

ORDINANCE NO. 5151

AN ORDINANCE to amend and reordain Section 2-145 (FLOOR AREA), Section 2-148.1 (FRONT PORCH), Section 2-183.2 (PORCH), Section 2-205 (YARD, FRONT), Section 2-205.1 (YARD, FRONT PRIMARY) and Section 2-205.2 (YARD, FRONT SECONDARY) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS) and Section 7-2504 (OPEN FRONT PORCHES AND PORTICOS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI; and add new Section 2-183.3 (PORTICO) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0004.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0004, 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 May 1, 2018 of a text amendment to the Zoning Ordinance to adopt Text Amendment No. 2018-0004, which recommendation was approved by the City Council at public hearing on May 12, 2018;
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 2-145 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:

Section 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), 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 roof on a lot. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. These areas shall be measured from exterior faces of walls or any extended area under roof, and are to be measured from the shared lot line in the case of party walls. 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. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

- (1) Stairs, and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Basements.
- (4) Attic floor are with a ceiling height of 7 feet or less and where the space with the ceiling height of 7 feet or more is less than 4 feet wide, as measured from the attic floor or floor joists if there is no floor, to the bottom of the roof rafters.
- (5) Porticos and portions of porches up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch. ~~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.
- (7) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (8) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (9) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum depth of 8 feet.
- (10) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (11) Sheds and other accessory buildings in accordance with section 7-202(B)(4).

B. For properties except for those specified in subsection A. above, the floor area of the building or buildings (whether "main" or "accessory") on a lot or tract or tract of land is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. It shall include all space within an above grade parking garage. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

- (1) Stairs and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).

- (3) Lavatories of which only a maximum of 50 square feet of each lavatory can be excluded. The maximum total of excludable area for lavatories shall be no greater than of 10% of gross floor area.
- (4) Basements (except shall be included for purposes of calculating the off-street parking requirements pursuant to Article VIII).
- (5) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (6) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (7) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum of depth of 8 feet.
- (8) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (9) Loading spaces of which only a maximum of 850 square feet for each required loading space per section 8-200(B)(2) can be excluded.
- (10) Any floor area that was used as a private or public garage prior to [date of adoption] that had a headroom less than 7 feet 6 inches.
- (11) Floor areas excluded as part of a development site plan that were approved prior to March 17, 2018 within a Coordinated Development District.
- (12) Sheds and other accessory buildings in accordance with section 7-202(B)(4)
- (13) Porticos and portions of porches up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.

Section 2. That Section 2-148.1 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:

Section 2-148.1 - Front porch.

A porch that adjoins a building wall which faces a street.

~~A covered landing attached to the exterior of a residential building and generally extending along a portion of or the entire length of the front building wall.~~

Section 3. That Section 2-183.2 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:

Section 2-183.2 – Porch~~Portico~~.

A covered, open structure that adjoins the exterior of a dwelling. A porch shall not be enclosed with walls, glass, screens, or similar. Railings shall be permitted no higher than three-and-one-half feet or the minimum height required by the Virginia Uniform Statewide Building Code (USBC), whichever is higher. Balusters shall be spaced so as to leave at least 50 percent of the perimeter length of the railings open. A small roof projection with or without columns or brackets above an open landing, attached to the exterior of the primary front entrance of a residential building.

Section 4. That Section 2-183.3 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Section 2-183.3 - Portico.

A porch that adjoins any entrance of a dwelling, does not project more than six feet from a building wall, and is not more than nine feet in length. These dimensions shall include any roof overhang.

Section 5. That Section 2-205 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:

Section 2-205 – Yard, Front.

A yard extending across the side of a lot measured between the side lot lines and being the minimum horizontal distance between the ~~street~~ front lot line and the main building or any projection thereof not permitted in section 7-202(A). For a corner lot, the two yards lying between the main building and the intersecting streets shall both be deemed to be front yards and any additional yards shall be deemed to be side yards. For a through lot, the two or more yards lying between the main building and the two or more public streets shall be deemed to be front yards.

Section 6. That Section 2-205.1 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:

Section 2-205.1 - Yard, front primary.

The front yard of a corner or through lot facing a street, which contains a building's main architectural entrance ~~and is identified by the building(s) street address and number.~~

Section 7. That Section 2-2-205.2 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:

Section 2-205.2 - Yard, front secondary.

