

ORDINANCE NO. 4653

AN ORDINANCE to amend Section 7-1002 (RESIDENTIAL SETBACK AND FRONT DOOR THRESHOLD HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and Section 7-2500 (SUPPLEMENTAL REGULATIONS FOR CERTAIN RESIDENTIAL ZONES), to Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1300 (SPECIAL EXCEPTION), to Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2009-0009, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 2, 2010 of a text amendment to the Zoning Ordinance to adopt residential infill regulations, which recommendation was approved by the City Council at public hearing on February 20, 2010;

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 Section 7-1002 of the Zoning Ordinance be, and the same hereby is, deleted.

Section 2. That Section 7-2500 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

7-2500 Infill Regulations for Single and Two Family Residential Zones.

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, 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 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, new residential buildings hereafter erected 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. For all other residential construction, including without limitation, porches and additions, the director may designate an appropriate front setback no closer to the front property line than the established or average setback line. 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 7-2503, 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 setback and front door threshold height without regard to intersecting streets subject to an administrative protocol, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-2502.

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.

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 11.50 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 13.50 feet. The director may modify the height permitted in this section 7-2505(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.
 - (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) *Access to garage.*

(1) *Lot with width 65 feet or more.* 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. In the case of a corner lot, an attached garage may face a secondary front yard if the proposed location and design of the door is consistent with the block and neighborhood character. Such a garage may be no closer to the front property line than the plane of the secondary front building wall.

(2) *Lot with width less than 65 feet.* 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.

(B) *Driveway Surface.* 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.

*** (subsequent text unchanged)

Section 3. That Section 11-1300 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

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.

*** (intervening text unchanged)

(D) Established front yard setback requirements for a main dwelling required by section 7-2503, subject to the following requirements:

(1) Limitation on front setback increase or decrease.

(a) 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.

(b) 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 a an established setback along the street.

*** (subsequent text unchanged)

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Section 7-1002, as amended pursuant to Section 1 of this ordinance, Section 7-2500, as amended pursuant to Section 2 of this ordinance and 11-1300, as amended pursuant to Section 3 of this ordinance, be, and the same hereby are, reordained as parts of the City of Alexandria Zoning Ordinance.

Section 6. 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, 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

Final Passage: April 17, 2010