

Text Amendment #2018-0015 ***Zoning Ordinance Practical Updates***

Issue: Initiation of a text amendment and public hearing and consideration of a text amendment to the Zoning Ordinance to add Section 2-113.2 to define attic spaces, Section 2-120.1 to define bay windows, and Section 2-200.1 to define trellises; to amend Section 4-300 to remove private school, commercial, from the list of special uses; to amend Section 7-100 to redefine the permitted location of accessory structures; to amend Section 7-2506 to remove duplicate language regarding driveway surface materials; to amend Section 7-200 to allow additional structures to be permitted in certain yards; and to amend Section 7-300 to add additional uses permitted as home occupations.	Planning Commission Hearing:	January 3, 2019
	City Council Hearing:	January 12, 2019
Staff: Tony LaColla, AICP, Division Chief – Land Use tony.lacolla@alexandriava.gov Mary Christesen, Zoning Manager mary.christesen@alexandriava.gov Chrishaun Smith, Urban Planner shaun.smith@alexandriava.gov		

PLANNING COMMISSION ACTION, JANUARY 3, 2019: On a motion by Commissioner Macek, seconded by Commissioner Brown, the Planning Commission voted to initiate Text Amendment #2018-0015. The motion carried on a vote of 7 to 0.

On a motion by Commissioner Macek, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Text Amendment #2018-0015 subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff analysis.

Discussion:

Commissioner Brown asked staff the applicability of Section 7-202(A)(5) of the Zoning Ordinance and how it has been applied. Staff stated that a trellis is allowed within a required yard in all location unless it would be located adjacent to a window or doorway that have a sill lower than eight feet facing a shared property line.

Commissioner McMahon asked staff is there a process of notifying applicants for building permits or other zoning approvals that may have been denied under current zoning regulations that the Planning Commission would now be recommending to change to allow. Staff stated that they keep a list of applicants that may have been denied and will reach out to them to notify them of changes if this text amendment were to be approved by City Council.

Commissioner Macek asked if sheds, garages, and other accessory structures may be reasonable permitted obstructions to allow to encroach into a secondary front yard. Staff stated that allowing larger accessory structures may create unintended consequences in certain situations, such as in the case where a neighboring property primary front yard would be adjacent to a secondary front yard. Staff stated that they are working on additional revisions to the infill regulations that may result in changes to where garages and sheds may be located on properties and would bring these recommendations to the Planning Commission in the future.

I. Issue

The existing Zoning Ordinance dates to 1992, with changes to sections of the Zoning Ordinance occurring over time. Through use of the Ordinance, multiple errors have been identified that may have occurred during previous rewrites or amendments to the regulations. Some changes have produced redundancies or may conflict with other regulations within the Zoning Ordinance. In addition, over time, the Director of Planning and Zoning has provided interpretations of the Zoning Ordinance to provide clarity in the application and administration of the regulations generally or as applied to certain aspects of property or the built form. Interpretations, through written guidance memorandums to memorialize findings of fact or common internal staff interpretation require codification within the City's Zoning Ordinance.

Lastly, the supplemental section of the Zoning Ordinance does not allow staff the ability to approve requests for certain types of home occupations and accessory structures that align with current economic and development trends and may be operated or erected under reasonable circumstances on residential properties. The purpose of this proposed zoning text amendment is to modify and amend various sections of the City's Zoning Ordinance to correct errors, modernize and update regulations to accommodate changes in practices and codify on-going staff interpretations. The following is a summary list of the proposed zoning changes discussed in detail in this report with the specific text changes shown in Attachment 1:

- **Creation of Definitions**
 - Creation of definition for bay windows
 - Creation of definition for attic space
 - Creation of definition for trellises
- **Technical errors**
 - Remove private school, commercial from the list of special uses in the CSL (Commercial Service Low) zone.
 - Remove duplicate language regarding permitted driveway materials
- **Accessory Uses and Structures**
 - Add additional permitted home occupation uses
 - Allow additional permitted accessory structures in certain yards

II. Background

Since the current Zoning Ordinance was adopted in 1992, there have been changes to certain sections to update zoning regulations to more closely align with current planning strategies and emerging principles. Through use of the amended Zoning Ordinance, errors and inconsistencies have been identified within the text language and certain regulations may unintentionally restrict the placement and location of certain uses and structures.

Throughout the past year staff has identified various text language challenges of the zoning ordinance and recommend providing practical updates to these regulations to better align the Zoning Ordinance with the current use of property within the city.

III. Discussion of Proposed Text Changes

The proposed text amendment seeks to modify certain Zoning Ordinance regulations by codifying additional definitions, provide clarification, and incorporate practical updates to Zoning Ordinance regulations governing accessory uses and structures in residential zones. Additionally, this text amendment will correct errors in the ordinance. Below is a description of the proposed modifications to the city's Zoning Ordinance.

