

ORDINANCE NO. 5234

AN ORDINANCE to delete Section 2-103 (ACCESSORY BUILDING) of Article II (DEFINITIONS) and Section 7-2505; to add Section 2-125.1 (BUILDING WALL, FRONT), Section 2-197.4 (SUBDIVISION), Section 2-197.5 (TITLE LOAN BUSINESS) of Article II (DEFINITIONS), Section 7-2505 (FREE STANDING GARAGES TO THE REAR OF THE MAIN BUILDING), Section 7-2506 (ATTACHED GARAGES), Section 7-2507 (TREE COVERAGE REQUIREMENTS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); to amend and reordain Section 2-145 (FLOOR AREA), Section 2-149 (GARAGE, PRIVATE), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.2 (STRUCTURE, ORNAMENTAL), Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS), Section 7-103 (USE LIMITATIONS), 7-2200 (TREE COVERAGE REQUIREMENTS), 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) and 7-2502 (ATTACHED PRIVATE GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTIONS ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) 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. 2019-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0003, 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 4, 2019 of a text amendment to the Zoning Ordinance to revise the infill regulations for and create a new special exception for residential garages, which recommendation was approved by the City Council at public hearing on June 22, 2019;
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 2-103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety.

Section 2. That Section 2-125.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-125.1 Building wall, front.

The wall of a principal structure located in the closest proximity to a front property line.

Section 3. That Section 2-145(A) 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 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 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 a ceiling height of 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 up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.
 - (6) Free-standing garages to the rear of the main building in accordance with section 7-2505~~1~~.
 - (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 eight 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.
 - (11) Sheds and other small accessory buildings in accordance with section 7-202(B)(4).

Section 4. That Section 2-149 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:

2-149 - Garage, private.

A building structure designed for the storage of not more than three motor-driven vehicles, including carports and other covered parking structures.

Section 5. 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, ~~ornamental~~accessory.

~~An individual structure fixed to the ground having a purely decorative or commemorative quality or value, or designed exclusively for the outdoor display of an object having a purely decorative or commemorative quality or value, and containing no storage, mechanical, habitable, or occupiable space.~~ A subordinate structure, the use of which is incidental to that of the main building or to the use of the premises.

Section 6. That Section 2-197.2 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:

2-197.2 - ~~Subdivision~~Structure, ornamental.

~~The division of a lot, parcel or tract of land into two or more lots, plots, sites, parcels or other divisions for the purpose, whether immediate or future, of sale or building development and including the re-subdivision of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions. Any tract of land upon which a street, alley or public right of way is dedicated shall be considered a subdivision.~~ An individual structure fixed to the ground having a purely decorative or commemorative quality or value, or designed exclusively for the outdoor display of an object having a purely decorative or commemorative quality or value, and containing no storage, mechanical, habitable, or occupiable space.

Section 7. That Section 2-197.3 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:

2-197.3 - ~~Title loan business~~Structure, subordinate.

~~A business regulated by section 6.2-2200 et seq. of the Virginia Code.~~ An accessory structure with a gross floor area that is less than 33 percent of the gross floor area and less than 50 percent of the height of the principal structure.

Section 8. That Section 2-197.4 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-197.4 - Subdivision.

The division of a lot, parcel or tract of land into two or more lots, plots, sites, parcels or other divisions for the purpose, whether immediate or future, of sale or building development and including the re-subdivision of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions. Any tract of land upon which a street, alley or public right-of-way is dedicated shall be considered a subdivision.

Section 9. That Section 2-197.5 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-197.5 - Title loan business.

A business regulated by section 6.2-2200 et seq. of the Virginia Code.

Section 10. That Section 7-103 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 - Use limitations.

The following limitations apply to accessory uses and structures:

- (A) No accessory use or structure shall be located forward of the front building line, except as provided in section 7-202(A).
- (B) No accessory use or structure shall be located in a required rear or side yard, except as provided in section 7-202.
- (C) Accessory structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.
- (D) An accessory 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 ~~structure building~~ and which is adjacent to and in common ownership with the lot on which the principal ~~structure building~~ which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

Section 11. That Section 7-2200 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:

7-2200 - ~~Reserved.~~Tree coverage requirement.

The supplemental regulations in this section apply to residential lots in the R-20, R-12, R-8, R-5, R-2-5, and lots developed or proposed to be developed with 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 tree coverage requirements are as follows:

- (A) For all construction that requires a grading plan, trees must be planted, or existing trees preserved to provide a minimum of 25 percent canopy cover over the lot. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.
- (B) The director shall approve this requirement as part of the grading plan.

Section 12. That Section 7-2500 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:

Sec. 7-2500 - ~~Infill regulations for single and two family residential zones.~~ Private Garages.

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

~~The supplemental regulations in this section 7-2500 apply to 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). These regulations supplement the residential zone regulations in Article III of this zoning ordinance.~~ 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 are only permitted when in compliance with the following standards:

(A) Regardless of other regulations in this zoning ordinance, a freestanding garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2502 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from the floor area calculated under the provisions of section 2-145(A)(6).

(B) Standards.

(1) Size. For lots with a minimum of 2,500 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2502(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.

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

(a) The garage and any architectural features shall be setback a minimum of one foot from any side or rear property line if the garage wall facing that property line has no windows or doors or if that lot line borders an alley;

(b) If the conditions of item (a) above are not met, the setback, including all architectural features, shall be three feet; and

(c) 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

welling 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.

