

ORDINANCE NO. 5328

AN ORDINANCE to amend and reordain Sections 2-136.1 (DWELLING, ACCESSORY), 2-141 (DWELLING UNIT), and 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 7-101 (PERMITTED ACCESSORY USES), 7-103 (USE LIMITATIONS), 7-202 (PERMITTED OBSTRUCTIONS), and 7-203 of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 11-1302 (Special exception established) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) and add and ordain Section 7-203 (ACCESSORY DWELLINGS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2020-00007, 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 January 5, 2021 of a text amendment to the Zoning Ordinance to adopt amendments to allow accessory dwelling units by permit, which recommendation was approved by the City Council at public hearing on January 23, 2021;
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 2-136.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-136.1 – Dwelling, accessory.

A dwelling unit with separate cooking, heating and sanitary facilities that is subordinate to a principal residential use. An accessory dwelling shall be considered an accessory use.

Section 2. That Section 2-141 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:

2-141 - Dwelling unit.

A group of one or more rooms designed for or intended for occupancy by a single family. In determining whether a dwelling is a single-family dwelling, a two-family dwelling, a townhouse dwelling or a multifamily dwelling, consideration will be given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the dwelling is being put and the potential use to which the dwelling might

be put; and whether kitchen and bathroom facilities and bedrooms are so located as to provide privacy if occupied by an additional family. It is the intent of this provision to prohibit the installation of facilities in a dwelling unit which would extend the use of the premises for occupancy by more than one family. An accessory dwelling shall not be considered in determining whether the principal dwelling is a single-family, two-family or townhouse dwelling, or whether a single-family, two-family or townhouse dwelling complies with the maximum density and minimum open space or lot requirements for the zone for which it is located.

Section 3. 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:

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 seven feet or more in height. 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:

(6) Free-standing garages to the rear of the main building in accordance with section 7-2501. The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusions listed in section 2-145(A)(12).

(11) Sheds and other small accessory buildings in accordance with section 7-202 (C)(2). The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusions listed in section 2-145(A)(12).

(12) Floor area devoted to an accessory dwelling within an accessory building in accordance with section 7-203. The total floor area excluded pursuant to sections 2-145(A)(6), (11) and this subsection shall not exceed:

- (a) 100 square feet for lots less than 2,500 square feet,
- (b) 350 square feet for lots 2,500 square feet or greater or
- (c) 600 square feet for lots 8,000 square feet or greater.

(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 seven feet or more in height. 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:

(12) Sheds and other small accessory buildings in accordance with section 7-202(C)(2). The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusion listed in section 2-145(B)(14).

(14) Floor area devoted to an accessory dwelling within an accessory building in accordance with section 7-203. The total floor area excluded pursuant to section 2-145(B)(12) and this subsection shall not exceed 65 square feet.

Section 4. 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:

(N) Accessory dwelling, subject to Section 7-203.

Section 5. That Section 7-103 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:

7-103 - Use limitations.

The following limitations apply to accessory uses and structures:

(A) No accessory use or structure shall be located forward of a front building wall facing a primary front yard except as provided in section 7-202(A).

Section 6. 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:

(C) In any yard except a front yard:

(4) Freestanding private garages to the rear of the main building in accordance with section ~~7-25017-2505~~.

(5) Accessory buildings occupied by accessory dwellings in accordance with section 7-203.

Section 7. That Section 7-203 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-203 – Accessory dwellings.

(A) No accessory dwelling unit shall be permitted unless a permit for the same has been issued by the Director. An application for the permit shall be submitted to the Director on such forms as the Director may prescribe and shall include information that demonstrates compliance with this section 7-203. The applicant shall submit the fee prescribed by section 11-104.

(B) Use limitations.

(1) An accessory dwelling shall be permitted as an accessory use to a single-family, two-family or townhouse dwelling only.

(2) Only one accessory dwelling shall be permitted on any recorded lot including properties subject to section 7-103(D).

(3) The gross floor area of an accessory dwelling within a principal dwelling shall not exceed one-third of the principal dwelling's gross floor area.

(4) No more than three persons shall reside in the accessory dwelling.

(5) The accessory and principal dwelling shall remain under common ownership.

(6) The owner of the property shall maintain the property as their primary residence at the time the permit required by section 7-203(A), above, is issued.

(7) The accessory dwelling shall not be a short-term residential rental, as defined by City Code section 3-2-152(a)(2), for a period exceeding 120 days per calendar year.

(C) Bulk and setback requirements for a detached accessory building.

(1) Size. The maximum floor area of the accessory building's first floor shall not exceed the greater of:

- (a) One-third of the floor area of the principal dwelling's first floor or
- (b) 350 square feet for lots 2,500 square feet or less and 500 square feet for lots larger than 2,500 square feet.

For the purposes of this section, floor area shall include space otherwise excluded pursuant to sections 2-145(A)(12) and 2-145(B)(14).

- (2) Height. The maximum height of the accessory building shall not exceed the lesser of the following:

- (a) The height of the principal dwelling or
- (b) 20 feet.

For purposes of this section, the maximum height shall include all rooftop appurtenances listed in section 6-403(B).

- (3) Side and rear yards. The accessory building shall be permitted in required side and rear yards subject to the following requirements:

- (a) Unless a lesser setback is required by the zone in which the property is located, the accessory building shall provide at least a one-foot setback, including architectural features, from side and rear lot lines and
- (b) If the accessory building has walls with windows or doorways that face the nearest side or rear lot line, the setback shall be three feet unless a greater setback is required by (c), (d) or (e),
- (c) Portions of an accessory building taller than 13.5 feet but less than 16 feet shall provide a setback of at least 2.5 feet,
- (d) Portions of accessory buildings more than 16 feet in height shall provide a setback of at least five feet.
- (e) Outside of the Old and Historic Alexandria and Parker-Gray Districts, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 20 feet, measured from grade, facing the shared lot line and located within three feet of that shared lot line, the 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.

- (D) Off-street parking. An accessory dwelling shall be exempt from providing off-street parking.

Section 8. 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 a single family, two family, or townhouse dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(F) Bulk and setback requirements of section 7-203(B) for the expansion or reconstruction of a detached accessory building subject to the following requirements:

- (1) The accessory building shall be developed with an accessory dwelling.
- (2) No expansion or reconstruction shall increase the degree of the accessory building's existing noncompliance with regard to section 7-203(B).
- (3) The noncomplying accessory building existed prior to February 20, 2021.
- (4) Nothing in this subsection shall be deemed to authorize the expansion or redevelopment of an accessory building beyond the height or floor area ratio permitted by the zone in which such accessory building is located, nor to authorize the approval of more than one special exception per lot under the provisions of this subsection.

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

Section 10. That Sections 2-136.1 (DWELLING, ACCESSORY), 2-141 (DWELLING UNIT), and 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 7-101 (PERMITTED ACCESSORY USES), 7-103 (USE LIMITATIONS), 7-202 (PERMITTED OBSTRUCTIONS), and 7-203 of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) and Section 7-203 (ACCESSORY DWELLINGS) of Article VII SUPPLEMENTAL ZONE REGULATIONS), as amended or added pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained or ordained as part of the City of Alexandria Zoning Ordinance.

Section 4. 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: March 13, 2021