

ORDINANCE NO. 5447

AN ORDINANCE to amend and reordain Articles II (DEFINITIONS), VII (SUPPLEMENTAL ZONE REGULATIONS), and XII (NONCOMPLIANCE AND NONCONFORMITY) and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2022-00008, 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 June 7, 2022 of a text amendment to the Zoning Ordinance to adopt minor updates, which recommendation was approved by the City Council at public hearing on June 18, 2022;
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:

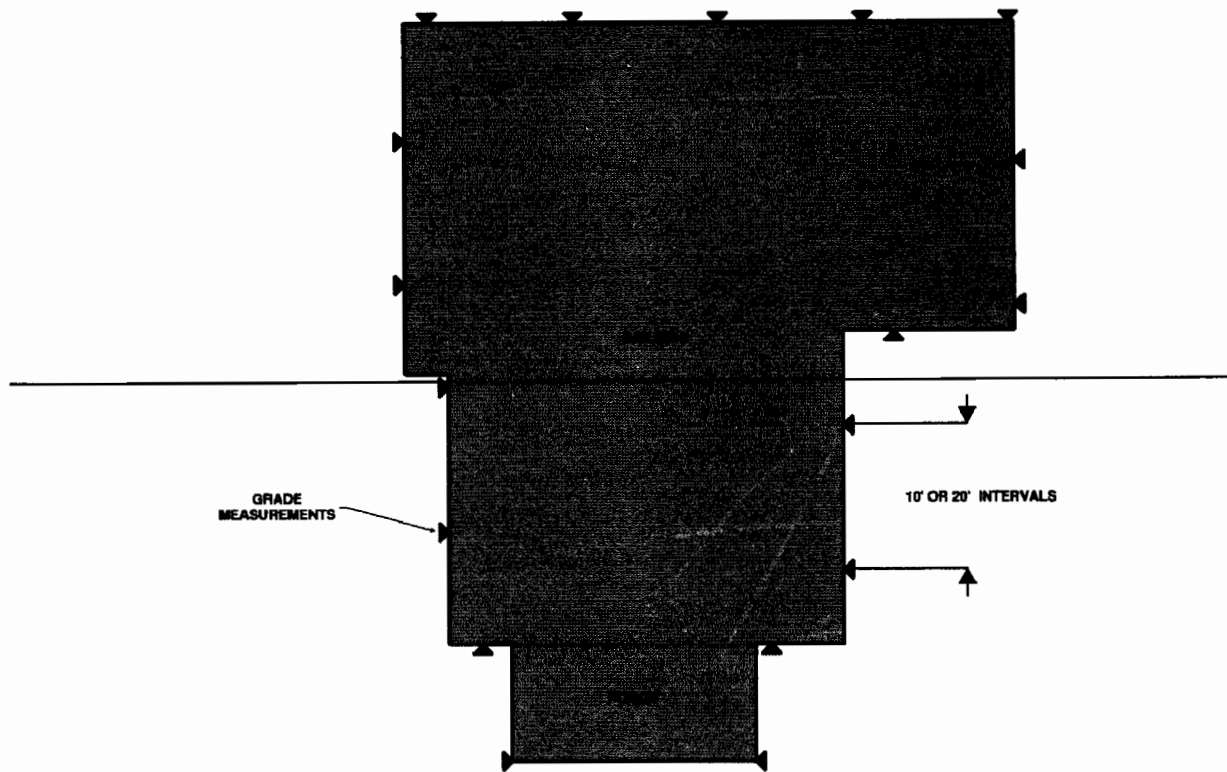
Section 1. That Article II of the Zoning Ordinance be, and the same hereby is, amended by deleting the language and drawings shown in strikethrough and inserting new language and drawings shown in underline, as follows:

