

ORDINANCE NO. 4556

AN ORDINANCE to amend and reordain Article 2 (DEFINITIONS), Article 7 (SUPPLEMENTAL ZONE REGULATIONS), Article 8 (OFF-STREET PARKING AND LOADING), Article 11 (DEVELOPMENT APPROVALS AND PROCEDURES), and Article 12 (NONCOMPLIANCE AND NONCONFORMITY), of the City of Alexandria Zoning Ordinance, to adopt Infill Zoning Regulations (Text Amendment No. 2008-0005).

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2008-0005 the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, initiated and approved amendments to the Zoning Ordinance to adopt Infill Zoning Regulations;
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. 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 Article 2, Article 7, Article 8, Article 11 and Article 12 of the City of Alexandria Zoning Ordinance, be, and the same hereby are, amended and reordained by incorporating therein the Infill Zoning Regulations entitled "Infill Task Force, Proposed Zoning Text Amendments," showing the June 3, 2008 Planning Commission amendments, attached hereto and incorporated herein fully by reference.

Section 2. That the city attorney be, and hereby is, directed to codify the foregoing amendments in the City of Alexandria Zoning Ordinance.

Section 3. 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 may be filed after such date.

WILLIAM D. EUILLE
Mayor

Attachment: "Infill Task Force, Proposed Zoning Text Amendments,"
showing the June 3, 2008 Planning Commission amendments

Final Passage: June 24, 2008

Attachment: “Infill Task Force, Proposed Zoning Text Amendments” showing the June 3, 2008 Planning Commission amendments, revised to show final changes approved by City Council on June 24, 2008

ARTICLE II (DEFINITIONS)

Sec. 2-100 Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-119 *Average finished grade.* The elevation obtained by averaging the finished ground surface elevation at intervals of 20 feet at the perimeter of a building.

2-119.1 *Average pre-construction grade.* The elevation obtained by averaging the ground surface elevation at intervals of 20 feet at the perimeter of a proposed building prior to construction.

2-119.2 *Awning or canopy.* A small roof projection without columns made of fabric or solid material, usually suspended or cantilevered from the building wall entrance(s) and/or windows.

2-120 *Basement.* A story partly or wholly underground. For the purpose of floor area measurement, a basement shall be counted as floor area where the average finished grade is four feet or more below the bottom of first floor construction.

2-145 *Floor area.*

A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), floor area is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from exterior faces of walls or any extended area under roof, but does not include areas under the eaves of the roof. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. Excluded from floor area shall be:

- (1) Stairs and elevators.
- (2) Floor space used for water tanks and heating and cooling equipment (but not including ductwork, pipes, radiators or vents).
- (3) Basements.
- (4) Attic floor area with less than 5 feet of ceiling height as measured from the attic floor, or floor joists if there is no floor, to the bottom of the roof rafter or truss member supporting the outer roof structure.
- (5) Open front porches and porticos in accordance with Section 7-2504.

(6) Free-standing garages to the rear of the main building in accordance with Section 7-2505

B. For properties except for those specified in A above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under a roof or roofs. These areas shall be measured from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line or from the center line of party walls and shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. Excluded shall be elevator and stair bulkheads, accessory water tanks, cooling towers and similar construction not susceptible to storage or occupancy. Basements and subbasements shall be excluded from the floor area ratio computations, but for the purpose of computing off street parking requirements that portion of such areas as are occupied by permitted uses shall be subject to the provisions of Article VIII.

2-150.2 *Grade, Average Finished.* See Average Finished Grade.

2-150.3 *Grade, Average Pre-construction.* See Average Pre-construction Grade.

2-154 *Height of building.* The vertical distance measured from average finished grade to the highest point of the building, except that:

(A) *Gable or hip roof.*

- (1) In the case of a gable or hip roof, height shall be measured to the midpoint between the eaves and the ridge.
- (2) For purposes of establishing the setback ratio on the gable end of a building with a gable roof, height shall be measured to the midpoint between the eaves and the ridge.

(B) *Gambrel roof.*

- (1) In the case of a gambrel roof, height shall be measured to the midpoint of the upper slope of the roof.
- (2) For purposes of establishing the setback ratio on the vertical end of a building with a gambrel roof, height shall be measured to the point where the upper slope and the lower slope of the ridged roof meet.

(C) *Mansard roof.* In the case of a mansard roof, height shall be measured to the roof line.

