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11-17-01

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Introduction and first reading: 11/13/01  
Public hearing: 11/17/01  
Second reading and enactment: 11/17/01

### INFORMATION ON PROPOSED ORDINANCE

#### Title

AN ORDINANCE to amend and reordain Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA No. 2001-0001).

#### Summary

The proposed ordinance accomplishes the final adoption of Text Amendment No. 2001-0001, to authorize the Board of Zoning Appeals to consider a special exception to modify yard and setback requirements, and permit construction in line with an existing wall plane, in certain limited circumstances.

#### Sponsor

Department of Planning and Zoning

#### Staff

Eileen Fogarty, Director of Planning and Zoning  
Ignacio B. Pessoa, City Attorney

#### Authority

§§ 2.02(w) and 9.09, Alexandria City Charter  
§ 11-800, City of Alexandria Zoning Ordinance

#### Estimated Costs of Implementation

None

#### Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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11-17-01

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA No. 2001-0001).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

- 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:
- (A) fences on corner lots, and
  - (B) yard and setback requirements, 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% of the length of the building along the side containing such wall.
    - (3) The term noncomplying plane does not include any plane established in whole or in part by entrances, steps or other projections into a required yard.
    - (4) 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 2. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Introduction: 11/13/2001  
First Reading: 11/13/2001  
Publication: 11/15/01  
Public Hearing: 11/17/01  
Second Reading: 11/17/01  
Final Passage:

N.B. Underlining is not part of the ordinance but denotes material that is new or amended. Strike-outs or dashes are not part of the ordinance but denote material that is being deleted.

ORDINANCE NO. 4226

AN ORDINANCE to amend and reordain Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA No. 2001-0001).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

- 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:
- (A) fences on corner lots, and
  - (B) yard and setback requirements, 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% of the length of the building along the side containing such wall.
    - (3) The term noncomplying plane does not include any plane established in whole or in part by entrances, steps or other projections into a required yard.
    - (4) 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 2. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Final Passage: November 17, 2001