

ORDINANCE NO. 5374

AN ORDINANCE to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTAL MANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2021-00003, 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 September 9, 2021 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on September 18, 2021;
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 1-400 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

1-400 – Interpretation of ordinance.

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(B) Interpretation of zone regulations.

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(3) Maximum floor area ratio and maximum density shall be calculated as follows:

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(d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)(2).

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Section 2. That Section 2-104 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

2-104 – Accessory use.

A use ~~or structure~~ which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal ~~structure or~~ use served. An accessory use ~~or structure~~ generally occupies less than 33 percent of the principal use ~~or structure's~~ gross floor area and does not change the character of the principal ~~structure or~~ use.

Section 3. That Section 2-119.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-119.1 – Average pre-construction grade.

The elevation obtained by averaging the ground surface elevation at intervals of 10 ~~ten~~ feet at the perimeter of an existing or proposed single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building prior to construction. For accessory buildings less than 250 square feet, there shall be at least four ground surface elevations spaced at fixed intervals around the perimeter of an existing or proposed accessory building.

Section 4. That Section 2-123.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-123.1 – Building, accessory.

A building which is clearly subordinate to the principal building. An accessory building shall not exceed the height of the principal building. An accessory building's gross floor area shall not exceed one-third of the principal building's gross floor area.

Section 5. That Section 2-128.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-128.1 – Commercial complex ~~Committed affordable housing.~~

A building or group of buildings, including mixed-use buildings, in a commercial or mixed-use zone and under common ownership and control which include at least two commercial businesses and provides shared parking. Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

Section 6. That Section 2-128.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-128.2 – Committed affordable housing.

Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

Section 7. That Section 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-145 – Floor area.

(A) For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. ~~It shall include all space seven feet or more in height.~~ These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

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(4) Attic floor area with a ceiling height of less than seven feet ~~or less~~ or where the space with the ceiling height of seven feet or more is less than four feet wide, as measured from the attic floor or floor joists if there is no floor, to the bottom of the roof rafters or underside of the roof deck if there are no rafters.

(5) Porticos and portions of porches, including wrap-around porches, up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.

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- (B) For properties except for those specified in subsection A, above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. ~~It shall include all space seven feet or more in height. It shall include all space within an above grade parking garage.~~ This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

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- (13) Porticos and portions of porches, including wrap-around porches, up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.

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- (15) Areas with a ceiling height of less than seven feet, except in an above grade parking garage constructed after March 17, 2018. Areas in a parking garage constructed after that date, regardless of height, may not be excluded.

Section 8. That Section 2-169.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~2-169.1 – Lot, through.~~

~~A lot, other than a corner lot, having frontage on two streets.~~

Section 9. That Section 2-180 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-180 – Open and usable space.

The portion of a lot at ground level which is:

- (A) No less than eight feet or more in width and in length.

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Section 10. That Section 2-193.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~2-193.1 – Commercial complex.~~

~~A building or group of buildings, including mixed-use buildings, in a commercial or mixed-use zone and under common ownership and control which include at least two commercial businesses and provides shared parking.~~

Section 11. That Section 2-197.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-197.1 – Structure, accessory.

A ~~subordinate~~ structure, the use of which is clearly subordinate incidental to that of the principal main building or structure to the use of the premises. An accessory structure generally does not exceed the height of the principal building or structure.

Section 12. That Section 2-197.3 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~2-197.3 – Structure, subordinate.~~

~~An accessory structure with a gross floor area that is less than 33 percent of the gross floor area of the principal or main building.~~

Section 13. That Section 2-200.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-200.1 – Trellis.

A structure made of interwoven pieces of wood, metal or synthetic material that may be used ~~is a minimum of 80 percent open~~ to support and display climbing plants.

Section 14. That Section 6-403 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

6-403 – General regulations and exceptions

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(B) Rooftop appurtenances. Chimneys, towers, tanks, machinery, equipment, stairs, elevators, roof decks and guards, solar energy systems, penthouses or other mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

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- (1) All rooftop appurtenances, with the exception of solar energy systems, shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

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Section 15. That Section 7-100 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-100 – Accessory buildings, uses and structures.

Accessory buildings, uses and structures shall be ~~are~~ permitted, but only in connection with and incidental to a permitted principal building, use or structure and in compliance with the restrictions of this section 7-100.

Section 16. That Section 7-101 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-101 – Permitted accessory buildings, uses and structures.

