

EXHIBIT NO. 1

13
5-12-07

~~19~~
~~5-8-07~~

Introduction and first reading:
Public hearing:
Second reading and enactment:

5/08/2007
5/12/2007
5/12/2007

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 2-100 (DEFINITIONS) of Article 2 (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200 (PERMITTED STRUCTURES IN REQUIRED YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES), all of the City of Alexandria Zoning Ordinance (TA No. 2007-0001).

Summary

The proposed ordinance permit the BZA to approve by special exception certain open porches in required front yards.

Sponsor

Staff

Faroll Hamer, 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. _____

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3 AN ORDINANCE to amend and reordain Section 2-100 (DEFINITIONS) of Article 2
4 (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200
5 (PERMITTED STRUCTURES IN REQUIRED YARDS) of Article VII (SUPPLEMENTAL
6 ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED)
7 of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT
8 APPROVAL AND PROCEDURES), all of the City of Alexandria Zoning Ordinance (TA
9 No. 2007-0001).

10
11 WHEREAS, the City Council finds and determines that:

12
13 1. In Text Amendment No. 2007-0001, the planning commission initiated on its own
14 motion a text amendment to permit the BZA to approve by special exception certain open
15 porches in required front yards, and

16
17 2. The City Council has approved the adoption of Text Amendment No. 2007-0001,
18 and

19
20 3. All requirements of law precedent to the adoption of this ordinance have been
21 complied with; now, therefore,

22
23
24 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

25
26 Section 1. That Section 2-100 of the City of Alexandria Zoning Ordinance be, and
27 the same hereby is, amended by adding thereto the following new sections:

28
29 2-199.1 Awning or canopy. A small roof projection without columns made of
30 fabric or solid material, usually suspended or cantilevered from the building
31 wall entrance(s) and/or windows.

32
33 2-148.1 Front Porch. A covered landing attached to the exterior of a residential
34 building and generally extending along a portion of or the entire length of
35 the front building wall.

36
37 2-183.2 Portico. A small roof projection with or without columns or brackets above
38 an open landing, attached to the exterior of the primary front entrance of a
39 residential building.

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41 2-205.1 Yard, front primary. The front yard of a corner lot which contains a
42 building's main architectural entrance and is identified by the building's
43 street address and number.
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2 Yard, front secondary. The other front yard of a corner lot facing a street,
3 which may include an entrance but not a building's main architectural
4 entrance.
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6 Section 2. That section 7-202 of the City of Alexandria Zoning Ordinance be, and
7 the same hereby is, amended to read as follows:
8

9 7-202 Permitted obstructions. The following obstructions shall be permitted when located
10 in a required yard and placed so as not to obstruct light and ventilation and when otherwise
11 permitted by law:
12

13 (A) In all yards:

- 14 (1) Open fences which do not exceed three and one-half feet in height.
15
16 (2) Awnings or canopies provided they do not project more than ~~four~~ five feet
17 in depth from the existing building face.
18
19 (3) Bay or display windows, projecting 20 inches or less into the yard and
20 gutters, eaves, cornices or window sills projecting 12 inches or less into the
21 yard.
22
23 (4) Chimneys projecting 30 inches or less into the yard, provided that such
24 projection does not reduce the width of the remaining side or rear yard to
25 less than five feet.
26
27 (5) Arbors and trellises.
28
29 (6) Flag poles which do not exceed 15 feet in height.
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31 (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less
32 than five feet.
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34 (8) Ramps and similar structures necessary to provide access for the
35 handicapped.
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37 (9) Porticos, provided that they do not extend more than six feet from the main
38 building wall, do not extend more than and nine feet in length, which
39 dimensions include any roof overhang, and provided further that they
40 remain open.
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(B) In any yard except a front yard:

- (1) Sandboxes, swings and other small items of childrens' play equipment.**
- (2) Clotheslines.**
- (3) Open and closed fences which do not exceed six feet in height.**
- (4) Small sheds, doghouses, dollhouses and structures used for storage, provided**

(a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.

(b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.

- (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.**

- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.**

(C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.

(D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

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2 Section 3. That Section 11-1302 of the City of Alexandria Zoning Ordinance be,
3 and the same hereby is, amended to read as follows:
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5 11-1302 Special exception established. A lot in a single family, two family or townhouse
6 zone may be the subject of a special exception from the following zoning requirements pursuant
7 to this Section 11-1300:
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9 (A) fences on corner lots, ~~and,~~

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11 (B) yard and setback requirements for enlargement of a dwelling, as follows:
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13 (1) Yard and setback requirements applicable to the extension or enlargement of a
14 single family, two family or townhouse dwelling only, within any one noncomplying
15 plane of such dwelling.
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17 (2) As used in this subsection, the term noncomplying plane means the vertical plane
18 established by a wall, one story or more in height, of a main building which wall:
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20 (a) does not comply with the yard or setback requirements of this ordinance,
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22 (b) existed prior to the effective date of any change to the yard or setback
23 regulations or restrictions applicable to such wall, and
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25 (c) extends for more than 50% of the length of the building along the side
26 containing such wall.
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28 (3) The term noncomplying plane does not include any plane established in whole or
29 in part by entrances, steps or other projections into a required yard.
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31 (4) Nothing in this subsection shall be deemed to authorize the extension or
32 enlargement of a single family, two family or townhouse dwelling beyond
33 the height or floor area ratio permitted by the zone in which such dwelling is located,
34 nor to authorize the approval of more than one special exception per dwelling under
35 the provisions of this subsection.
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37 (C) yard and setback requirements for a ground level, single story, covered front porch,
38 limited to the main architectural entrance of a dwelling, facing a front yard, or
39 primary front yard if a corner lot, and subject to the following requirements:
40

41 (1) Limitation on yard and setback reductions:
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43 (a) the porch deck shall project a maximum of eight feet from the front
44 building wall plane.

