

Introduction and first reading: 6/27/2006
Public hearing: 6/27/2006
Second reading and enactment: 6/27/2006

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

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 HEREBY ORDAINS:

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

1 intersecting streets or one intersecting street and a street dead end) by more than
2 20 percent, provided, that additional front door threshold height may be permitted
3 if a special use permit is approved pursuant to section 11-500 of this ordinance,
4 and city council determines that the proposed construction will not detract from
5 the value of and will be of substantially the same residential character as adjacent
6 and nearby properties.

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

18
19 Section 2. That Subsection (B) of Section 11-1710 of the City of Alexandria Zoning
20 Ordinance be, and the same hereby is, amended to read as follows:

21
22 (B) No lot shall be resubdivided in such a manner as to detract from the value of adjacent
23 property. Lots covered by a resubdivision shall be of substantially the same character as
24 to suitability for residential use and structures, lot areas, orientation, street frontage,
25 alignment to streets and restrictions as other land within the subdivision, particularly with
26 respect to similarly situated lots within the adjoining portions of the original subdivision.
27 In determining whether a proposed lot is of substantially the same character for purposes
28 of complying with this provision, the Commission shall consider the established
29 neighborhood created by the original subdivision, evidence of which may be shown by (1)
30 subdivision plat documents, including amendments to the subdivision over time, as well
31 as the development that has occurred within the subdivision, and (2) land in the same
32 general location and zone as the original subdivision with the same features so as to be
33 essentially similar to the original subdivision area.
34

35 Section 3. That Section 7-1002 and Subsection (B) of Section 11-1710, as amended by
36 this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning
37 Ordinance.

38
39 Section 4. That this ordinance shall become effective on the date and at the time of its
40 final passage, and shall apply to all applications for land use, land development or subdivision
41 approval provided for under the City of Alexandria Zoning Ordinance which are on such date
42 pending before any city department, agency or board, or before city council, shall apply to all
43 such applications which may be filed after such date, and shall apply to all other facts and
44 circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except

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

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5 WILLIAM D. EUILLE
6 Mayor
7

8 Introduction: 6/27/2006
9 First Reading: 6/27/2006
10 Publication: n/a
11 Public Hearing: 6/27/2006
12 Second Reading: 6/27/2006
13 Final Passage: 6/27/2006
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6-27-06



<lmay@nvar.com>

06/27/2006 04:05 PM

Please respond to
<lmay@nvar.com>

To <jackie.henderson@alexandriava.gov>

cc

bcc

Subject COA Contact Us: Comments on Infill Development Proposal

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: lmay@nvar.com
Subject: Comments on Infill Development Proposal
June 27, 2006

The Honorable Bill 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

Comments:

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.

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 HEREBY ORDAINS:

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 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:

(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 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