor area ratio.

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

1 (A) Permitted. The maximum permitted FAR shall not exceed .75.

2 (B) Special use permit. The floor area ratio may be increased to an amount not to
3 exceed 3.0 if the applicant commits to providing committed affordable housing in the
4 building or project which is the subject of the permit application in compliance with the
5 following requirements:

6 (1) The committed affordable housing shall be equivalent to at least one third of
7 the increase in the floor area ratio above the maximum permitted in Section 3-
8 1405(A).

9 (2) An Affordable Housing Plan and a Relocation Plan shall be submitted
10 consistent with published City standards for such plans.

11 (3) Rents payable by households for the committed affordable units shall not, on
12 average, exceed the maximum rents allowed under the Federal Low-Income
13 Housing Tax Credit program for households with incomes at 40 percent of the area
14 median income for the Washington D.C. Metropolitan Statistical Area. Average
15 rents payable by households for the committed affordable units may be increased
16 up to the maximum rents allowed under the Federal Low-Income Housing Tax
17 Credit program for households with incomes at 50 percent of the area median
18 income for the Washington D.C. Metropolitan Statistical Area subject to the
19 submission of a revised Affordable Housing Plan. Any existing Housing Assistance
20 Payment contract in effect as of <effective date of the ordinance> and any
21 extension thereof or new contract which maintains the material aspects of the
22 existing contract shall be deemed to be in compliance with this subsection.

23
24 3-1407 - Height.

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

27
28 3-1408 - Special use permit standards.

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

32 (A) The inclusion of site amenities, open space and other similar features, supporting uses
33 and community and cultural facilities in a manner which encourages pedestrian use and
34 promotes internal compatibility of uses.

35 (B) The ability of the development to provide residents of all units access to all amenities
36 within the development.

37
38 3-1409 - Use limitations.

39 (A) All commercial operations shall be conducted within a completely enclosed
40 building except that a temporary use permit for occasional outdoor sales or seasonal sales
41 or display in conjunction with and on the same lot as an existing permitted use may be
42 granted by the director in accordance with section 7-1500.

43 (B) No use shall be conducted in any manner which would render it noxious or
44 offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or
45 glare.

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

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

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

10
11 Section 4. That the director of planning and zoning be, and hereby is, directed to
12 record the foregoing text amendment.

13
14 Section 5. That Section 1-400 (Interpretation of ordinance) of Article I (GENERAL
15 REGULATIONS) and add new Section 2-128.1 of Article II (DEFINITIONS) and a new Section
16 3-1400 (RMF/Residential multifamily zone) of Division B (TOWNHOUSE AND
17 MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria
18 Zoning Ordinance, in accordance with the text amendment heretofore approved by city council
19 as Text Amendment No. 2018-0013, as amended or added pursuant to Sections 1 through 3 of
20 this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning
21 Ordinance.

22
23 Section 6. That this ordinance shall become effective on the date and at the time of
24 its final passage, and shall apply to all applications for land use, land development or subdivision
25 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after
26 such date, and shall apply to all other facts and circumstances subject to the provisions of the
27 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning
28 Ordinance.

29 JUSTIN WILSON
30 Mayor

31
32 Introduction: 3/12/19

33 First Reading: 3/12/19

34 Publication:

35 Public Hearing: 3/16/19

36 Second Reading: 3/16/19

37 Final Passage: 3/16/19
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