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Introduction and first reading: 4/13/10
Public hearing: 4/17/10
Second reading and enactment: 4/27/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend Section 7-1002 (RESIDENTIAL SETBACK AND FRONT DOOR THRESHOLD HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and Section 7-2500 (SUPPLEMENTAL REGULATIONS FOR CERTAIN RESIDENTIAL ZONES), to Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1300 (SPECIAL EXCEPTION), to Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0009.

Summary

The proposed ordinance amends the Zoning Ordinance to revise and clarify the infill regulations as recommended to the City Council by the Planning Commission on February 2, 2010, which recommendation was approved by the City Council at public hearing on February 20, 2010.

Sponsor

Staff

Faroll Hamer, Director, Planning and Zoning
Barbara Ross, Deputy Director, Planning and Zoning
Christopher P. Spera, Deputy City Attorney
Joanna C. Frizzell, Assistant City Attorney

Authority

§§ 2.04(w), 9.12, 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

ORDINANCE NO. _____

AN ORDINANCE to amend Section 7-1002 (RESIDENTIAL SETBACK AND FRONT DOOR THRESHOLD HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and Section 7-2500 (SUPPLEMENTAL REGULATIONS FOR CERTAIN RESIDENTIAL ZONES), to Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1300 (SPECIAL EXCEPTION), to Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2009-0009, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 2, 2010 of a text amendment to the Zoning Ordinance to adopt residential infill regulations, which recommendation was approved by the City Council at public hearing on February 20, 2010;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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 7-1002 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

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

~~(A) Unless a different rule is specified for a particular zone, 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 at a uniform front setback forward or behind the minimum front setback prescribed for the zone in which such buildings are located, residential buildings hereafter erected or altered shall conform to the setback line so established. Absent a majority of buildings at a uniform front setback, the setback shall be established by the average of the front setbacks of the buildings on one side of the street of a block as described above. The board of zoning appeals is authorized to grant a special exception under the provisions of Section 11-1300 to modify the strict application of this requirement.~~

~~(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~~

1 after [January 20, 2007] shall exceed the average height of the front door
2 threshold of the residential buildings built on that block (one side of a street
3 between two intersecting streets or one intersecting street and a street dead end)
4 by more than 20 percent, provided, that additional front door threshold height may
5 be permitted if a special use permit is approved pursuant to section 11-500 of this
6 ordinance, and city council determines that the proposed construction will not
7 detract from the value of and will be of substantially the same residential
8 character as adjacent and nearby properties. For the purpose of this paragraph,
9 the height of the front door threshold is defined as the vertical distance between
10 the average pre-construction grade along the front of the building to the top of the
11 threshold. The front door threshold shall accurately reflect the actual location of
12 the first floor of the building, and in all cases the front door threshold shall be
13 measured to the top of the threshold or the top of the highest elevation of the
14 finished first floor, whichever is greater.
15

16 (C) For the purposes of this section 7-1002, where the number of buildings on one
17 side of a street between two intersecting streets or between one intersecting street
18 and a street dead end is either fewer than five or where the distance between
19 streets as specified above is less than 200 feet or where the number of buildings is
20 greater than 15 or where the distance between streets as specified above is greater
21 than 600 feet, the director may designate an appropriate block for purposes of
22 calculating front door threshold height without regard to intersecting streets
23 subject to an administrative protocol similar to that applied in substandard lot
24 cases, and subject to city council approval as part of the special use permit, if
25 there is one, granted pursuant to this section 7-1002.
26

27 Section 2. That Section 7-2500 of the Zoning Ordinance be, and the same hereby is,
28 amended by deleting and inserting new language, as shown:
29

30 7-2500 ~~Supplemental~~ Infill Regulations for ~~Certain~~ Single and Two Family Residential Zones.
31

32 7-2502 *Height in line with existing development.*
33

- 34 (A) The height of a residential building erected or altered after [effective date] shall
35 not exceed the greater of:
36 (1) 25 feet, or
37 (2) The average height along the front of the building of the residential
38 buildings existing on that block (one side of a street between two
39 intersecting streets or one intersecting street and a street dead end) by more
40 than 20 percent.
41
- 42 (B) A height greater than that calculated in Section 7-2502(A) may be permitted if a
43 special use permit is approved pursuant to section 11-500 of this ordinance, and
44 city council determines that the proposed construction will be of substantially the
45 same residential character and design as adjacent and nearby properties. For
46 purposes of this subsection, the recommendation of the planning commission on

1 the special use permit shall be deemed a final decision of the city council, unless
2 any person files with the city clerk a request for hearing by council within 5
3 working days after the action of the commission. In the event such request is
4 filled, the application shall be docketed for consideration at the next available
5 council public hearing meeting. All notice for applications under this subsection
6 shall include a description of the procedure herein provided, in such form as the
7 director shall require.
8

