

ORDINANCE NO. 5247

AN ORDINANCE to amend and reordain Section 2-145 (FLOOR AREA) and Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING) and add new Section 2-187.2 (PUBLIC SCHOOL) and Section 2-194.1 (SOLAR ENERGY SYSTEM) 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. 2019-0005.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0005, 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 September 3, 2019 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on September 14, 2019;
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:

Sec. 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:

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- B. For properties except for those specified in subsection 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 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:

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Section 2. That Section 2-187.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec 2-187.2 – Public school.

An early childhood, elementary, secondary, post-secondary, collegiate school or university that is governed by a public entity and is maintained solely or in part by public funding.

Section 3. That Section 2-194.1 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:

Sec 2-194.1 – Solar energy system.

An energy system that consists of one or more solar collection devices, solar energy related balance of system equipment, and other associated infrastructure with the primary intention of generating electricity from the sun, storing electricity, or otherwise converting solar energy to a different form of energy.

Sec 2-194.1~~2~~ – Stairs.

A series of two or more risers leading from one level or floor to another. For the purposes of calculating floor area, a stair shall include a landing at each end which shall have the same width as the corresponding stair flight and extends for four feet from the stair. The term stairs includes escalators.

Section 4. That Section 2-197.3 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:

2-197.3 – Structure, subordinate.

An accessory structure with a gross floor area that is less than 33 percent of the gross floor area ~~and less than 50 percent of the height~~ of the principal structure or main building.

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Section 5. That Section 4-1203 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:

The following uses may be allowed in the I zone pursuant to a special use permit:

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(Q.1) Public school

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Section 6. That Section 7-101 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:

7-101 - Permitted accessory uses.

Permitted accessory uses and structures shall be limited to the following and any additional use or structure which the director finds is similar to those listed in scope, size, and impact, is customarily associated with residential dwellings, and is otherwise in compliance with this ordinance:

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(M) Solar Energy System

Section 7. 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:

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:

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(7) Open stairs, ~~provided that the stairs do not reduce a side or rear yard to less than five feet.~~

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Section 8. That Section 8-200 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 8-200 – General parking regulations.

(A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in ~~this section 8-200(A)~~, the requirements of the most similar listed use shall apply. The requirements of ~~this section 8-200(A)~~ may be reduced when special zoning allows parking reductions and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

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(16) *Specific commercial uses:*

(a) Within the enhanced transit area:

- i. Minimum requirement—0.25 spaces per 1,000 square feet of floor area.
- ii. Maximum requirement—3.0 spaces per 1,000 square feet of floor area.

(b) Outside the enhanced transit area:

- i. Minimum requirement—0.75 spaces per 1,000 square feet of floor area.
- ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.

(c) The following uses are specific commercial for the purposes of determining parking requirements:

- i. Animal care facility.
- ~~ii.~~ ii. Collegiate school or university.
- ~~iii.~~ iii. Convenience store.
- ~~iv.~~ iv. Day care center.
- ~~v.~~ v. Light assembly, service and crafts.
- ~~v.~~ Reserved.
- vi. Personal service establishment.
- vii. Private school, academic
- ~~viii.~~ viii. Private school, commercial.
- ~~ix.~~ ix. Retail shopping establishment.

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(F) Prior existing buildings and structures.

(1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

- (a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this Article ~~XIII~~ VIII shall apply only to such change in use, enlargement or alteration; and
- (b) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged

or significantly altered after January 27, 1987, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

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- (6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multifamily residential use or any structure or building has been changed in use to a multifamily residential use, or a multifamily dwelling has been enlarged, significantly enlarged or significantly altered after May 16, 2015, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of May 16, 2015, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.
- (7) Notwithstanding the provisions of section 8-100 above, if any land, structure, or building has been changed in use to a hotel, office, restaurant, or specific commercial use, or any hotel, office, restaurant, or specific commercial use has been enlarged, significantly enlarged or significantly altered after February 24, 2018, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration; however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of February 24, 2018, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

Section 9. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 10. That Section 2-145 (FLOOR AREA), Section 2-187.2 (PUBLIC SCHOOL), Section 2-194.1 (SOLAR ENERGY SYSTEM), and Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING), as amended or added pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. 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.

JUSTIN M. WILSON  
Mayor

Final Passage: October 19, 2019