EXHIBIT NO. 1

22
6-14-05

Introduction and first reading: 6/14/2005
Public hearing: 6/21/2005
Second reading and enactment: 6/21/2005

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 6-700 (KR/KING STREET URBAN RETAIL ZONE) to Article VI (SPECIAL AND OVERLAY ZONES), of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2005-0003 and Text Amendment No. 2005-0002.

Summary

The proposed ordinance accomplishes the final adoption of Rezoning No. 2005-0003 and Text Amendment No. 2005-0002, to implement the zoning changes required by the recently adopted King Street Retail Strategy Chapter of the City's Master Plan.

Sponsor

Department of Planning and Zoning

Staff

Eileen P. Fogarty, Director of Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(w), 9.12, Alexandria City Charter
§ 11-800, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

EXHIBIT NO. 2

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 6-700 (KR/KING STREET URBAN RETAIL ZONE) to Article VI (SPECIAL AND OVERLAY ZONES), of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2005-0003 and Text Amendment No. 2005-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2005-0003 and Text Amendment No. 2005-0002, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated the comprehensive rezoning of the King Street retail corridor;

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. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and

4. 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 King Street Urban Retail Zone, as shown on the sketch plan entitled "Proposed King Street Urban Retail Zone, MPA #2005-0002, TA #2005-0002, REZ #2005-0003," dated May 3, 2005, attached hereto and incorporated fully by reference as Exhibit 1.

Section 2. That Article 6 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 6-700, as shown on Exhibits 2-1 through 2-12 inclusive, attached hereto and incorporated fully by reference.

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

Section 4. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1, and Article 6, 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.

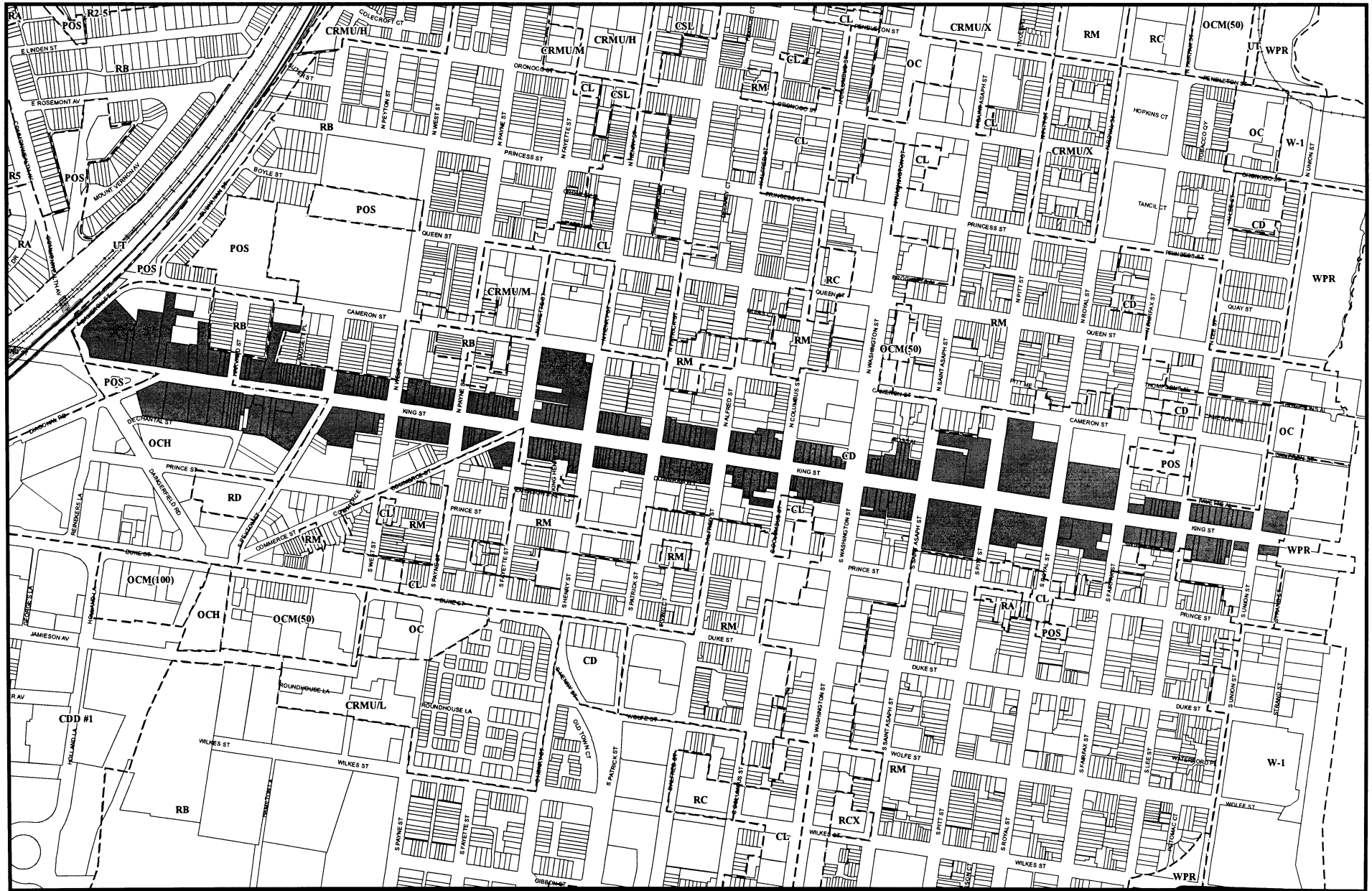
Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications 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.