9 (C) For the purposes of this section 7-2502, where the number of buildings on one
10 side of a street between two intersecting streets or between one intersecting street
11 and a street dead end is either fewer than five or where the distance between
12 streets as specified above is less than 200 feet or where the number of buildings is
13 greater than 15 or where the distance between streets as specified above is greater
14 than 600 feet, the director may designate an appropriate block for purposes of
15 calculating height without regard to intersecting streets subject to an
16 administrative protocol ~~similar to that applied in standard lot cases~~, and
17 subject to city council approval as part of the special use permit, if there is one,
18 granted pursuant to this section 7-2502.
19

20 (D) Where an application proposes redevelopment of one or more entire blocks, as
21 defined in Section 7-2502(A)(2), or where there is no appropriate blocks for
22 purposes of calculating height, this section 7-2502 shall not apply and the height
23 restrictions of the zone in which the property is located shall apply.
24

25 ~~7-2503 *Front door threshold height in line with existing development. See threshold height*~~
26 ~~*regulations in Section 7-1002 (B) and (C). Residential front setback and front door*~~
27 ~~*threshold in line with existing development.*~~
28

29 (A) Unless a different rule is specified for a particular zone, wherever the major
30 portion of a block is developed, and the majority of the buildings built on one side
31 of a street between two intersecting streets or between one intersecting street and
32 a street dead end have been built at a uniform front setback forward or behind the
33 minimum front setback prescribed for the zone in which such buildings are
34 located, new residential buildings hereafter erected shall conform to the setback
35 line so established. Absent a majority of buildings at a uniform front setback, the
36 setback shall be established by the average of the front setbacks of the buildings
37 on one side of the street of a block as described above. For all other residential
38 construction, including without limitation, porches and additions, the director may
39 designate an appropriate front setback no closer to the front property line than the
40 established or average setback line. The board of zoning appeals is authorized to
41 grant a special exception under the provisions of Section 11-1300 to modify the
42 strict application of this requirement.
43

44 (B) Whenever the major portion of a block is developed, no front door threshold of a
45 single family, two-family or townhouse residential building erected or altered
46 after [January 20, 2007] shall exceed the average height of the front door

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

- 14
15 (C) For the purposes of this section 7-2503, where the number of buildings on one
16 side of a street between two intersecting streets or between one intersecting street
17 and a street dead end is either fewer than five or where the distance between
18 streets as specified above is less than 200 feet or where the number of buildings is
19 greater than 15 or where the distance between streets as specified above is greater
20 than 600 feet, the director may designate an appropriate block for purposes of
21 calculating front setback and front door threshold height without regard to
22 intersecting streets subject to an administrative protocol, and subject to city
23 council approval as part of the special use permit, if there is one, granted pursuant
24 to this section 7-2502.

25
26 7-2504 *Open front porches and porticos.*

- 27
28 (A) Ground level covered front porches and porticos constructed under the standards
29 of this section 7-2504 shall be excluded from floor area calculated under the
30 provisions of Section 2-145(A)(5).
31
32 (B) *Standards for porches.*
33 (1) *Extent of front porch exclusion.* No portion of the floor area of the porch to
34 be excluded under this section shall extend beyond the side walls of the
35 front building façade.
36 (2) *Size of porch.* To be excluded under this section, a porch shall be a
37 minimum of 5 feet deep and a maximum of 8 feet deep. The maximum
38 floor area to be excluded shall be 240 square feet.
39 (3) *Construction above not permitted.* To be excluded under this section, no
40 second floor balcony, deck, or enclosed construction shall be permitted
41 above the front porch or portico.
42 (4) *Must remain open.* A ground level front porch or portico shall remain open
43 and shall at no time be enclosed with building walls, glass, screens, or
44 otherwise. Railings shall be permitted no higher than the minimum height
45 required by the building code, and with balusters evenly spaced so as to
46 leave at least 50 percent of the perimeter length of the railings open.

1
2 ~~(C) For front porches and porticos that cannot meet the front setback requirements,~~
3 ~~the board of zoning appeals is authorized to grant a special exception under the~~
4 ~~provisions of Section 11-1300.~~
5

6 7-2505 *Free-standing garages to the rear of the main building.*
7

8 (A) Regardless of other regulations in this zoning ordinance, a free-standing private
9 garage is permitted to the rear of the main building in accordance with the
10 regulations in this section 7-2505 so long as it is the only garage on the lot or
11 adjacent vacant lot under common ownership. The floor area
12 of such a garage constructed in accordance with the standards of this section will
13 be excluded from floor area calculated under the provisions of Section 2-
14 145(A)(6).
15

16 (B) *Standards.*

17 (1) *Size.* For lots with a minimum of 5,000 square feet and with less than 8,000
18 square feet lot area, the garage shall have a floor area not greater than 250
19 square feet and a height not greater than ~~10~~ 11.50 feet. For lots 8,000 square
20 feet or larger, the garage shall have a floor area not greater than 500 square
21 feet and a height not greater than ~~12~~ 13.50 feet. The director may modify the
22 height permitted in this section 7-2505(B)(1) when the height and design of the
23 garage are appropriate and compatible with the main dwelling and with the
24 character of the immediate neighborhood.

