

083047352

## SENATE BILL NO. 54

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities, and Towns  
on February 29, 2008)

(Patron Prior to Substitute—Senator Whipple)

*A BILL to amend and reenact §§ 10.02 and 17.10, as amended, of Chapter 323 of the Acts of Assembly of 1950, which provided a charter for the City of Falls Church, relating to the city attorney and affordable housing.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.02 and 17.10, as amended, of Chapter 323 of the Acts of Assembly of 1950 are amended and reenacted as follows:**

§ 10.02. Qualifications and Appointment.

The head of the department of law shall be the city attorney. ~~He who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. He shall be appointed by the city council for a term of four years, at its first meeting in September, 1978, and every four years thereafter. The city attorney shall assume office on October 1 following appointment. During that term he may be removed only for cause be appointed by the city council and serve at the pleasure of the city council. His compensation~~ Compensation and the responsibilities of ~~his~~ the office, except as provided herein, shall be determined by the city council. ~~If the office becomes vacant before the expiration of the four-year term, the council shall appoint a successor for the remainder of the term.~~

§ 17.10. In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt in the manner provided in § 17.13, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may regulate the height, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that it establishes a minimum area of not less than five acres subject to such designed use and provided further that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance.

(i) *It may provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing*

60 *dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement*  
61 *outside of such program to contribute to a city housing fund.*

62 From and after the adoption of a master plan or any amendment or extension thereof as required by  
63 this chapter, or the land use portion thereof, such zoning plan shall be made to conform substantially  
64 with the master plan, and any amendments to the zoning plan shall be based upon and in substantial  
65 accordance with the master plan.