

ORDINANCE NO. 3807

AN ORDINANCE to amend and reordain Section 4-508 (ACCESSORY APARTMENTS) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE) (TA NO. 95-002) and Section 4-1105 (AREA AND BULK REGULATIONS) (TA NO. 95-005) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, and to add to Section 11-100 (ADMINISTRATION OF ORDINANCE) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of said Zoning Ordinance a new Section 11-105 (REDUCTION OF MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION) (TA NO. 95-006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-508 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Section 4-508 Accessory apartments.

A maximum of four 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 the parking required for a multifamily dwelling unit of equivalent size with the following exceptions: parking spaces may be compact size or tandem; parking shall be located either on the site or within 500 feet of it; and each one bedroom apartment unit shall provide at least one parking space.

Section 2. That subsection (C) of Section 4-1105 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new paragraph (3) to read as follows:

(3) Transition special use permits. 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 feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

Section 3. That Section 11-100 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 11-105, to read as follows:

Section 11-105 Reduction of minimum yard requirements based on error in building location.

Notwithstanding any other provisions of this ordinance, the director shall have the authority, as qualified below, to approve a reduction in the minimum yard or setback requirements established by the applicable zone or other regulations in this ordinance in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected. Such a reduction may be approved by the director in accordance with the following provisions:

(A) The director determines that:

(1) The error does not exceed ten percent of the measurement that is involved, or six inches, whichever is smaller;

(2) The error was made in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a building permit, if such was required;

(3) The reduction will not impair the purpose and intent of this ordinance;

(4) The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity;

(5) The reduction will not create an unsafe condition with respect to other property or public streets;

(6) To force compliance with the minimum yard and setback requirements would cause unreasonable hardship on the owner; and

(B) In approving a reduction under this section 11-105, the director shall allow only that reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures, to assure compliance with the purpose and intent of this ordinance.

(C) On the approval of a reduction for a particular building in accordance with the provisions of this section 11-105, the building shall be deemed to be lawful.

Section 4. That Sections 4-508, 4-1105, and 11-100 of the City of Alexandria Zoning Ordinance, as amended by 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 upon the date and at the time of its final passage, and shall apply to all applications for land use or land development 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, or on judicial review; 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 provision of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance.

PATRICIA S. TICER
Mayor

Final Passage: June 17, 1995