(D) In the case of a flat roof with a parapet wall which is three feet in height or less, the highest point shall be the roof line;

(E) In the case of a building with ten feet or less horizontal distance between the building setback line and the right-of-way line, height shall be measured from the average finished grade or the curb grade, whichever is less;

(F) For a building in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), height shall be measured from the average pre-construction grade or average finished grade, whichever grade is lower; and

(G) For treatment of chimneys, flagpoles, steeples, antennas and mechanical penthouses, see section 6-403.

ARTICLE VII (SUPPLEMENTAL ZONE REGULATIONS)

7-202 *Permitted obstructions.* The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(B) In any yard except a front yard:

- (1) Sandboxes, swings and other small items of childrens' play equipment.
- (2) Clotheslines.
- (3) Open and closed fences which do not exceed six feet in height.
- (4) Small sheds, doghouses, dollhouses and structures used for storage, provided:
 - (a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.
 - (b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.
- (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.

- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
- (7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.

7-1002 *Residential front setback and front door threshold in line with existing development.*

- (A) Unless a different rule is specified for a particular zone wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built at a uniform front setback forward or behind the minimum front setback prescribed for the zone in which such buildings are located, residential buildings hereafter erected or altered shall conform to the setback line so established. Absent a majority of buildings at a uniform front setback, the setback shall be established by the average of the front setbacks of the buildings on one side of the street of a block as described above. The board of zoning appeals is authorized to grant a special exception under the provisions of Section 11-1300 to modify the strict application of this requirement.
- (B) Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse residential building erected or altered after [January 20, 2007] shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent, provided, that additional front door threshold height may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will not detract from the value of and will be of substantially the same residential character as adjacent and nearby properties. For the purpose of this paragraph, the height of the front door threshold is defined as the vertical distance between the average pre-construction grade along the front of the building to the top of the threshold. The front door threshold shall accurately reflect the actual location of the first floor of the building, and in all cases the front door threshold shall be measured to the top of the threshold or the top of the highest elevation of the finished first floor, whichever is greater.
- (C) For the purposes of this section 7-1002, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of

calculating front door threshold height without regard to intersecting streets subject to an administrative protocol similar to that applied in substandard lot cases, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-1002.

7-2500 Supplemental Regulations for Certain Residential Zones.

7-2501 *Applicability.* The supplemental regulations in this section 7-2500 apply to residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts). These regulations supplement the residential zone regulations in Article III of this zoning ordinance.

7-2502 *Height in line with existing development.*

- (A) The height of a residential building erected or altered after [effective date] shall not exceed the greater of:
 - (1) 25 feet, or
 - (2) The average height along the front of the building of the residential buildings existing on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent.
- (B) A height greater than that calculated in Section 7-2502(A) may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will be of substantially the same residential character and design as adjacent and nearby properties. For purposes of this subsection, the recommendation of the planning commission on the special use permit shall be deemed a final decision of the city council, unless any person files with the city clerk a request for hearing by council within 5 working days after the action of the commission. In the event such request is filled, the application shall be docketed for consideration at the next available council public hearing meeting. All notice for applications under this subsection shall include a description of the procedure herein provided, in such form as the director shall require.
- (C) For the purposes of this section 7-2502, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between

streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating height without regard to intersecting streets subject to an administrative protocol similar to that applied in substandard lot cases, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-2502.

- (D) Where an application proposes redevelopment of one or more entire blocks, as defined in Section 7-2502(A)(2), or where there is no appropriate blocks for purposes of calculating height, this section 7-2502 shall not apply and the height restrictions of the zone in which the property is located shall apply.

7-2503 *Front door threshold height in line with existing development.* See threshold height regulations in Section 7-1002 (B) and (C).

7-2504 *Open front porches and porticos.*

- (A) Ground level covered front porches and porticos constructed under the standards of this section 7-2504 shall be excluded from floor area calculated under the provisions of Section 2-145(A)(5).
- (B) *Standards for porches.*
 - (1) *Extent of front porch exclusion.* No portion of the floor area of the porch to be excluded under this section shall extend beyond the side walls of the front building façade.
 - (2) *Size of porch.* To be excluded under this section, a porch shall be a minimum of 5 feet deep and a maximum of 8 feet deep. The maximum floor area to be excluded shall be 240 square feet.
 - (3) *Construction above not permitted.* To be excluded under this section, no second floor balcony, deck, or enclosed construction shall be permitted above the front porch or portico.
 - (4) *Must remain open.* A ground level front porch or portico shall remain open and shall at no time be enclosed with building walls, glass, screens, or otherwise. Railings shall be permitted no higher than the minimum height required by the building code, and with balusters evenly spaced so as to leave at least 50 percent of the perimeter length of the railings open.
- (C) For front porches and porticos that cannot meet the front setback requirements, the board of zoning appeals is authorized to grant a special exception under the provisions of Section 11-1300.