WILLIAM D. EUILLE
Mayor

Attachments: Exhibit 1 [Docket Item No 8, Page 75, May 14, 2005 Public Hearing Meeting]
Exhibit 2-1 through 2-12

Introduction: 6/14/2005
First Reading: 6/14/2005
Publication:
Public Hearing:
Second Reading:
Final Passage:

G:\DOCUMENT\DATA\ORD\King Street Urban Retail Zone Ord.wpd



Proposed King Street Urban Retail Zone

MPA #2005-0002
TA #2005-0002
REZ #2005-0003

EXHIBIT

N

ALL-STATE LEGAL®

4

Sec. 6-700 *KR/King Street Urban Retail Zone*

6-701 *Purpose.* The King Street Urban Retail Zone is intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street. The provisions of this zone therefore:

(A) encourage retail and other active uses and discourage office and other non-active uses on the ground floor of buildings; and encourage full use of upper floors of buildings to provide continued activity and patrons for retail uses;

(B) assure a balance of uses on the street by eliminating disincentives for residential uses, such as traditional yard and setback requirements, and lowering parking requirements and modifying FAR regulations so they are consistent for residential and commercial development;

(C) allow more flexibility for some uses, by allowing administrative approvals subject to standards instead of by a special use permit; and

(D) refine existing requirements for new development to ensure the construction of buildings that are compatible with surrounding ones and to require that the ground floor of new buildings is constructed so as to accommodate retail uses.

6-702 *Uses.* Uses in the King Street Urban Retail Zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

Ground floor uses: Retail and other active uses are emphasized in the ground floor uses category. The ground floor uses category applies to uses to be located in the space within the first 50 feet of a building, measured from the front building wall, and in a building that is set back no further than 30 feet from a front property and with a first floor of the building within four feet above the sidewalk grade.

Upper floor uses: The second category of uses is all space that is not located within the ground floor of a building, as that is defined above. Upper floor uses may be located on floors above the ground floor, in the space on the ground floor beyond the 50 feet threshold for ground floor uses, and in buildings not considered retail appropriate because they are elevated above grade or set back an excessive distance from the street as expressed above.

(A) *Ground floor Uses*

(1) *Permitted uses.*

(a) Building lobby, with a frontage of less than 30 feet along King Street;
(b) City sponsored farmers' market;
(c) Personal service establishment, with a frontage of less than 30 feet along King Street;
(d) Pet supplies, grooming/training with no overnight accommodations;
(e) Retail shopping establishment, less than 10,000 square feet in size;
(f) Utilities, as permitted by section 7-1200;
(g) Accessory uses.

(2) *Special uses:*

(a) Amusement enterprise;
(b) Bakery, exceeding 3500 square feet, which includes a retail component;
(c) Church;
(d) Convenience store;
(e) Health and athletic club;
(f) Hotel;
(g) Outdoor food and craft market;
(h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.
(i) Personal service establishment or building or hotel lobby, extending for more than 30' along King Street;
(j) Public building;
(k) Restaurant;
(l) Retail shopping establishment, over 10,000 square feet in size;

(B) *Upper floor uses.*

(1) *Permitted uses*:

(a) Any use permitted as a ground floor use under section 6-702(A)(1);

(b) Multifamily dwelling units or accessory apartments;
(c) Business and professional office;
(d) Medical office;
(e) Medical laboratory;
(f) Personal service establishment;
(g) Radio or television broadcasting office and studio.

(2) *Special uses:*

(a) Any use allowed as a ground floor special use under section 6-702(A)(2);
(b) Apartment hotel;
(c) Catering operation;
(d) Congregate housing;
(e) Day care center, day nursery or nursery school;
(f) Home for the elderly;
(g) Fraternal or private club;
(h) Medical care facility;
(i) Motor vehicle parking or storage;
(j) Newspaper office, including printing and publishing facilities;
(k) Private school, commercial or academic;
(l) Rooming house;
(m) Social service use;
(n) Wholesale business.