Permitted accessory buildings, uses and structures shall be limited to the following and any additional building, use or structure which the director finds is similar to those listed in scope, size and impact, is ~~customarily~~ associated with a permitted building, use or structure ~~residential dwellings~~, and is otherwise in compliance with this ordinance:

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(O) Structures or mechanical equipment associated with electrical vehicle charging.

Section 17. That Section 7-102 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-102 – Prohibited accessory buildings, uses and structures.

Prohibited buildings, uses and structures accessory to residential dwellings include, but are not limited to:

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Section 18. That Section 7-103 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-103 – Building, use and structure limitations.

The following limitations apply to accessory buildings, uses and structures:

- (A) No accessory building, use or structure shall be located forward of a front building wall facing a primary front yard except as provided in section 7-202(A).
- (B) No accessory building, use or structure shall be located in a required front, rear, or side yard, except as provided in section 7-202.
- (C) Accessory buildings and structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.
- (D) An accessory building, use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal building, use or structure and which is adjacent to and in common ownership with the lot on which the principal building, use or structure which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.
- (E) Outside of the Old and Historic Alexandria and the Parker-Gray Districts, if a principal dwelling on an abutting lot has any openings with sill or threshold heights lower than the height of the following proposed accessory buildings and structures, as measured from grade, facing the shared lot line and within three feet of the shared lot line, the following accessory structures and buildings shall be located at least five feet from the shared lot line along the width of the openings and for a minimum of five feet in each direction, along the shared lot line, beyond the width of the openings:
  - (1) Arbors, trellises and pergolas;
  - (2) Accessory buildings occupied by an accessory dwelling unit;
  - (3) Freestanding private garages pursuant to section 7-2500;

- (4) Sheds and other small storage structures and
- (5) Fences exceeding three-and-one-half feet in height.

Section 19. That Section 7-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-202 – Permitted obstructions.

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(A) In all yards:

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(5) Arbors, trellises and pergolas, provided that such structures:

- (a) Shall That do not exceed 10 ten feet in height. A trellis that exceeds six feet in height and 15 feet in length or any trellis that is attached to a fence shall comply with sections 7-202 and 7-1700;
- (b) Shall That are not be used for parking or storage of motor vehicles; and
- (c) Shall That remain 80 percent open and uncovered by any material other than plantings.
- (d) Outside of the Old and Historic Alexandria District and the Parker Gray District, if a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.

(B) In any yard except a primary front yard:

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- (4) Structures or mechanical equipment associated with electric vehicle charging, provided that it complies with the noise level established in subsection 7-202(C)(3).

(C) In any yard except a front yard.

- (1) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and one-half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and one-half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (2) Sheds and other small accessory buildings:

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- (e) ~~Outside of the Old and Historic Alexandria District and the Parker Gray District, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.~~

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Section 20. That Section 7-203 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-203 – Accessory dwellings.

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- (C) *Bulk and setback requirements for a detached accessory building.* Regardless of other regulations in this zoning ordinance, an accessory building containing an accessory dwelling unit shall be permitted in accordance with the regulations in this section 7-203.

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- (3) *Side and rear yards.* The accessory building shall be permitted in required side and rear yards subject to the following requirements:

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- i. Portions of an accessory building that exceed taller than 13.5 feet in height and are but less than 16 feet in height or less shall provide a setback of at least 2.5 feet;
- ii. ~~Outside of the Old and Historic Alexandria and Parker Gray Districts, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 20 feet, measured from grade, facing the shared lot line and located within three feet of that shared lot line, the setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.~~

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- (E) Access. Section 7-2501(B)(3) shall govern access to a detached accessory dwelling that contains off-street parking in a private garage.

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Section 21. That Section 7-301 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:



7-301 - Permitted occupations. Use limitations.

Home occupations which have the general character of the following uses are permitted:

(A) Dressmaker, seamstress and tailor;

(B) Teacher;

(C) Artist, photographer, sculptor;

(D) Author, composer, editor, translator, writer;

(E) Home crafts, which may include, but are not limited to, such occupations as model making, rug weaving, lapidary work, macramé, cabinet making, and weaving;

(F) Offices of an ordained minister of religion;

(G) Office of an accountant, architect, bookkeeper, clerical service, computer programmer, consultant, dentist, arts and crafts instructor, lawyer, land surveyor, landscape architect, musician, physician, engineer, realtor, insurance agent or broker, or other similar occupation;

(H) Office of a salesman, sales representative or manufacturers representative;

(I) Repair services for such items as musical instruments, watches, clocks, small household appliances, toys or models, and similar devices;

(J) Contractor or service business; , provided that all requirements of this section 7-300 are met as well as the following additional requirements:

—— (1) No employees, other than persons legally residing on the premises, shall —— report to work at a residential location other than a job site.