2-104 – Reserved. ~~Accessory use.~~

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

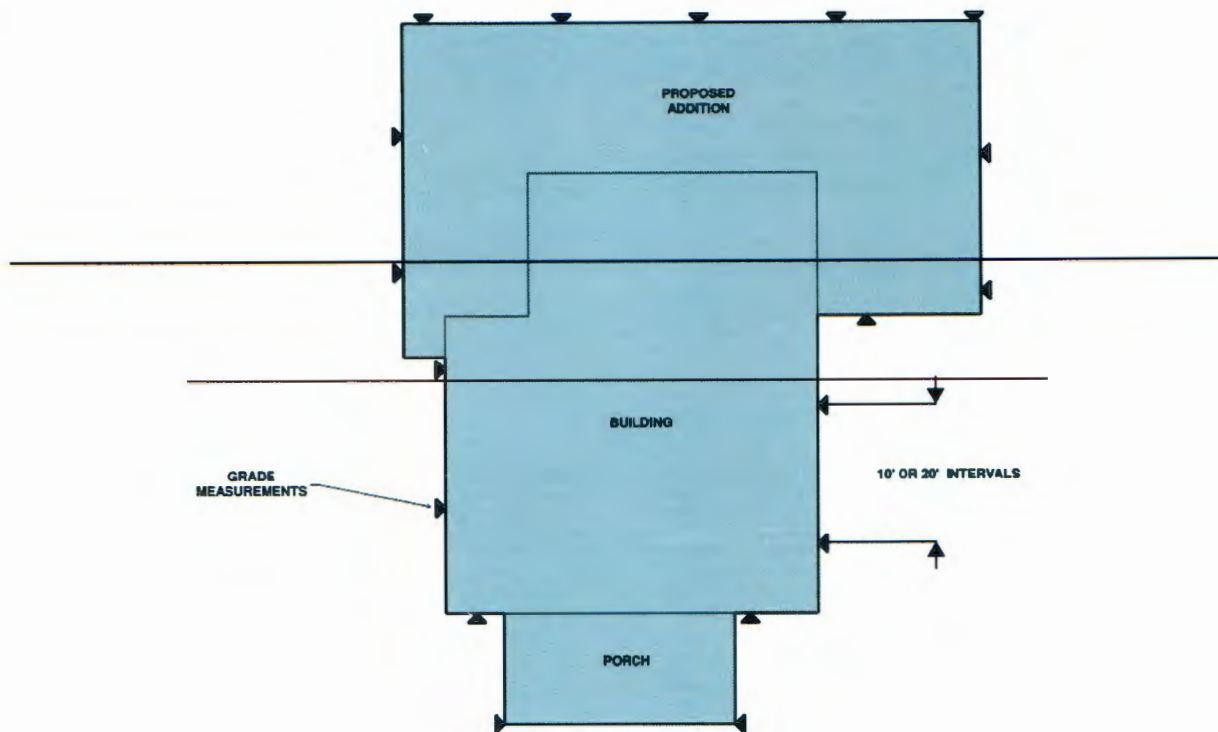
2-119 Reserved. ~~Average finished grade.~~

~~The elevation obtained by averaging the finished ground surface elevation at intervals of ten feet at the perimeter of a single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building.~~



2-119.1 Reserved Average pre-construction grade.

The elevation obtained by averaging the ground surface elevation at intervals of 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.



2-123.2 – Building, principal or main.

A building in which the principal use of the lot on which the building is located is conducted.

2-132 – Reserved Curb grade.

~~The elevation of the established curb in front of a building measured at the midpoint of the frontage of such building. Where no curb exists, the director of transportation and environmental services shall establish the curb grade for the existing or proposed street in accordance with the existing master street grading plans of the city.~~

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. 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:

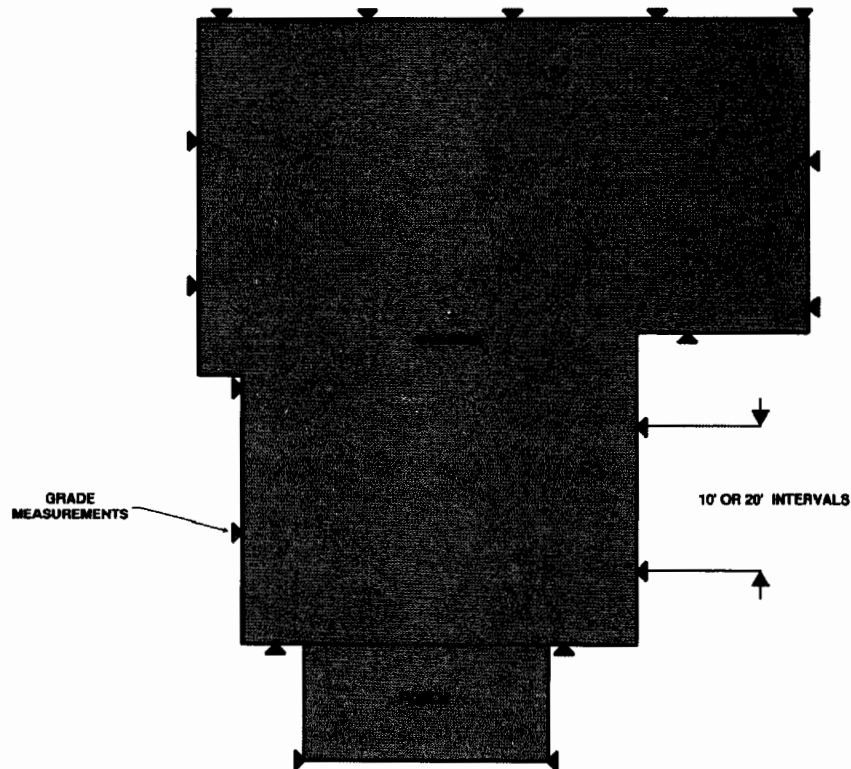
(13) Pergolas in accordance with 7-202(A)(5).

