

ORDINANCE NO. 3407

AN ORDINANCE to amend and reordain Section 7-6-44 (USE OF SUBSTANDARD LOTS; VISION CLEARANCE AT CORNERS; LIMITATION ON GROUPS OF ROW HOUSES; SPECIAL USES IN SUBSEQUENT ZONES; ADDRESSES FOR LICENSE PURPOSES; UNIT OF LAND NOT HAVING FRONTAGE ON PUBLIC STREET; RESIDENTIAL CLUSTER DEVELOPMENT; RESIDENTIAL PORTIONS OF URBAN RENEWAL PROJECTS; FRONT YARD SETBACK FOR BUS SHELTERS; FRONT, SIDE AND REAR YARD PARKING LIMITATIONS; OUTDOOR DISPLAY OR STORAGE OF GOODS OR MERCHANDISE) of Article C (ADDITIONAL USE, AREA, ETC., REGULATIONS), Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by repealing subsection (a) (USE OF SUBSTANDARD LOTS) thereof, and to further amend Article C, Chapter 6, Title 7 by adding thereto a new Section 7-6-45 (USE OF SUBSTANDARD LOTS IN CERTAIN RESIDENTIAL ZONES).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-44 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by amending the catchline and by repealing subsection (a) as follows:

Sec. 7-6-44 Vision clearance at corners; limitation on groups of row houses; special uses in subsequent zones; addresses for license purposes; unit of land not having frontage on public street; residential cluster development; residential portions of urban renewal projects; front yard setback for bus shelters; front, side and rear yard parking limitations; outdoor display or storage of goods or merchandise.

(a) Reserved.

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Section 2. That Article C, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, be and the same hereby is amended by adding thereto a new Section 7-6-45 to read as follows:

Sec. 7-6-45 Use of substandard lots in certain residential zones.

(a) Any lot in the R-20, R-12, R-8, R-5, R-2-5 or RA residence zones, which lot was of record on December 28, 1951, and continuously thereafter, but which lot has less area or less width at the front lot line or front building line than the minimum required for use in the zone where it is situated

(referred to hereafter in this section as a substandard lot), may be developed only with a single-family dwelling and its accessory buildings, subject to the following provisions:

(1) No person has at any time from and after May 14, 1974, contemporaneously held any present or future freehold estate, except as trustee only, or an equitable interest of like quantum, in the substandard lot and in any contiguous land; and

(2) A special use permit is granted under the provisions of sections 7-6-191 through 7-6-195 of this code; and

(3) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.

(b) Notwithstanding the provisions of subsections (a)(1) through (a)(3), a substandard lot which complied with the provisions of this chapter or other prior law in effect on the date such lot was recorded, and which has continuously been of record since such date, may be developed only with a single-family dwelling and its accessory buildings, subject to the following provisions:

(1) No person has, at any time from and after September 16, 1988, held any present or future freehold estate, except as trustee only, or any equitable interest of like quantum, or held any interest as contract purchaser, in the substandard lot and in any contiguous undeveloped or unimproved lot of record; and

a. the substandard lot contains at least the lot area, and has at least the lot width at both the front lot line and front building line, as exhibited by more than 50 percent of the developed lots on the block face in which the substandard lot is located; or

b. the substandard lot contains at least 90 percent of the minimum lot area, and 90 percent of the required lot width at both the front lot line and front building line, as required by the zone in which the substandard lot is located; and

(2) A special use permit is granted under the provisions of sections 7-6-191 through 7-6-195 of this code; and

(3) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in

the surrounding areas, and will be compatible with the existing neighborhood character.

(4) As used in this subsection, block face means the street frontage on both sides of a street located between two intersecting streets or one intersecting street and a street dead end; provided, that the street frontage between two intersecting streets or one intersecting street and a street dead end shall not constitute a block face if the frontage on either side of the street contains less than 10 lots or is less than 400 feet in length, as measured along the front lot lines. Where the location of a substandard lot is such that the minimum number of lots or the minimum length of street frontage herein specified for a block face is not present, the director may designate an appropriate block face for such substandard lot, if any there be, without regard to intersecting streets, subject to city council approval as part of the special use permit granted pursuant to subsection (b)(2). Where the street frontage, on either side of a street, within a block face contains more than 30 lots or is greater than 1,200 feet in length, as measured along the front lot lines, the director shall designate an appropriate block face comprised of the closest and most appropriate 30 lots or 1,200 feet lot frontage, whichever is less, on each side of the street, subject to city council approval as part of the special use permit granted pursuant to subsection (b)(2).

(c) Nothing in this section shall be deemed to authorize city council to approve a special use permit under the provisions of this section for a development which would exceed the maximum floor-to-area-ratio, density or height regulations of the zone or zones in which such development is located, or the maximum floor-to-area-ratio, density or height regulations otherwise provided in this chapter.

(d) In approving a special use permit under this section for a substandard lot meeting the requirements of subsection (a) or (b), city council may vary the minimum yard, coverage or other minimum requirements imposed by this chapter, for the zone or zones in which the lot is located, or otherwise applicable to the lot or the development thereof, if the council determines that such a variance is necessary or desirable to develop the lot in conformity with the approved special use permit, and that such variance will not be detrimental to the public health, safety and general welfare.

(e) From and after September 16, 1989, the remedy and procedure provided in this section shall be the exclusive remedy and procedure for the use and development of substandard lots in the zones herein designated, and any use or development of such lots in a manner not herein provided for and authorized shall be conclusively presumed to be contrary to the public interest and contrary to the intended spirit and purpose of this chapter.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: September 16, 1989