—— (2) Not more than one commercial vehicle having a capacity not greater than —— one ton shall be parked on the property and then only in accordance with —— applicable regulations of this ordinance.

—— (3) No contracting equipment or materials shall be stored on the premises, except —— in —— a commercial vehicle used for transporting said equipment and —— materials between jobs, and no loading or unloading shall be done on or in the —— vicinity of the premises.

(K) Agricultural plantings, which may include but are not limited to vegetables, fruits, and succulents.

(A) Up to two employees are permitted on-site.

(B) No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or health profession office.

(C) No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(D) The number of patrons or students shall be limited to a total of 12 per day with no more than two patrons or students present at any one time. Patrons or students may visit the home occupation between the hours of 7:00 a.m. and 9:00 p.m., daily.

(E) No sign shall advertise the presence or conduct of the home occupation.

(F) All parking required for the home occupation shall be accommodated in permissible driveway and garage areas on the lot.

(G) There shall be no evidence that will indicate from the exterior of the premises that the building is being utilized in whole or in part for any purpose other than as a dwelling.

(H) There shall be no audible noise, detectable vibration or odor beyond the confines of the subject dwelling unit or accessory building, including transmittal through vertical or horizontal party walls.

- (I) The total floor area which may be used for a home occupation shall not exceed 25 percent of the total floor area of the dwelling unit in which it is located, less any attached garages. As part of such home occupation floor area, no more than two percent of the total floor area of the dwelling unit or a maximum of 20 cubic feet, whichever is less, shall be used for storage of stock-in-trade. The storage of hazardous materials not otherwise and customarily associated with home use is prohibited.
- (J) The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time.
- (K) The total number of animals kept in a dwelling unit at any one time cannot exceed the limits set forth in City Code Title 5, Chapter 7.
- (L) No motor vehicle repairs, sales or internal combustion engine work shall be permitted.
- (M) For contractor or service business, in addition to the other requirements of this section 7-300, the following additional limitations apply:
  - (1) No employees, other than persons legally residing on the premises, shall report to work at a residential location other than a job site.
  - (2) Not more than one commercial vehicle having a capacity not greater than one ton shall be parked on the property and then only in accordance with applicable regulations of this ordinance.
  - (3) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.

Section 22. That Section 7-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~7-302 Prohibited occupations.~~

~~Prohibited home occupations include but are not limited to the following:~~

- ~~(A) — Antique shop;~~
- ~~(B) — Barber shop or beauty salon;~~
- ~~(C) — Funeral home with or without chapel;~~
- ~~(D) — Gift shop;~~
- ~~(E) — Kennel or other boarding of animals;~~
- ~~(F) — Health profession office, hHospital, or nursing home;~~
- ~~(G) — Motor vehicle repair or sales;~~
- ~~(H) — Day care center;~~
- ~~(I) — Repair or testing of internal combustion engine;~~
- ~~(J) — Restaurant;~~
- ~~(K) — Veterinary clinic or animal hospital.~~

Section 23. That Section 7-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~7-303 — Use limitations.~~

- ~~(A) — Up to two employees are permitted on-site.~~

- (B) ~~No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or health profession office.~~
- (C) ~~No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.~~
- (D) ~~The number of patrons or students shall be limited to a total of 12 per day with no more than two patrons or students present at any one time. Patrons or students may visit the home occupation between the hours of 7:00 a.m. and 9:00 p.m., daily.~~
- (E) ~~No sign shall advertise the presence or conduct of the home occupation.~~
- (F) ~~All parking required for the home occupation shall be accommodated in permissible driveway and garage areas on the lot.~~
- (G) ~~There shall be no evidence that will indicate from the exterior of the premises that the building is being utilized in whole or in part for any purpose other than as a dwelling.~~
- (H) ~~There shall be no audible noise, detectable vibration or odor beyond the confines of the subject dwelling unit or accessory building, including transmittal through vertical or horizontal party walls.~~
- (I) ~~The total floor area which may be used for a home occupation shall not exceed 25 percent of the total floor area of the dwelling unit in which it is located, less any attached garages. As part of such home occupation floor area, no more than two percent of the total floor area of the dwelling unit or a maximum of 20 cubic feet, whichever is less, shall be used for storage of stock in trade. The storage of hazardous materials not otherwise and customarily associated with home use is prohibited.~~
- (J) ~~The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time.~~

Section 24. That Section 7-1212 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-1212 – Aesthetic standards governing wireless facility installations.