(C) *Administrative uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 6-706 of this ordinance; provided however that the director may determine that a special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the Police Department it is determined that there are documented criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator. Alternatively, at the applicant's discretion, the applicant may seek special use permit approval for such uses pursuant to section 11-500 of this ordinance.

(1) outdoor dining, up to a maximum of 20 seats, pursuant to section 6-706 and the King Street Outdoor Dining Overlay Zone, section 6-800;
(2) valet parking.

(D) *Noncomplying and nonconforming uses.*

(1) *Noncomplying uses*. Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, any use within the King Street Urban Retail Zone that is legally existing on _____(date of ordinance adoption) and inconsistent with the use provisions of this section 6-702, except for those uses listed under section 6-702(D)(2), shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.

(2) *Nonconforming uses*. Any property which displays automobiles or other vehicles for the purpose of selling them as a business shall be deemed a nonconforming use and required to abate pursuant to section 12-214.

6-703 *Parking Requirements for residential uses*. Notwithstanding any contrary provisions of this ordinance, for residential uses, a minimum of one parking space is required for each dwelling unit.

6-704 *Accessory Apartments*. A maximum of eight apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such apartment shall provide a minimum of one parking space for each dwelling unit, and the parking spaces may be compact size or tandem and parking may be located either on the site or within 500 feet of it.

6-705 *Building and development requirements*

(A) *Frontage, lot and yard requirements.* There shall be no frontage, lot or yard requirements, except for the supplemental yard and setback provisions of section 7-1000 and the zone transition requirements of section 7-900

(B) *Open space.* For residential uses, open space shall be provided in an amount equivalent to a minimum of 150 square feet per dwelling unit. The open space shall be composed of ground level space, and may also include space on balconies, terraces and rooftops. The ground level open space shall be a qualitatively significant component of the total open space. Open space shall be easily accessible and shall be proximate to dwellings.

(C) *Floor area ratio.*

(1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the following FAR limits apply:

(a) *Nonresidential.* For nonresidential uses, the FAR shall not exceed1.5, except that up to an FAR of 2.5 may be approved with an SUP.

(b) *Residential.* For residential uses, the FAR shall not exceed 1.25, except that an FAR of up to 2.5 may be approved with an SUP.

(2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the following FAR limits apply:

(a) *Nonresidential.* For nonresidential uses, the FAR shall not exceed 2.0, except:

(1) An FAR of up to 3.0 may be approved with an SUP.

(2) The maximum permitted floor area ratio is 3.0 for a lot of record existing on June 24, 1992, that contains less than 15,000 square feet all or a portion of which is within 1,000 feet of the King Street Metro Station; provided however that this paragraph shall not apply to lots abutting King Street, nor to lots west of Daingerfield Road.

(b) *Residential.*

(1) For residential uses other than those specified by section 6-705(C)(2)(b)(2) below, the maximum permitted FAR is 1.25, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units an acre.

(2) For residential uses located within 1,000 feet of a metrorail station the FAR shall not exceed 2.0, except that an FAR of up to 3.0 may be approved with a special use permit.

(c) *Transition special use permit.* For land within the boundaries

of a project approved by a transition special use permit which was valid as of November 1, 1994 and is located within 1,000 square feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

(D) *Height.*

(1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the maximum permitted height of a building is 50 feet.

(2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the maximum permitted height shall be consistent with the requirements of the King Street Metro Station Height District, section 6-405.

(E) *Building form.* New development for which a site plan is required shall comply with the following requirements.

(1) *Rear stepback.* The building shall be contained within a building envelope described by a 1.5 (run) to 1.0 (rise) sloping plane beginning at a point five feet above grade at the common rear property line, when the property abuts residential use.

(2) *Ground floor retail space.* In order to accommodate quality retail space, the ground floor of the building shall:

(a) be built to a floor to floor height of no less than 14 feet; and
(b) provide storefront or show windows along a minimum of 75% of the King Street frontage, except where preservation of an historic building would preclude meeting this criterion as determined by the BAR.

(F) *King Street Retail Strategy.*

(1) A special use permit for increased floor area ratio or height under this section 6-705 shall be reviewed, in addition to other pertinent issues, for compliance with the *King Street Retail Strategy*, as adopted as part of the Master Plan.

(2) The Storefront Guidelines of the *King Street Retail Strategy* shall be applied by the Board of Architectural Review in considering exterior

alterations on King Street, to the extent not inconsistent with BAR guidelines for redevelopment of building facades.

6-706 *Standards and Procedures for Administrative Approvals.*

(A) *Application of this section generally.*

(1) An applicant may seek administrative approval of a use listed in section 6-702(C) pursuant to the standards and procedures outlined in this section 6-706.

