

ORDINANCE NO. 4897

AN ORDINANCE to amend and reordain Section 1-400(B) (Interpretation of Zoning Regulations) of Article I (General Regulations) and Section 7-1600 (Townhouses) of Article VII (Supplemental Zone Regulations) both of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2014-0002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2014-0002, 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 June 3, 2014 of a text amendment to the Zoning Ordinance to allow drive aisles to be included as part of the lot for purposes of floor area calculation under certain circumstances, which recommendation was approved by the City Council at public hearing on June 14, 2014.

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 1-400(B) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Article I: General Regulations

Sec. 1-100 Title, purpose and intent of ordinance.

Sec. 1-400 Interpretation of ordinance.

(B) Interpretation of zone regulations.

- (1) If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be interpreted to be allowed only where the narrowly defined use is listed.
- (2) Maximum height regulations shall be as specified in a given zone, except as may be qualified by section 6-400 regarding height districts.
- (3) Maximum floor area ratio and maximum density shall be calculated as follows:

- (a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:
 - (1) Areas to be dedicated for street purposes that are in excess of:
 - (a) 30 feet from the centerline in the instance of property located in the R-20 through R-2-5 zones, inclusive.
 - (b) 33 feet from the centerline in the instance of property located in each of the other zones.
 - (2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.
- (b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.
- (c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.
- (d) Lots created for single-family and two-family dwellings shall not ~~contain~~ **include** areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not ~~contain~~ **include** areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, **except as allowed pursuant to Section 7-1600(F)(2).**
- (e) Single-family and two-family dwellings on lots which contain public or private streets, including alleys or driveways providing access to three or more dwelling units, and townhouse dwellings on lots which contain public or private streets, including alleys or driveways providing access to more than one dwelling unit, existing on March 1, 2000 or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of clause (d) of this paragraph, shall not be characterized as noncomplying structures or substandard lots, and shall be characterized as structures and lots grandfathered under prior law, pursuant to Section 12-500 of this ordinance.
- (f) When calculating the floor area of an office, multifamily or mixed use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:
 - (1) A maximum of 10,000 square feet of floor area may be excluded under this provision;
 - (2) Space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space;

private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

- (4) In the case of a conflict among various zone requirements, such as density, lot size, height and floor area ratio, permitted development shall comply with the most restrictive of such requirements.
- (5) Where residential density is prescribed in a zone for single family, multifamily or townhouse dwellings, the same density limitation shall apply to alternative housing types allowed in such zone unless more than one residential density regulation is provided, in which case the density most appropriate to the specific form of alternative housing being provided shall apply.

Section 2. That Section 7-1600 of the Zoning Ordinance be, and the same hereby is, amended by adding section (F) Location of Parking, as shown:

(F) Location of Parking

(2) Lots created for townhouse dwelling units may include areas used, in whole or in part, for private alleys or driveways providing shared access to parking spaces in the rear or side yard for more than one dwelling unit and less than 17 dwelling units. Such shared access will require an access easement or other legal right as part of a development approval and may only be approved if the Planning Commission finds that the following factors have been met.

(a) *Open space.* Sufficient open space and/or landscape areas are provided to mitigate the impact of the private alley or driveway, and should include either:

- i. A rear and/or side yard of sufficient depth to provide useable yard space of ten feet or more in depth; or**
- ii. Enhanced landscape planting areas on the lot, and decorative pavement and/or a permeable paving surface on all private alleys or driveways that cross the property**

(b) *Compatibility.* The proposed shared private alley or driveway allows for a design solution that is compatible with and reinforces the urban form and character of adjoining and nearby properties.

(c) *Minimum separation from access way.* If the proposal includes two rows of townhouses that back up to each other, or one row that backs up to an existing row of townhouses then to provide adequate separation between the rows of townhouses on opposing sides of the shared private alley or driveway the minimum distance between the principle townhouse structures should be a 1:1 ratio of horizontal separation to building height.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Section 1-400(B) as amended pursuant to Section 1 of this ordinance, and Section 7-1600 as amended pursuant to Section 2 of 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 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: June 24, 2014