The other front yard or yard(s) of a corner or through lot facing a street, which may include an entrance but not a building's main ~~architectural~~ entrance.

Section 8. That Section 7-202 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:

Section 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:

- (A) In all yards:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices, window sills, and roof overhangs projecting 30 inches or less into the yard.
- (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
- (5) Arbors and trellises. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (6) Flag poles which do not exceed 15 feet in height.
- (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
- (8) Ramps and similar structures necessary to provide access for the handicapped.
- (9) ~~Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.~~

(B) In any yard except a front yard:

- (1) Sandboxes, swings and other small items of children's play equipment.
- (2) Clotheslines.
- (3) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (4) Sheds and other small accessory buildings:
 - (a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than 10 feet.
 - (b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.

- (c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
 - (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.
- (C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.
- (D) For any residential lot, single-story front porches with a maximum depth of 10 feet shall be permitted in any required front yard provided that the porch shall be located on the first floor or at ground level and the front yard shall not be reduced to less than 10 feet.

Section 9. That Section 7-2504 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

~~Section 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 five feet deep and a maximum of eight 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.~~

Section 10. That Section 11-1302 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:

11-1302 - Special exception established.

A lot developed with ~~in~~ a single family, two family, or townhouse dwelling zone may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(A) Fences on corner lots.

(B) Yard and setback requirements for enlargement of a dwelling, as follows:

- (1) Yard and setback requirements applicable to the extension or enlargement of a single family, two family or townhouse dwelling only, within any one noncomplying plane of such dwelling.
- (2) As used in this subsection, the term noncomplying plane means the vertical plane established by a wall, one story or more in height, of a main building which wall:
 - (a) Does not comply with the yard or setback requirements of this ordinance,
 - (b) Existed prior to the effective date of any change to the yard or setback regulations or restrictions applicable to such wall, and
 - (c) Extends for more than 50 percent of the length of the building along the side containing such wall.

(C) Yard and setback requirements for a ~~ground level, single story, covered~~ front porch, ~~limited to the main architectural entrance of a dwelling, facing a front yard, or primary front yard if a corner lot,~~ and subject to the following requirements:

~~(1) Limitation on yard and setback reductions:~~

- ~~(a) The porch deck shall project a maximum of eight feet from the front building wall plane.~~
- ~~(b) The front building wall plane shall be established by the wall of the dwelling which extends for more than 50 percent of the length of the building, and faces the front yard, or primary front yard if a corner lot.~~
- ~~(c) The front yard, or primary front yard if a corner lot, shall not be reduced to less than fifteen feet from the front property line.~~

(12) The applicant for a ~~ground level covered~~ front porch shall demonstrate by clear and convincing evidence that the proposed front porch is compatible with the existing building architecture, neighboring properties and neighborhood character, and will comply with the following requirements:

- (a) No portion of the front porch shall extend beyond either the end of the walls of the front building facade unless such extension complies with the regulations

~~for the zone in which it is located, except where the resulting lot and structure retain a side or front yard which complies with the zone requirements.~~

- (b) The roof line of the porch shall be in scale with the existing building architecture.
 - ~~(c) No second floor balcony, deck, or enclosed construction shall be permitted above the front porch.~~
 - ~~(d) A ground level covered front porch shall remain open, and shall at no time be enclosed with building walls, glass or screens; provided that railings, 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, shall be permitted.~~
- (23) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a single family, two family or townhouse dwelling beyond the height or floor area ratio permitted by the zone in which such dwelling is located, nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

Section 11. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 12. That Section 2-145 (FLOOR AREA), Section 2-148.1 (FRONT PORCH), Section 2-183.2 (PORCH), Section 2-205 (YARD, FRONT), Section 2-205.1 (YARD, FRONT PRIMARY) and Section 2-205.2 (YARD, FRONT SECONDARY) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS) and Section 7-2504 (OPEN FRONT PORCHES AND PORTICOS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI; and add new Section 2-183.3 (PORTICO) of Article II (DEFINITIONS), as amended or added pursuant to Sections 1 through 10 of this ordinance, be, and the same hereby is, reordained or ordained as part of the City of Alexandria Zoning Ordinance.

Section 13. 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.

ALLISON SILBERBERG
Mayor

Final Passage: June 23, 2018