1 (b) the front building wall plane shall be established by the wall of the
2 dwelling which extends for more than 50 percent of the length of the
3 building, and faces the front yard, or primary front yard if a corner lot.
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5 (c) the front yard, or primary front yard if a corner lot, shall not be reduced
6 to less than fifteen feet from the front property line.
7

8 (2) The applicant for a ground level covered front porch shall demonstrate by clear
9 and convincing evidence that the proposed porch is compatible with the existing
10 building architecture, neighboring properties and neighborhood character, and will
11 comply with the following requirements:
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13 (a) no portion of the porch shall extend beyond the end of the walls of the
14 front building facade, except where the resulting lot and structure retain a
15 side or front yard which complies with the zone requirements.
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17 (b) the roof line of the porch shall be in scale with the existing building
18 architecture.
19

20 (c) no second floor balcony, deck, or enclosed construction shall be
21 permitted above the front porch.
22

23 (d) a ground level covered front porch shall remain open, and shall at no
24 time be enclosed with building walls, glass or screens; provided that
25 railings, no higher than the minimum height required by the building code,
26 and with balusters evenly spaced so as to leave at least 50 percent of the
27 perimeter length of the railings open, shall be permitted.
28

29 (3) Nothing in this subsection shall be deemed to authorize the extension or
30 enlargement of a single family, two family or townhouse dwelling beyond
31 the height or floor area ratio permitted by the zone in which such dwelling is located,
32 nor to authorize the approval of more than one special exception per dwelling under
33 the provisions of this subsection.
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35 Section 4. That Sections 2-100, 7-202, and 11-1302 of the City of Alexandria
36 Zoning Ordinance be, and the same hereby are, reordained as part of the City of Alexandria
37 Zoning Ordinance.
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Section 5. 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 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.

WILLIAM D. EUILLE
Mayor

Introduction: 5/08/2007
First Reading: 5/08/2006
Publication:
Public Hearing:
Second Reading:
Final Passage:

ORDINANCE NO. 4483

AN ORDINANCE to amend and reordain Section 2-100 (DEFINITIONS) of Article 2 (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200 (PERMITTED STRUCTURES IN REQUIRED YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES), all of the City of Alexandria Zoning Ordinance (TA No. 2007-0001).

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2007-0001, the planning commission initiated on its own motion a text amendment to permit the BZA to approve by special exception certain open porches in required front yards, and
2. The City Council has approved the adoption of Text Amendment No. 2007-0001, and
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 2-100 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto the following new sections:

- | | |
|---------|--|
| 2-199.1 | Awning or canopy. A small roof projection without columns made of fabric or solid material, usually suspended or cantilevered from the building wall entrance(s) and/or windows. |
| 2-148.1 | Front Porch. A covered landing attached to the exterior of a residential building and generally extending along a portion of or the entire length of the front building wall. |
| 2-183.2 | Portico. A small roof projection with or without columns or brackets above an open landing, attached to the exterior of the primary front entrance of a residential building. |
| 2-205.1 | Yard, front primary. The front yard of a corner lot which contains a building's main architectural entrance and is identified by the building's street address and number. |
| 2-205.2 | Yard, front secondary. The other front yard of a corner lot facing a street, which may include an entrance but not a building's main architectural entrance. |

Section 2. That section 7-202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read 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:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices or window sills projecting 12 inches or less into the yard.
- (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
- (5) Arbors and trellises.
- (6) Flag poles which do not exceed 15 feet in height.
- (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
- (8) Ramps and similar structures necessary to provide access for the handicapped.
- (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than and nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.

(B) In any yard except a front yard:

- (1) Sandboxes, swings and other small items of childrens' play equipment.
- (2) Clotheslines.
- (3) Open and closed fences which do not exceed six feet in height.

- (4) Small sheds, doghouses, dollhouses and structures used for storage, provided
 - (a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.
 - (b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.
 - (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.
 - (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
- (C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.
- (D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

Section 3. 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.
- (B) yard and setback requirements for enlargement of a dwelling, 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.

(C) yard and setback requirements for a ground level, single story, covered front porch, limited to the main architectural entrance of a dwelling, facing a front yard, or primary front yard if a corner lot, and subject to the following requirements:

(1) Limitation on yard and setback reductions:

(a) the porch deck shall project a maximum of eight feet from the front building wall plane.

(b) the front building wall plane shall be established by the wall of the dwelling which extends for more than 50 percent of the length of the building, and faces the front yard, or primary front yard if a corner lot.

(c) the front yard, or primary front yard if a corner lot, shall not be reduced to less than fifteen feet from the front property line.

(2) The applicant for a ground level covered front porch shall demonstrate by clear and convincing evidence that the proposed porch is compatible with the existing building architecture, neighboring properties and neighborhood character, and will comply with the following requirements:

(a) no portion of the porch shall extend beyond the end of the walls of the front building facade, except where the resulting lot and structure retain a side or front yard which complies with the zone requirements.

(b) the roof line of the porch shall be in scale with the existing building architecture.

(c) no second floor balcony, deck, or enclosed construction shall be permitted above the front porch.

(d) a ground level covered front porch shall remain open, and shall at no time be enclosed with building walls, glass or screens; provided that railings, no higher than the minimum height required by the building code, and with balusters evenly spaced so as to leave at least 50 percent of the perimeter length of the railings open, shall be permitted.

(3) 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 4. That Sections 2-100, 7-202, and 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. 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 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.

WILLIAM D. EUILLE
Mayor

Final Passage: May 12, 2007