25 (2) *Setback.* The garage shall be set back a minimum of 3 feet from the side or
26 rear property line if windows face the property line; otherwise the minimum
27 setback is 1 foot.

28 (3) *Access.* If there is no direct access to the garage from an alley, a permeable-
29 surfaced driveway is permitted in the side yard for access to the garage.
30 Permeable-surfaced driveways can be composed of grass with ring and grid
31 structure, gravel with a grid structure beneath, paving strips, a grid based
32 surface, or other treatments without significant compaction of the base, but
33 must be approved by the department of planning and zoning and the
34 department of transportation and environmental services. Either the
35 department of planning and zoning or the department of transportation and
36 environmental services can grant an exemption to the permeable-surfaced
37 driveway requirement in cases of steep slopes, adverse soil conditions,
38 constructability, or other conditions that for safety or environmental reasons
39 would require use of a non-permeable surfacing material. Tandem parking
40 in the driveway is permitted. Curb cuts must be approved in accordance
41 with Section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning
42 ordinance. The number of vehicles permitted on the lot is limited by
43 Section 8-200(C)(6).

44 (4) *Compatibility.* The accessory garage shall be compatible with the main
45 dwelling in regard to materials and design.

1 (5) *Use.* The accessory garage shall be dedicated to the use and storage of
2 motor vehicles.
3

4 7-2506 *Attached garages.* Private garages that are an integral part of the main residential
5 dwelling are only permitted under the following standards.
6

7 (A) Access to garage.

8 ~~(A)~~(1) Lot with width 65 feet or more. If the lot width is 65 feet or more,
9 an attached garage shall have the vehicle opening facing the side yard. Such a
10 garage may be no closer to the front property line than the plane of the front
11 building wall. In the case of a corner lot, an attached garage may face a secondary
12 front yard if the proposed location and design of the door is consistent with the
13 block and neighborhood character. Such a garage may be no closer to the front
14 property line than the plane of the secondary front building wall.

15 ~~(B)~~ (2) Lot with width less than 65 feet. If the lot width is less than 65 feet, an
16 attached garage with a vehicle entrance facing the front yard is permitted, but
17 must be set back a minimum of 8 feet from the plane of the front building wall.
18 No roof or covering is permitted in front of such a garage and any construction
19 above shall not extend forward of the front plane of the garage. The garage door
20 shall be compatible with the design of the residence.
21

22 ~~(C)~~(B) Driveway Surface. A non-tandem parking or garage access arrangement is
23 permitted only if the parking area is a permeable surface, unless the department of
24 planning and zoning or the department of transportation and environmental
25 services determines that a permeable-surfaced driveway is not appropriate due to
26 steep slopes, adverse soil conditions, constructability, or other conditions that for
27 safety or environmental reasons would require use of a non-permeable surfacing
28 material.
29

30 Section 3. That Section 11-1300 of the Zoning Ordinance be, and the same hereby
31 is, amended by deleting and inserting new language, as shown:
32

33 11-1300 Special exception.
34

35 11-1302 *Special exception established.* A lot in a single family, two family or townhouse zone
36 may be the subject of a special exception from the following zoning requirements
37 pursuant to this section 11-1300.
38

39 (D) Average Established front yard setback requirements for a main dwelling
40 required by section 7-2503, subject to the following requirements:

41 (1) Limitation on front setback increase or decrease.

42 ~~(a) No main dwelling shall be closer to the front property line than the~~
43 ~~average front setback line calculated for the proposed dwelling.~~

44 ~~(b)~~ (a) An adjustment is allowed of as much as 10% from the average front
45 setback line calculated for the project or 5 feet, whichever is less.

1 (e) (b) The front setback increase or decrease shall be the minimum
2 necessary to achieve the desired result.

- 3 (2) The applicant shall demonstrate by clear and convincing evidence that the
4 proposed change in front setback for the dwelling is necessary for
5 environmental and/or critical construction reasons and that the dwelling in
6 the proposed location will be compatible with the character of the rest of the
7 neighborhood block and will not be detrimental to the maintenance of a an
8 established setback along the street.
9

10 Section 4. That the director of planning and zoning be, and hereby is, directed to
11 record the foregoing text amendment.
12

13 Section 5. That Section 7-1002, as amended pursuant to Section 1 of this ordinance,
14 Section 7-2500, as amended pursuant to Section 2 of this ordinance and 11-1300, as amended
15 pursuant to Section 3 of this ordinance, be, and the same hereby are, reordained as parts of the
16 City of Alexandria Zoning Ordinance.
17

18 Section 6. That this ordinance shall become effective on the date and at the time of
19 its final passage, and shall apply to all applications for land use, land development or subdivision
20 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after
21 such date, and shall apply to all other facts and circumstances subject to the provisions of the
22 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning
23 Ordinance.
24

25 WILLIAM D. EUILLE
26 Mayor
27
28

29 Introduction: 04/13/2010
30 First Reading: 04/13/2010
31 Publication:
32 Public Hearing:
33 Second Reading:
34 Final Passage:
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