A. Creation of Definitions

In applying the Zoning Ordinance, staff has relied on the architectural dictionary definitions in order to define certain architectural spaces and accessory structures. In order to provide clarification, staff proposes to add definitions for bay windows, attics, and trellises to codify interpretations.

1. Bay Windows

Section 7-202 of the Zoning Ordinance allows certain permitted obstructions within a required yard, which includes bay or display windows, projecting 20 inches or less into

the required yard. While bay windows are permitted within yards, the Zoning Ordinance does not currently provide clarity on the design and form on what types of structures may be considered as bay windows as opposed to bump out additions. This definition seeks to codify on-going staff interpretation on the design of a bay or display window, as defined within certain architectural publications. Staff proposes to define bay or display windows as a series of windows projecting from the outer wall of a building where such space shall have a minimum of 65% of the surface area composed of glass. Other similar structures that may not meet this new definition would be considered bump out additions and would be required to meet the yard requirements of the respective zone where it would be located.



Figure 1: Zoning Ordinance definition of a bay window

2. Attic Space

In February 2018, the Zoning Ordinance was amended to incorporate changes to the definition of the Floor Area Ratio to clarify and update existing regulations in order to reduce ambiguity and to address current building practices while continuing to regulate mass and bulk. As part of those changes, staff redefined the FAR exclusion for attic space in the single- and two-family zones. Upon implementation of this new exclusion, staff identified there may be some ambiguity in interpreting certain spaces within buildings as attics, particularly as it may relate to spaces within rooms with sharp slopes; of which many of the areas may be storage areas or closets that are open to the roof rafters. In order to provide clarity, staff proposes to incorporate a definition for attics that define the space immediately beneath a roof and above the uppermost story of rooms with finished ceilings.

3. Trellis

Section 7-202 of the Zoning Ordinance permits certain permitted obstructions within a required yard, which includes trellises. While these structures are permitted within yards, the Zoning Ordinance does not currently provide clarity on the design and form on what types of structures may be considered a trellis. This definition seeks to codify on-going staff interpretation on the design of a trellis, which staff proposes to define as a structure made of interwoven pieces of wood, metal, or synthetic material that is a minimum of 80% open to support and display climbing plants.



Figure 2: Zoning Ordinance definition of a trellis

B. Technical Errors

In applying the Zoning Ordinance, staff has identified a couple of unintentional errors that may have occurred with previous rewrites and amendments. Staff has proposed to remove this duplicative and erroneous language by removing them with the text amendment.

1. Removal of Private school, commercial from list of special uses in CSL zone

In 2016, the Zoning Ordinance was amended as part of the Small Business Zoning program that was initiated in 2008. These changes resulted in redefining certain

land uses and modifying the review and approval process for many of these uses which included changing certain uses from requiring Special Use Permits to allowing them as permitted uses within specific zones. Prior to approval of the text amendment for Small Business zoning, private school, commercial and private school, academic were permitted within the CSL (Commercial Service Low) zone with approval of a special use permit. Upon approval of the small business zoning text amendment, private school, commercial uses were intended to be permitted by-right in most commercial zones including the CSL zone. While private school, commercial uses were listed as a permitted use as a result of the previous text amendment, the language requiring this particular use as a special use was not inadvertently not removed in the CSL zone. This text amendment would remove references to private school, commercial as a special use within the CSL zone and list it as a permitted use in the zone.

2. Removal of Duplicative language regarding permitted driveway materials

Approved in 2008 as part of the infill zoning regulations, Section 7-2506 of the Zoning Ordinance regulates the placement and development standards for attached garages. As a condition of approval of the attached garages, the driveways or garage access arrangement is required to be composed of a permeable surface unless a waiver is granted. This particular regulation appears twice within the Zoning Ordinance as Section 7-2506(B) and Section 7-2506(C). This text amendment would remove the duplicative language by removing Section 7-2506(C).

C. Accessory Residential Uses and Structures

In applying the Zoning Ordinance, staff has received several inquiries for approval of certain uses and structures in association with the residential properties; such as approval for a multitude of home-based business and common accessory structures that may meet the intent of the zoning ordinance but are not specifically permitted. Staff has completed an analysis of several of these requests and in an effort and recommends adding additional permitted home occupations and accessory structures that may be located in certain locations on properties.

1. Add additional uses permitted as home occupations

The operation of home occupations are permitted accessory uses in residential dwellings. Permitted occupations are restricted to a list of several uses that have been deemed to have minimal impact on the residential nature of the property which includes teachers, artists, authors, contractor's office, and home offices for certain professions. Since the home occupation provisions have been enacted, staff has received several requests to operate home-based businesses that have minimal impact but are not explicitly allowed as permitted uses. Many of the uses are broader in scope as technology has made it easier for entrepreneurs to operate home-based businesses. In order to make operating a home-based business in the

City less difficult for entrepreneurs and to modernize the ordinance provisions to accommodate changes in the delivery of services and goods, staff proposes to expand the list of permitted uses for home occupations. These uses include the growing and processing of plant products and the expansion of home-based craft and office uses.