- (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. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(16) Pergolas in accordance with 7-202(A)(5).

2-150.2 Grade, average finished.

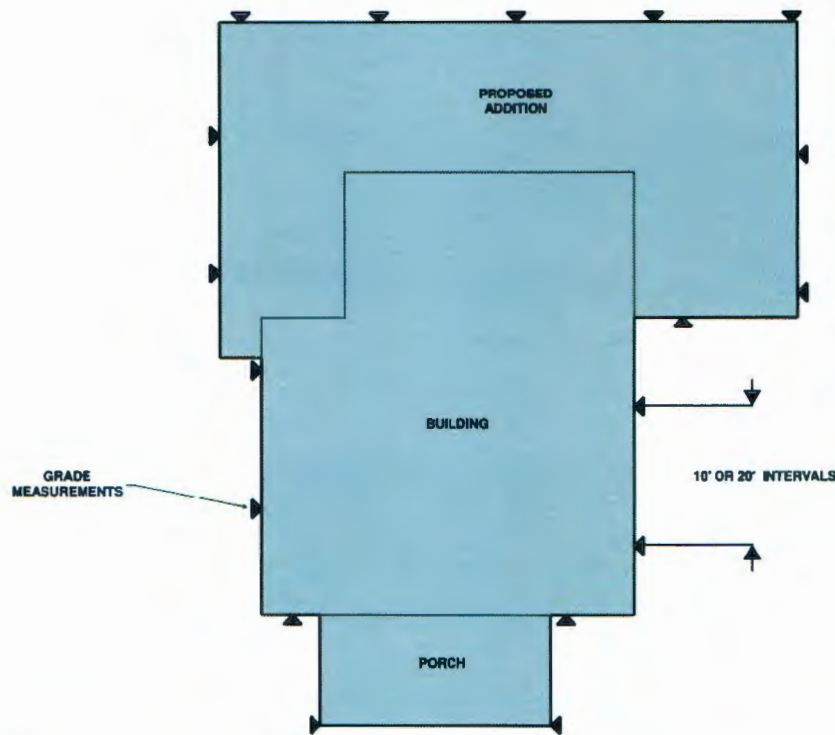
The elevation obtained by averaging the finished ground surface elevation at intervals of ten feet at the perimeter of a single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building.



See average finished grade.

2-150.3 Grade, average pre-construction.

The elevation obtained by averaging the ground surface elevation at intervals of 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.



~~See average pre-construction grade.~~

2-150.4 – Grade, curb

The elevation of the established curb in front of a building measured at the midpoint of the frontage of such building. Where no curb exists, the director of transportation and environmental services shall establish the curb grade for the existing or proposed street in accordance with the existing master street grading plans of the city.

2-180 Open and usable space. That portion of a lot at ground level which is:

(C) Unoccupied by principal or accessory structures except for fences, walls, or trellises and pergolas in accordance with 7-202(A)(5);

~~(D)(C)~~ Unobstructed by other than recreational facilities and

~~(E)(D)~~ Not used in whole or in part as roads, alleys, emergency vehicle easement areas, driveways, maneuvering aisles or off-street parking or loading berths.

2-184 – Reserved. Principal or main building.

~~A building or structure in which the principal use of the lot on which the building is located is conducted.~~

2-185 – Reserved. Principal use.

