

EXHIBIT NO. 1 13
1-20-07 ~~8.1~~
~~12-16-06~~

Introduction and first reading: 12/16/2006
Public hearing: 1/20/2007
Second reading and enactment: 1/20/2007

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to extend interim residential infill development regulations as part of Section 7-1002 (RESIDENTIAL SETBACK IN LINE WITH EXISTING DEVELOPMENT), and Subsection (B) of Section 11-1710 (SUBDIVISION REQUIREMENTS- RESUBDIVISIONS), of the City of Alexandria Zoning Ordinance (Text Amendment No. 2006-0004).

Summary

The proposed ordinance extends the interim residential infill development regulations, adopted June 27, 2006, until December 31, 2007, unless sooner amended or revised by City Council.

Sponsor

Staff

Richard Josephson, Acting Director of Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(w), 3.12, 9.12, Alexandria City Charter
§ 11-800, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

ORDINANCE NO. _____

AN ORDINANCE to extend interim residential infill development regulations as part of Section 7-1002 (RESIDENTIAL SETBACK IN LINE WITH EXISTING DEVELOPMENT), and Subsection (B) of Section 11-1710 (SUBDIVISION REQUIREMENTS- RESUBDIVISIONS), of the City of Alexandria Zoning Ordinance (Text Amendment No. 2006-0004).

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2006-0003, the planning commission initiated an amendment to adopt interim residential infill development regulations, and

2. The City Council has approved the adoption of Text Amendment No. 2006-0003, and adopted such regulations on June 27, 2006, by Ordinance No. 4457, to expire December 31, 2006, and

3. The Planning Commission and City Council have approved Text Amendment No 2006-0004, to revise and extend such interim regulation until December 31, 2007, unless sooner amended or repealed by City Council, and

4. 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 7-1002 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended, and as so amended is reenacted and reordained, to read as follows:

Sec. 7-1002 Residential setback and front door threshold height in line with existing development.

(A) Unless a different rule is specified for average setbacks, wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built with a different minimum setback than prescribed for the zone in which such buildings are located, no residential building hereafter erected or altered shall project beyond the minimum setback line so established; provided, that no dwelling shall be required to set back a distance more than ten feet greater than the setback required by the regulations of the zone in which it is located.

(B) Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse residential building erected or altered after [effective date] shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent, provided, that additional

1 front door threshold height may be permitted if a special use permit is
2 approved pursuant to section 11-500 of this ordinance, and city council
3 determines that the proposed construction will not detract from the value
4 of and will be of substantially the same residential character as adjacent
5 and nearby properties. For the purposes of this paragraph, the height of
6 the front door threshold is defined as the vertical distance between the
7 average existing grade along the front of the building to the top of the
8 threshold. The front door threshold shall accurately reflect the actual
9 location of the first floor of the building, and in all cases the front door
10 threshold shall be measured to the top of the threshold or the top of the
11 highest elevation of the finished first floor, whichever is greater.
12

13 (C) For the purposes of this section 7-1002, where the number of buildings
14 on one side of a street between two intersecting streets or between one
15 intersecting street and a street dead end is either fewer than five or where
16 the distance between streets as specified above is less than 200 feet or where
17 the number of buildings is greater than 15 or where the distance between
18 streets as specified above is greater than 600 feet, the director may designate
19 an appropriate block for purposes of calculating front door threshold height
20 without regard to intersecting streets subject to an administrative protocol
21 similar to that applied in substandard lot cases, and subject to city council
22 approval as part of the special use permit, if there is one, granted pursuant to
23 this section 7-1002.
24

