

## ORDINANCE NO. 5122

AN ORDINANCE to amend and reordain Sections 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), amend and reordain 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and add new Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2017-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0001, 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 6, 2018 of a text amendment to the Zoning Ordinance to adopt Text Amendment No. 2017-0001, which recommendation was approved by the City Council at public hearing on February 24, 2018;
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 2-113.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

#### 2-113.1 - Architectural feature.

Awnings, cornices, eaves, sills, canopies, gutters, overhangs or similar features (not including bay windows and balconies) that are unenclosed projections that extend beyond an exterior face of a wall or column.

Section 2. 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 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 which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. These areas shall be measured from exterior faces of walls or

any extended area under roof, but does not include areas under the eaves of the 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:

- (1) Stairs, and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for water tanks and heating and cooling equipment utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Basements.
- (4) Attic floor area with less than five feet of ceiling height as measured from the attic floor, or floor joists if there is no floor, to the bottom of the roof rafter or truss member supporting the outer roof structure with a ceiling height of 7 feet or less or where the space with the ceiling height of 7 feet or more is less than 3-4 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) Open front porches and porticos in accordance with section 7-2504.
- (6) Free-standing garages to the rear of the main building in accordance with section 7-2505.
- (7) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (8) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (9) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum depth of 8 feet.
- (10) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.

- 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 a roof ~~or roofs on a lot.~~ These areas shall be measured from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line or from the center line of party walls and shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. 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 which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. It shall include all space within an above grade parking garage. Excluded shall be elevator and stair bulkheads, accessory water tanks, cooling towers, and

~~similar construction not susceptible to storage or occupancy. Basements and subbasements shall be excluded from the floor area ratio computations, but for the purpose of computing off-street parking requirements that portion of such areas as are occupied by permitted uses shall be subject to the provisions of Article VIII. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:~~

- (1) Stairs and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Lavatories of which only a maximum of 50 square feet of each lavatory can be excluded. The maximum total of excludable area for lavatories shall be no greater than of 10% of gross floor area.
- (4) Basements (except shall be included for purposes of calculating the off-street parking requirements pursuant to Article VIII).
- (5) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (6) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (7) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum of depth of 8 feet.
- (8) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (9) Loading spaces of which only a maximum of 850 square feet for each required loading space per section 8-200(B)(2) can be excluded.
- (10) Any floor area that was used as a private or public garage prior to March 17, 2018 with a height of less than 7 feet 6 inches.
- (11) Floor area excluded as part of a development site plan that was approved prior to March 17, 2018 within a Coordinated Development District.

Section 3. That Section 2-194.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

#### 2-194.1 - Stairs.

A series of two or more risers leading from one level or floor to another. For the purposes of calculating floor area, a stair shall include a landing at each end which shall have the same width as the corresponding stair flight and extends for four feet from the stair. The term stairs also includes escalators.

Section 4. That Section 2-195 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:

## 2-195 - Story.

That portion of a building included between the surface of any floor and the surface of the next floor above it, or any space which has or may have a floor ~~with a minimum clear headroom of seven feet, six inches.~~ with a minimum clear headroom that shall be deemed habitable space by the Virginia Uniform Statewide Building Code (USBC).

Section 5. 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.

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

### (A) In all yards:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices, ~~or~~ window sills, and roof overhangs projecting ~~42~~ 30 inches or less into the yard.
- (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
- (5) Arbors and trellises. 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.
- (6) Flag poles which do not exceed 15 feet in height.
- (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
- (8) Ramps and similar structures necessary to provide access for the handicapped.
- (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.

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

- (1) Sandboxes, swings and other small items of children's play equipment.
- (2) Clotheslines.
- (3) 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 a 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 a 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.

- (4) Small sheds, doghouses, dollhouses and structures used for storage, provided:
  - (a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.
  - (b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.
  - (c) 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.
- (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.
- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
- (7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.

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

(D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex

or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

Section 6. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 7. That Sections 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS), as amended or added pursuant to Sections 1 through 5 of this ordinance, be, and the same hereby are, reordained or ordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective on the date and at the time of its final passage, and after such date, shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance for which any application for any land use approval has not yet been filed with the Department of Planning and Zoning, however during a period of 6 months from the date of its final passage an applicant may choose to apply the previous floor area definition in whole or apply the floor area definition that is the subject of this ordinance in whole.

ALLISON SILBERBERG  
Mayor

Final Passage: March 17, 2018