(3) Access. If there is no direct access to the freestanding garage from an alley, any new or replaced driveways providing access to the freestanding garage must be constructed of a permeable material and may be located in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid-based surface, or other treatments without significant compaction of the base, but must be approved by the Directors of Planning and Zoning and Transportation and Environmental Services. Either Director can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require the use of non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).

(4) Compatibility. The freestanding garage shall be compatible with the principal structure in regards to materials and design.

(5) Use. The freestanding garage shall be dedicated to the use and storage of motor vehicles

7-2502 - ~~Reserved~~ Attached private garages.

The supplemental regulations in this section 7-2502 apply to residential lots developed or proposed to be developed with a single-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. Private garages attached to the principal structure are only permitted when in compliance with the following standards:

(A) An attached garage shall be no closer to the front property line than the front building wall facing the primary front yard and must be in compliance with the required yards established by the zone, and shall have the vehicle opening facing the side or rear yard, unless:

(1) For interior lots an attached garage is permitted if it complies with the following:

(a) It is located within a contextual block face where 50 percent of the developed lots have attached garages with the vehicle opening facing a primary front yard on the same street the new vehicle opening will face;

(b) The width of the vehicle opening is less than 33 percent of the width of the dwelling facing the front property line;

(c) The front wall of the garage is set back at least 8 feet from the front building wall facing the primary front yard and;

(d) The vehicle opening is located at least 18.50 feet from the interior edge of the public sidewalk or 20 feet from the property line if there is no sidewalk.

(2) For corner or through lots an attached private garage is permitted if it complies with the following:

- a) The vehicle opening faces a secondary front yard and;
- b) The garage wall is no closer to the front property line than the front building wall facing the primary front yard.

~~7-2505—Free-standing garages to the rear of the main building.~~

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

~~(B)—Standards.~~

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

~~(2)—Setback. The garage may be located in the rear yard if it complies with the following:~~

~~(a) The garage shall be set back a minimum of one foot from any side or rear property line if the garage wall facing that property line has no windows or doors or if that lot line borders an alley;~~

~~(b) If the conditions of item (a) above are not met, the setback shall be three feet; and~~

~~(c) 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 roof overhang, 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 shall extend for a minimum of five feet in each direction from that window or doorway.~~

~~(3)—Access. If there is no direct access to the garage from an alley, a permeable surfaced driveway is permitted in the side yard for access to the garage. Permeable surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid-based surface, or other treatments without significant compaction of the base, but must be approved by the department of planning and zoning and the department of transportation and environmental services. Either the department of planning and zoning or the department of transportation and environmental services can grant an exemption to the permeable surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental~~

~~reasons would require use of a non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2~~

~~of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).~~

- ~~(4) *Compatibility.* The accessory garage shall be compatible with the main dwelling in regard to materials and design.~~
- ~~(5) *Use.* The accessory garage shall be dedicated to the use and storage of motor vehicles.~~

~~7-2506 Attached garages.~~

~~Private garages that are an integral part of the main residential dwelling are only permitted under the following standards.~~

~~(A) Access to garage.~~

- ~~(1) *Lot with width 65 feet or more.* If the lot width is 65 feet or more, an attached garage shall have the vehicle opening facing the side yard. Such a garage may be no closer to the front property line than the plane of the front building wall. In the case of a corner lot, an attached garage may face a secondary front yard if the proposed location and design of the door is consistent with the block and neighborhood character. Such a garage may be no closer to the front property line than the plane of the secondary front building wall.~~
- ~~(2) *Lot with width less than 65 feet.* If the lot width is less than 65 feet, an attached garage with a vehicle entrance facing the front yard is permitted, but must be set back a minimum of eight feet from the plane of the front building wall. No roof or covering is permitted in front of such a garage and any construction above shall not extend forward of the front plane of the garage. The garage door shall be compatible with the design of the residence.~~

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

~~7-2507 Tree coverage requirement.~~

- ~~(A) For all construction that requires a grading plan, trees must be planted or existing trees preserved to provide a minimum of 25 percent canopy cover over the site. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.~~
- ~~(B) The director shall approve this requirement as part of the grading plan.~~

Section 13. 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.

including property located within the Old and Historic Alexandria and Parker-Gray Districts, subject to the following requirements:

- (1) It is located within a block face or contextual block face where at least 50

percent of the developed lots have attached garages with the vehicle opening facing a primary front yard on the same street where the new vehicle opening will face.

- (2) The width of the vehicle opening shall be less than 33 percent of the width of the building facing the front property line.
- (3) The garage is no closer to the front property line than the front building wall facing the primary front yard, unless
 - (a) The applicant demonstrates by clear and convincing evidence that locating the garage completely behind the front building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns.
- (4) It is in compliance with the required yards established by the zone.
- (5) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a dwelling beyond the 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 lot under the provisions of this subsection.

Section 14. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 15. That Sections 2-103, 2-125.1, 2-145, 2-149, 2-197.1, 2-197.2, 2-197.3, 2-197.4, 2-197.5, 7-103, 7-2200, 7-2501, 7-2502, 7-2505, 7-2506, 7-2507, and 11-1302, as added, deleted, or amended pursuant to Sections 1 through 13 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.

Adopted: July 9, 2019

JUSTIN M. WILSON
Mayor