25 Section 2. That Subsection (B) of Section 11-1710 of the City of Alexandria Zoning
26 Ordinance be, and the same hereby is, reenacted and reordained to read as follows:
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28 (B) No lot shall be resubdivided in such a manner as to detract from the
29 value of adjacent property. Lots covered by a resubdivision shall be of
30 substantially the same character as to suitability for residential use and
31 structures, lot areas, orientation, street frontage, alignment to streets and
32 restrictions as other land within the subdivision, particularly with respect to
33 similarly situated lots within the adjoining portions of the original
34 subdivision. In determining whether a proposed lot is of substantially the
35 same character for purposes of complying with this provision, the
36 Commission shall consider the established neighborhood created by the
37 original subdivision, evidence of which may be shown by (1) subdivision
38 plat documents, including amendments to the subdivision over time, as well
39 as the development that has occurred within the subdivision, and (2) land in
40 the same general location and zone as the original subdivision with the same
41 features so as to be essentially similar to the original subdivision area.
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1 Section 4. That this ordinance shall become effective on the date and at the time of
2 its final passage, and shall apply, *nunc pro tunc*, to all applications for land use, land
3 development or subdivision approval provided for under the City of Alexandria Zoning
4 Ordinance which are on January 1, 2007, pending before any city department, agency or board, or
5 before city council, shall apply to all such applications which may be filed after such date, and
6 shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria
7 Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance; provided,
8 however, that this ordinance shall expire on December 31, 2007.

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12 WILLIAM D. EUILLE

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14 Mayor

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18 Introduction: 12/16/2006
19 First Reading: 12/16/2006
20 Publication:
21 Public Hearing:
22 Second Reading:
23 Final Passage:

PROPOSED AMENDMENT TO INTERIM INFILL ORDINANCE:

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply, *nunc pro tunc*, to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on January 1, 2007, pending before any city department, agency or board, or before city council, shall apply to all such applications 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; provided, however, that Section 1 of this ordinance shall not apply to an undeveloped lot located in a Community Unit Plan development, for which a plot plan was approved on or about July 18, 2006; and provided further that this ordinance shall expire on December 31, 2007.

ORDINANCE NO. 4472

AN ORDINANCE to extend interim residential infill development regulations as part of Section 7-1002 (RESIDENTIAL SETBACK IN LINE WITH EXISTING DEVELOPMENT), and Subsection (B) of Section 11-1710 (SUBDIVISION REQUIREMENTS-RESUBDIVISIONS), of the City of Alexandria Zoning Ordinance (Text Amendment No. 2006-0004).

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2006-0003, the planning commission initiated an amendment to adopt interim residential infill development regulations, and
2. The City Council has approved the adoption of Text Amendment No. 2006-0003, and adopted such regulations on June 27, 2006, by Ordinance No. 4457, to expire December 31, 2006, and
3. The Planning Commission and City Council have approved Text Amendment No. 2006-0004, to revise and extend such interim regulation until December 31, 2007, unless sooner amended or repealed by City Council, and
4. 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 7-1002 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended, and as so amended is reenacted and reordained, to to read as follows:

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(A) Unless a different rule is specified for average setbacks, wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built with a different minimum setback than prescribed for the zone in which such buildings are located, no residential building hereafter erected or altered shall project beyond the minimum setback line so established; provided, that no dwelling shall be required to set back a distance more than ten feet greater than the setback required by the regulations of the zone in which it is located.

(B) Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse

residential building erected or altered after [effective date] shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent, provided, that additional front door threshold height may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will not detract from the value of and will be of substantially the same residential character as adjacent and nearby properties. For the purpose of this paragraph, the height of the front door threshold is defined as the vertical distance between the average existing grade along the front of the building to the top of the threshold. The front door threshold shall accurately reflect the actual location of the first floor of the building, and in all cases the front door threshold shall be measured to the top of the threshold or the top of the highest elevation of the finished first floor, whichever is greater.

(C) For the purposes of this section 7-1002, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating front door threshold height without regard to intersecting streets subject to an administrative protocol similar to that applied in substandard lot cases, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-1002.

Section 2. That Subsection (B) of Section 11-1710 of the City of Alexandria Zoning Ordinance be, and the same hereby is, reenacted and reordained to read as follows:

(B) No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the Commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by (1) subdivision plat documents, including amendments to the subdivision over time, as

well as the development that has occurred within the subdivision, and (2) land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

Section 3. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply, *nunc pro tunc*, to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on January 1, 2007, pending before any city department, agency or board, or before city council, shall apply to all such applications 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; provided, however, that Section 1 of this ordinance shall not apply to an undeveloped lot located in a Community Unit Plan development, for which a plot plan was approved on or about July 18, 2006; and provided further that this ordinance shall expire on December 31, 2007.

WILLIAM D. EUILLE
Mayor

Final Passage: January 20, 2007