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- (C) ~~Characteristics of guidelines.~~ The design guidelines shall be no more burdensome than those applied to other types of facilities deployed in similar locations in the city. The guidelines shall be detailed and clear and shall be written in such a way that:
  - (1) Applicants may readily determine whether a design meets the guidelines;
  - (2) The discretion of the director in determining whether a design meets the guidelines is minimized.
- (C) ~~(D)~~ Historic districts. The director shall develop and submit to the board of architectural review for approval design guidelines for the city's historic districts that are consistent with this section and the existing design guidelines for the historic districts.
- (D) ~~(E)~~ Compliance with design guidelines. In developing application forms and related requirements, the director may require applicants to submit information demonstrating that proposed installations of wireless facilities and wireless structures comply with the

design guidelines pertinent to the types of facilities proposed in each application. Applicants shall comply with all such applicable design guidelines in designing and constructing wireless facilities and wireless structures. The director may reject any application that includes a proposed design that does not comply with any applicable guideline.

(E) ~~(F)~~ *Setbacks*. Applications shall meet all setback requirements for the district in which the wireless facilities are to be located. The director may reject any application that includes a proposed design that does not comply with such setback requirements.

(F) ~~(G)~~ *Publication of guidelines*. The final design guidelines shall be made available to the public, wireless providers, and wireless infrastructure providers before they take effect and shall be readily available on the city's website.

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Section 25. That Section 7-2501 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-2501 – Freestanding private garages to the rear to the rear of the main building.

The supplemental regulations in this section 7-2501 apply to residential lots developed or proposed to be developed with a single-family or two-family dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. Freestanding private garages located within required yards or excluded from floor area shall be ~~are only permitted subject to in-compliance with~~ the following standards:

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(B) Standards.

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(2) *Setback*. The freestanding garage may be located in the required side or rear yard if it complies with the following:

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(c) The freestanding garage must be located completely behind the rear wall of the dwelling unless, the director determines that locating the garage completely behind the rear building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns, in these cases the garage must be located completely behind the front building wall, and approved by the director as to location. ~~If a wall of a dwelling on an adjacent lot has any windows or doors that have a sill lower than 13.50 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new garage's setback shall be five feet, including any architectural features, from that shared property line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and for a minimum of five feet in each direction from that window or doorway.~~

(d) The freestanding garage must be located completely behind the rear wall of the dwelling unless, the director determines that locating the garage completely behind the rear building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns, in these cases the garage must be located completely behind the front building wall, and approved by the director as to location.

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Section 26. That Section 8-200 of the Zoning Ordinance be, and the same hereby is, amended by new language shown in underline, as follows:

8-200 – General parking regulations.

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(C) *Location of parking facilities.*

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(2) For all multifamily dwellings, required off-street parking facilities shall be located on the same lot as the main building lot, on a lot separated from the main building lot by an alley or directly across the street from the main building when separated by a minor local street only. Tandem parking is permitted to meet this requirement for up to four dwelling units that share a garage within a multifamily building provided that no more than four off-street parking spaces shall be tandem.

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Section 27. That Section 11-605 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-605 – Procedures for cluster development approval.

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(B) *Additional application material.* An application for cluster development approval shall include those materials required for a special use permit application as specified in section 11-503, as well as the following:

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(2) A preliminary subdivision plat which complies with the provisions of section 11-1700 ~~7-5-23 of the city code.~~

Section 28. That Section 11-1005 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1005 Powers and duties.

The board of zoning appeals shall have the following powers and duties:

\*\*\*\*

(E) To permit the following exceptions to the zone regulations and restrictions,

provided that by their design, construction and operation, such exceptions shall safeguard the health, safety and welfare of the occupants of the adjoining and surrounding properties, shall not unreasonably impair an adequate supply of light and air, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

- (1) The extension of a zone where the boundary line of a zone divides a lot in single ownership ~~on the effective date of the ordinance as of June 24, 1992. An asterisk shall be placed on the zoning map~~ The zone extension case must be recorded with the deed in the City's Land Records and denoted on the zoning map for land so affected and such land shall be treated as if it were in the new zone.

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Section 29. That Section 11-1302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1302 – Special exception established.

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- (F) Bulk and setback requirements of section 7-203(~~CB~~) for the expansion, alteration or reconstruction of a detached accessory building subject to the following requirements:

- a. No expansion, alteration or reconstruction shall increase the degree of the accessory building's existing noncompliance with regard to section 7-203(~~CB~~).

\*\*\*\*

Section 30. That Sections 11-1400 through 11-1406 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec. 11-1400 Zone extension.

