

ORDINANCE NO. 5138

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, to establish the Old Town North Arts and Cultural District Overlay Zone, and to amend and reordain Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance to add a new Section 6-900 (OLD TOWN NORTH ARTS AND CULTURAL DISTRICT OVERLAY), in accordance with the said zoning map and text amendments heretofore approved by City Council as Rezoning No. 2018-0001 and Text Amendment No. 2018-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2018-0001 and Text Amendment No. 2018-0002, 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 April 3, 2018 of a rezoning and corresponding text amendment to establish an arts and cultural district within the Old Town North Small Area Plan, which recommendation was approved with amendments by the City Council at public hearing on April 14, 2018;
2. The said rezoning and text amendment are in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended; and
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 the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by establishing the Old Town North Arts and Cultural District Overlay Zone, as shown on the illustration entitled "Old Town North Arts and Cultural District Overlay Map," attached to this ordinance as Exhibit 1 and incorporated fully herein by reference; and all properties within said Overlay Zone, as shown on Exhibit 1, are hereby rezoned to add the Old Town North Arts and Cultural District Overlay to their existing zones.

Section 2. That Article VI of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 6-900 to read as follows:

[The following is all new language]

Section 6-900 Old Town North Arts and Cultural District Overlay

6-901 – Intent

The intent of this provision is to provide incentives to retain and attract arts and cultural uses in Old Town North through the creation of an Arts and Cultural District pursuant to Virginia Code Section 15.2-1129.1. Additional floor area, density, and height may be permitted for properties within the Arts and Cultural District Overlay as part of a special use permit, subject to the provisions of this section.

The intent of the Ground Floor Arts and Cultural Tenant space defined in Section 6-902(A) is to provide a range of uses on the ground floor that will reinforce the arts, cultural, and creative identity of Old Town North.

The intent of the Arts and Cultural Anchor defined in Section 6-902(B) is to provide destination anchors that have a significant amount of public access and activity and attract additional large arts and cultural institutions.

The use of these incentives will be limited to areas within the Old Town North Arts and Cultural District Overlay Map that have frontages on the following streets: N. Washington Street, N. Saint Asaph Street, Montgomery Street, N. Fairfax Street, Third Street, or Canal Center Plaza. The regulatory incentives for arts and cultural uses as outlined in this section will not preclude the use of Section 7-700 for the provision of low- and moderate-income housing.

6-902 – Definitions

(A) *Ground Floor Arts and Cultural Tenant*: Small scale or individual use whose purpose is the creation or display of art or design.

(B) *Arts and Cultural Anchor*: A larger destination use or venue where visual or performing arts and cultural works are taught, created, and made available to the public by various means including live performances of theater, dance, music, or other imaginative work or producing or exhibiting of physical works created by or under the direction of one or more artists and intended for unique production or limited reproduction. Museums art schools including, but not limited to, culinary arts schools, instructional art, music, or drama academy may also qualify as Arts and Cultural Anchor.

6-903 – Incentives for Ground Floor Arts and Cultural Tenant

For parcels within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, the floor area for Ground Floor Arts and Cultural Tenant spaces may be excluded from the calculation of the maximum floor area ratio permitted for the site. The allocation of Ground Floor Arts and Cultural Tenant spaces will be limited to a maximum amount of 15,000 square feet of floor area for each block.

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(A) for Ground Floor Arts and Cultural Tenant may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.
- (B) The applicant for the special use permit shall provide sufficient assurance by way of contract, deed, or other recorded instrument in a form approved by the City that the ground floor space excluded from the floor area shall be limited to the uses defined in Section 6-902(A) or as otherwise approved in accordance with the special use permit process and that said space shall only be leased to an approved Arts and Cultural Tenant as defined in Section 6-902(A) for a minimum period of 15 years from the issuance of the certificate of occupancy for the space.
- (C) The Ground Floor Arts and Cultural Tenant space will be open to the public during regular hours.

6-904 – Incentives for Arts and Cultural Anchors

For parcels within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, floor area ratio and an associated amount of density may be increased by a maximum of 30 percent above the maximum floor area ratio otherwise permitted by the Zoning Ordinance for a building or project that includes an Arts and Cultural Anchor as defined in Section 6-902(B).

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(B) for Arts and Cultural Anchor may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.
- (B) The entire Arts and Cultural Anchor space will be limited to the uses defined in Section 6-902(B).
- (C) The space provided for the Arts and Cultural Anchor shall be a minimum size of 5,000 square feet and consolidated in one area. The final size, use, and amount of floor area ratio increase for the provision of Arts and Cultural Anchor space will be based on the type and character of the use and on achieving the intent and objectives of the Old Town North Small Area Plan.
- (D) The Arts and Cultural Anchor space may be located below grade, provided that it has a minimum area of 2,000 square feet of ground floor space, primarily accessed from the street frontages listed in Section 6-901 and with a floor-to-ceiling height of no less than 15 feet.

- (E) The total floor area for Arts and Cultural Anchor space utilizing the Arts and Cultural Anchor incentive within the Old Town North Arts and Cultural District Overlay will not exceed 100,000 square feet of floor area as defined by the Zoning Ordinance.
- (F) The public benefit of the added density will be provided through the ability of the proposed Arts and Cultural Anchor to further the goals of the Arts and Cultural District.
- (G) The applicant for the special use permit shall provide a contract, deed, or other recorded instrument in a form approved by the City prior to the release of the final site plan, which will be recorded within the land records prior to the issuance of the first certificate of occupancy permit for the site. The instrument will at minimum include:
1. Use of the space shall be limited to the uses defined in Section 6-902 (B) or as otherwise approved in accordance with the special use permit process for a minimum period of 30 years from the issuance of the certificate of occupancy for the space.
 2. In the event the Arts and Cultural Anchor space is vacated for a period of 90 calendar days, or the tenant is no longer able to operate within the space, the City shall have the right of first refusal to purchase the space, assign a purchase right, or assume a lease as specified in a Memorandum of Understanding that shall be executed.
- (H) Nothing in this Section 6-900 shall be construed to limit or otherwise interfere with any rights and obligations of the Arts and Cultural Anchor arising out of membership in a property owners' association or pursuant to any other arrangement governing management of a mixed-use property.
- (I) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by the zone for the site. However, no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.
- (J) The Arts and Cultural Anchor space will be open to the public with regularly scheduled presentations, activities, classes, or performances that are open to the public for a significant number of days within the calendar year commensurate with the type of use and operation.
- (K) The applicant shall submit as part of the application for special use permit an agreement with the Arts and Cultural Anchor that will demonstrate compliance with this Section 6-900.
- (L) To qualify as an Arts and Cultural Use Anchor, the proposed operator of the arts and cultural space will be an existing organization or establishment that can demonstrate fiscal and managerial capacity to successfully operate such space as part of the special use permit process.

Section 3. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 4. That the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1 of this ordinance, and Article VI, 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.

ALLISON SILBERBERG
Mayor

Final Passage: May 12, 2018