INFORMATION ON PROPOSED ORDINANCE

Title

AN EMERGENCY ORDINANCE to adopt 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, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2006-0003.

Summary

The proposed ordinance adopts Text Amendment No. 2006-0003, to provide interim residential infill development regulations, on an emergency basis, during the Council’s summer recess, and expires December 31, 2006, unless sooner amended or revised by City Council.

Sponsor

Staff

Eileen P. Fogarty, 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
EXHIBIT NO. 2

ORDINANCE NO. ___

AN EMERGENCY ORDINANCE to adopt 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, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2006-0003.

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

3. An emergency exists by virtue of the fact that established residential neighborhoods in the City, which constitute a vital part of the City's character, are threatened by the development of overly large new houses and additions which are out of scale with the neighborhood, disrupt and harm the established neighborhood character, and adversely impact the neighboring properties, and, absent the adoption of this emergency ordinance, this threat will continue unabated during the Council's summer recess.

4. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBYORDAINS:

Section 1. That Section 7-1002 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended 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 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.

(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, amended 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 Section 7-1002 and Subsection (B) of Section 11-1710, as amended by
this ordinance, be, and the same hereby are, reordained 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 are on such date
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

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as may be provided in Article XII of the Zoning Ordinance; provided, however, that this emergency ordinance shall expire on December 31, 2006.

WILLIAM D. EUILLE
Mayor

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<tr>
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<td>Final Passage</td>
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COA Contact Us: Comments on Infill Development Proposal

Time: [Tue Jun 27, 2006 16:05:08] IP Address: [151.200.194.57]
Response requested: []

First Name: Lisa
Last Name: May
Street Address: 8411 Arlington Blvd.
City: Fairfax
State: VA
Zip: 22031
Phone: 703-207-3200
Email Address: imay@nvar.com
Subject: Comments on Infill Development Proposal
June 27, 2006

The Honorable Euille
Mayor, City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Mayor Euille:

On behalf of the Northern Virginia Association of Realtors® (NVAR), an association representing over 13,000 Realtors®, I am writing you regarding the city’s proposed infill development regulations.

NVAR is well aware of the vast number of infill development projects in the Northern Virginia area. Certainly, there are projects that dramatically outsize existing homes in the neighborhood and the community concern around these “McMansions” can be understandable. However, we have several reservations about the proposed infill regulations the City is considering.

One concern is the front door threshold height restriction. The City readily admits that a cost burden will be placed on homeowners in requiring that they hire a surveyor to establish a front door...
threshold height. In addition, it is unclear whether this requirement would result in unequal treatment of identical renovation plans within the same neighborhood. For instance, it is possible that the front threshold height of a house would fall within the 20% variance on a block that contains infill homes, while that same front door threshold height would be more than the allowable 20% on a block without infill homes.

Another concern is how the City would determine the "character" of an infill home. While we understand the Commission will look at the original subdivision plans and the resulting development that has occurred, any discussion of character will involve the opinions and judgments of those defining the term. Governments should not take a "know it when I see it" approach to defining the private property rights of its residents.

We hope that the City Council will give full consideration to these issues and will narrowly define any infill regulations to preserve the property rights of Alexandria homeowners.

Sincerely,

Margaret Ireland, CRS, GRI
Chairman of the Board

cc: Alexandria City Council
ORDINANCE NO. 4457

AN EMERGENCY ORDINANCE to adopt 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, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2006-0003.

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(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 June 27, 2006, 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.

(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, amended to read as follows:

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Section 3. That Section 7-1002 and Subsection (B) of Section 11-1710, as amended by this ordinance, be, and the same hereby are, reordained 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 are on such date 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 this emergency ordinance shall expire on December 31, 2006.

WILLIAM D. EUILLE
Mayor

Final Passage: June 27, 2006