11-1401 Authority.

The board of zoning appeals is authorized to review applications for the extension of a zone boundary line if a zone line divides a lot that was in single ownership on the effective date of the ordinance in accordance procedures, standards and limitations contained in this section 11-1400.

Editor's note—See City Charter § 9.18.

11-1402 Procedures for zone extension.

(A) Application. Any property owner, tenant, government official, department, board or bureau, may file an application for a zone extension in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

- (1) Site plan or survey to scale clearly showing the location of the property lines and the zone boundary lines, the property involved, existing and proposed buildings or additions.

(B) Staff review and report. The director shall review the application and determine that it contains the required information; shall review the merits of the application; shall prepare a staff report indicating its findings; and shall forward the report to the board of zoning appeals. The director shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party at the hearing.

(C) Docketing and notice. At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination.

(D) Public hearing by board of zoning appeals. The board of zoning appeals shall conduct a public hearing, in accordance with section 11-300, on the application for a zone extension and approve, deny or approve the application with conditions. The decision of the board shall state the reasons therefor. The concurring affirmative vote of four members shall be necessary to decide in favor of the applicant.

(E) Withdrawal of application. An application for a special exception may not be withdrawn by the applicant without the consent of the board after it has been docketed for public hearing.

#### 11-1403 Standards zone extension.

In order to grant an application for a zone extension under this section 11-1400, the board must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed. In making its determination, the board shall consider and weigh the following issues, as applicable.

(A) Whether approval of the zone extension will be detrimental to the public welfare, to the neighborhood or to adjacent properties.

(B) Whether approval of the zone extension will impair an adequate supply of light or air to adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

(C) Whether approval of the zone extension will alter the essential character of the area.

(D) Whether the proposed zone extension will diminish or impair the established property values in surrounding areas.

#### 11-1404 Conditions and restrictions.

Conditions and restrictions may be imposed on the premises benefited by a zone extension as may be necessary to reduce, minimize, or mitigate the effect of the zone extension upon other property in the neighborhood and better to carry out the general intent of the zoning ordinance. A guarantee or a bond may be required of the applicant to ensure that the conditions imposed are being and will be complied with. Failure to comply with any such conditions or restrictions shall constitute a violation of this ordinance and cause to revoke the zone extension, after notice and hearing is had. Violations of this ordinance may be enforced and penalized in accordance with section 11-200.

#### 11-1405 Burden on applicant.

The applicant for a zone extension shall bear the burden of producing evidence establishing that the requested zone extension satisfies the standards set out in section 11-1403.

#### 11-1406 Reconsideration.

If an applicant for a zone extension is denied, a subsequent application for the same relief on the same site shall not be considered again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

Section 31. That Section 11-1706 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1706 - Contents of preliminary plat application.

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(D) An application for preliminary plat approval shall include the following information and material:

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(15) Limits of floodplains, ~~and~~ resource protection areas, and resource management areas.

(15.1) In the case of properties containing resource protection areas, plat shall include a notation to retain an undisturbed and vegetated 100-foot-wide buffer area.

(15.2) In the cases of properties containing resource protection areas, plat shall include a notation specifying permitted development in the resource protection area is limited to water dependent facilities or redevelopment, including the 100-foot-wide vegetated buffer area.

Section 32. That Section 13-114 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

13-114 - Stormwater management plan.

(A) The stormwater management plan must apply the stormwater technical requirements of section 13-109 to the entire site. Individual lots in a new residential, commercial, or industrial development or sale, including those developed under subsequent owners, shall not be considered separate land-disturbing activities. Instead, the common plan, as a whole, shall be considered to be a single land disturbing activity. The plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. The plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, calculations, and citations to supporting references as appropriate to communicate the information required by this Article XIII. At a minimum, the stormwater management plan must contain the following:

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(8) A map or maps of the site that depicts the topography of the site and includes:

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(i) the delineation of buildable area.

Section 33. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

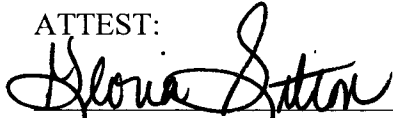


Section 34. That Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTAL MANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003, as added or amended pursuant to Sections 1 to 32 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 35. 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 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.

  
JUSTIN M. WILSON  
Mayor

ATTEST:

  
A handwritten signature in cursive script, appearing to read "Gloria A. Sitton", is written over a horizontal line.

Gloria A. Sitton, CMC City Clerk

Final Passage: 10/16/21