7-2505 *Free-standing garages to the rear of the main building.*

- (A) Regardless of other regulations in this zoning ordinance, a free-standing private garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2505 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from floor area calculated under the provisions of Section 2-145(A)(6).
- (B) *Standards.*
- (1) *Size.* For lots with a minimum of 5,000 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 10 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 12 feet.
 - (2) *Setback.* The garage shall be set back a minimum of 3 feet from the side or rear property line if windows face the property line; otherwise the minimum setback is 1 foot.
 - (3) *Access.* If there is no direct access to the garage from an alley, a permeable-surfaced driveway is permitted in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid based surface, or other treatments without significant compaction of the base, but must be approved by the department of planning and zoning and the department of transportation and environmental services. Either the department of planning and zoning or the department of transportation and environmental services can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with Section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by Section 8-200(C)(6).
 - (4) *Compatibility.* The accessory garage shall be compatible with the main dwelling in regard to materials and design.
 - (5) *Use.* The accessory garage shall be dedicated to the use and storage of motor vehicles.

7-2506 *Attached garages.* Private garages that are an integral part of the main residential dwelling are only permitted under the following standards.

- (A) If the lot width is 65 feet or more, an attached garage shall have the vehicle opening facing the side yard. Such a garage may be no closer to the front property line than the plane of the front building wall.
- (B) If the lot width is less than 65 feet, an attached garage with a vehicle entrance facing the front yard is permitted, but must be set back a minimum of 8 feet from the plane of the front building wall. No roof or covering is permitted in front of such a garage and any construction above shall not extend forward of the front plane of the garage. The garage door shall be compatible with the design of the residence.
- (C) A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.

7-2507 *Tree coverage requirement.*

- (A) For all construction that requires a grading plan, trees must be planted or existing trees preserved to provide a minimum of 25 percent canopy cover over the site. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.
- (B) The director shall approve this requirement as part of the grading plan.

Article VIII (OFF-STREET PARKING AND LOADING)

8-200 General parking regulations.

(C) *Location of parking facilities.*

- (1) For all single-family detached and two-family residential dwellings, required off-street parking facilities shall be located on the same lot as the main building. Tandem parking is permitted to meet this requirement.

ARTICLE XI (DEVELOPMENT APPROVALS AND PROCEDURES)

11-1300 Special exception.

11-1302 *Special exception established.* A lot in a single family, two family or townhouse zone may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300.

(D) Average front yard setback requirements for a main dwelling required by section 7-1002, subject to the following requirements:

(1) Limitation on front setback increase or decrease.

(a) No main dwelling shall be closer to the front property line than the average front setback line calculated for the proposed dwelling.

(b) An adjustment is allowed of as much as 10% from the average front setback line calculated for the project or 5 feet, whichever is less.

(c) The front setback increase or decrease shall be the minimum necessary to achieve the desired result.

(2) The applicant shall demonstrate by clear and convincing evidence that the proposed change in front setback for the dwelling is necessary for environmental and/or critical construction reasons and that the dwelling in the proposed location will be compatible with the character of the rest of the neighborhood block and will not be detrimental to the maintenance of an established setback along the street.

ARTICLE XII (NONCOMPLIANCE AND NONCONFORMITY)

12-900 Developed Substandard Residential Lots

12-901 A residential dwelling on a lot in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts) which lot has less lot area, lot width, or lot frontage than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), is subject to the following requirements.

(A) *Addition.* An expansion of a residential dwelling on a substandard lot is permitted subject to the following standards.

- (1) Construction complies with the requirements of Section 12-102(A);
 - (2) At least 50% of the existing first floor exterior walls in their entirety (measured in linear feet) must remain as adjoining exterior walls. The determination of first floor exterior walls is that the walls must have its finished floor surface entirely above grade.
- (B) *Replacement.* Demolition and replacement of a same-size residential dwelling on a substandard lot is permitted subject to the following standards, regardless of the provisions of Section 12-102(B):
- (1) Construction shall not exceed the pre-existing gross floor area by more than 10%, with gross floor area defined as the floor area of Section 2-145(A) without any exclusions; and
 - (2) Construction shall not exceed the height of the pre-existing dwelling.
- (C) *Redevelopment.* A residential dwelling not meeting the standards of section 12-901(A) or (B) above is subject to the following provisions:
- (1) A special use permit is granted under the provisions of section 11-500; and
 - (2) City council, upon consideration of the special use permit, finds that the proposed development will be compatible with the existing neighborhood character in terms of bulk, height and design.

Adopted: June 24, 2008