~~The primary or main activity for which a lot is used as distinguished from an accessory use.~~

2-197.3 – Structure, principal-Reserved.

A structure which serves the principal use of the lot as distinguished from an accessory structure.

2-200.2 – Use, accessory.

A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal use served. An accessory use generally occupies less than one-third of the gross floor area of the principal use and does not change the character of the principal use.

2-200.3 – Use, principal.

The primary activity for which a lot, structure or building is used, as distinguished from an accessory use.

Section 2. That Article VII 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:

7-103 Building, use and structure limitations.

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

- (A) For residential uses only, no accessory building, use or structure shall be located forward of a front building wall facing a primary front yard except as provided in sections 7-202(A) and 7-202(E). For all other uses, no accessory building shall be located forward of a front building wall facing a primary front yard except as provided in section 7-202(A).

7-301 Use limitations.

- (A) Up to two employees are permitted on site provided that only those persons who are bona fide residents of the premises may obtain a business license to operate the home occupation pursuant to section 7-304.

(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.

(N)(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.

7-902 Setback requirements.

(B) Front yards. ~~Where~~ A commercial or industrial building property within in a commercial or industrial zone, is directly across a street from property in a residential zone, shall provide the minimum front yard ~~the front yard setback shall be the front yard setback~~ required of the residential zone.

Section 3. 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.

A lot developed with a single family, two family, or townhouse dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(A) Fences on corner lots provided that nothing in this subsection shall be deemed to authorize the approval of more than one special exception per lot under the provisions of this subsection.

(B) Yard and setback requirements for enlargement of a dwelling, as follows:

(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 maximum 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 Article XII 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:

12-102 Noncomplying structures.

Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

- (D) Residential reuse. A building which faces the unit through 1400 block of King Street and which is a noncomplying structure because it exceeds the floor area ratio of the KRCD zone, may be converted from nonresidential to same residential use, notwithstanding any requirement of the KRCD zone applicable to residential uses, provided that a special use permit is approved to allow such conversion.

12-213 – Reserved. Abatement of certain home occupation uses.

- ~~(A) A home occupation accessory use, in connection with which there occurs any on-site participation, employment or use of labor from persons who are not bona fide, full time residents of the dwelling, shall be categorized as an illegal use under this ordinance and prior law, and all such participation, employment or use of labor shall cease within 30 days of any written order issued by the director pursuant to sections 11-204 or 11-206, and such use shall thereafter comply with the requirements of section 7-300 of this ordinance.~~
- ~~(B) Notwithstanding the provisions of subsection (A), a home occupation accessory use, otherwise subject to subsection (A), which existed on June 24, 1992, may apply for an abatement special use permit pursuant to this subsection, provided that application therefor is filed within 60 days of April 17, 1993. In addition to any other provisions of law:~~
- ~~(1) The applicant for such permit shall be a natural person who shall have been a bona fide, full time resident of the dwelling since June 24, 1992.~~
 - ~~(2) The permit may be issued only to the named applicant as permittee, and shall not be alienable or transferable in any manner.~~
 - ~~(3) The permit shall expire, and the home occupation shall cease or revert to compliance with section 7-300, within the time specified in the permit and, in any event, at the earlier of such specified time or such time as the permittee ceases to be a bona fide, full time resident of the dwelling. The uninterrupted absence of the permittee from the dwelling for a period of 60 days or longer shall create a rebuttable presumption that bona fide residence has ceased.~~
 - ~~(4) In addition to any other conditions imposed, the following shall be required conditions of the permit:~~
 - ~~(a) No intensification of the use as it existed on June 24, 1992, and as described in the permit application shall be permitted at any time.~~
 - ~~(b) No advertising of the home occupation by television, radio or direct mail shall be permitted at any time.~~
 - ~~(c) To the extent that any other provision of this ordinance is inconsistent with the provisions of this section 12-213 or any special use permit granted hereunder, the provisions of this section or the terms and conditions of such special use permit shall be controlling.~~

Section 5. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Articles II, VII, XII, and Section 11-1302, as amended pursuant to Sections 1 through of 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 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.



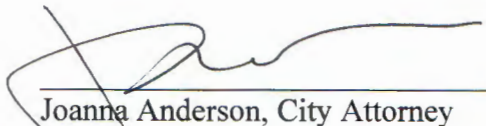
JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk

Approved as to Form:



Joanna Anderson, City Attorney

Final Passage: July 5, 2022