(2) At the applicant's discretion, the applicant may choose, as an alternative to an administrative permit, to seek special use permit approval for such uses pursuant to section 11-500 of the zoning ordinance.

(3) Any change in the nature of the use or any enlargement, extension or increase in the intensity of that use beyond that outlined in the standards of this section 6-706 shall be subject to review by the director and may require a special use permit approved by the city council;

(4) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the Planning Commission.

(B) *Procedure.*

(1) Applicants for administrative permits under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.

(2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, and given to nearby civic and business associations. The public may submit comments to the director within 14 days after

publication of the notice.

(3) After review for compliance with the standards of this section 6-706, the director may approve, approve with conditions, or deny the application. The decision of the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply. The director's decision may be appealed to the Planning Commission. Such appeal shall be filed within 30 days from the date of the decision appealed by filing a notice of appeal with the Department of Planning and Zoning. Such notice shall be a written statement specifying the grounds on which the person is aggrieved and the basis for the appeal .

(C) *Standards for Administrative Permits.*

(1) *General standards for all administrative uses*:

(a) The application shall be reviewed for compliance with this section 6-706 as well as with applicable provisions of section 11-500.

(b) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the Police Department it is determined that there are documented criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.

(c) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-503(F) of this ordinance.

(d) The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.

(e) The applicant shall require its employees who drive to work to use off-street parking.

(f) The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the *King Street Retail Strategy*.

(g) The applicant shall install signs inside the building indicating the location of off-street parking in the area, post similar information on the business' website and otherwise inform customers about the parking.

(h) Trash and garbage shall be stored inside the building or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers.

(i) The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business.

(j) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and cleaned up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.

(k) No amplified sound shall be audible at the property line.

(l) The administrative permit approved by the director pursuant to this section 6-706 shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards associated with the permit shall be kept on the premises and made available for examination by the public upon request.

(m) Improvements may be required to the facade or the front of

the business establishment, including landscaping and site improvements, consistent with the *King Street Retail Strategy* as adopted as part of the Master Plan, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that *Strategy*.

(n) The director may require conditions additional to those listed in the standards of this section if the director finds it to be reasonable to support the use and its compatibility with surrounding uses and the neighborhood.

(2) *Specific Standards for Valet Parking*

(a) The applicant shall submit a detailed plan for approval by the director and the director of transportation and environmental services. The plan shall include the following at a minimum:

(1) the location of the drop off area as well as the location for the parked vehicles to be stored;
(2) the proposed days and hours of operation of the valet parking plan;
(3) the number of spaces available at the vehicle storage site, which shall be of sufficient capacity for the use or uses from which vehicles will be valeted;
(4) adequate assurance that the owner and operator of the vehicle storage site is agreeable to the proposed valet plan;
(5) the size and design of the drop off site and identification of any on street parking spaces that will be lost during the period that the valet parking plan is in effect, such spaces to be kept to a minimum;
(6) demonstration that the location of the drop off site will not interfere with traffic, remaining parking, bus stops, or transit passengers or pedestrians;
(7) the proposed graphics for the drop off site, including signage and uniformed staff, with sufficient visibility but designed to be compatible with the streetscape as determined by the director;
(8) the proposed number of attendants, which shall be sufficient to adequately staff the operation; and
(9) if the proposed valet plan includes more than one business, the identity of the party or entity responsible for compliance with the approved valet parking plan.

(b) No vehicle shall be parked or temporarily stored by an attendant on streets, alleys, or sidewalks.

(c) No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the Old and Historic Alexandria District Board of Architectural Review.

(d) An approved permit for a valet parking operation shall be valid for an initial six month period, after which it shall be reviewed for compliance with these standards and for its effectiveness in handling the drop off, ferrying, parking and retrieving of vehicles efficiently and effectively, and without undue interference with non-valet parking and traffic. If, on review, the directors determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one year period from that point forward. As part of the initial or annual review under this paragraph, the directors may require the operator to adjust the features of the program or, alternatively, to apply for a special use permit if there are concerns about the effectiveness, success or impacts of the valet parking program.

(e) The provisions of section 8-300 of this ordinance, requiring an SUP for valet parking, shall not apply for valet parking approved under this section 6-706(C)(3). In addition, a permit approved under this section may authorize valet parking to displace otherwise required parking spaces, notwithstanding the requirements of section 8-200, if it is determined that those spaces are not in demand during the times that the valet parking program will be in effect and that the use of the spaces for the valet parking program will reduce potential parking congestion on the public streets.

6-707 *Use limitations.*

(A) All operations, except those administrative uses enumerated in section 6-

702(C)(2) and (3), shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) 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.

(D) Health club use shall include health, athletic, and bath clubs or establishments, including facilities incidental to such uses, provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.

(E) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.