2. Accessory Structures

Sections 7-100 and 7-200 of the Zoning Ordinance regulates the placement of accessory structures on property and the types of structures that may be permitted in a required yard. Upon applying the zoning provisions that regulate the placement of accessory structures, the provisions of Section 7-103(A) restrict the placement of accessory structures forward of a front building wall. Applying this provision has created challenges for the placement of accessory structures around buildings that may have multiple street frontages, as areas of properties that are outside of the required front yard, but forward of the front building wall. Furthermore, the zoning ordinance prohibits the placement of other common smaller accessory structures that may be commonly found in all yards such as fountains and low walls. Staff proposes to amend these sections to enable property owners to construct certain accessory structures forward of a secondary front building wall (where they are currently prohibited, see Figure 2) that may create minimum vision impact to surrounding properties and to allow for the construction of walls no greater than 2 feet in height and fountains within all required yards.

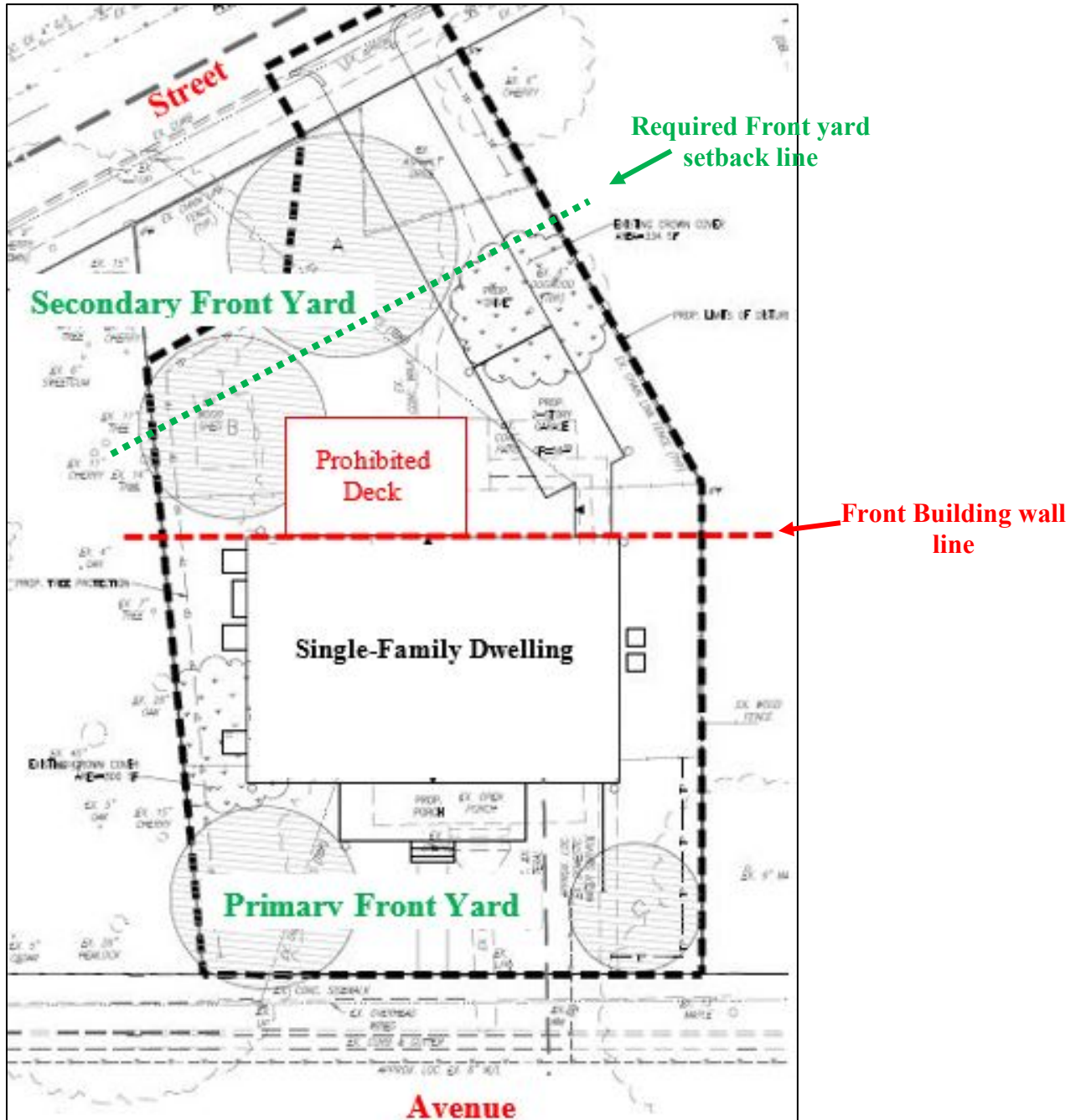


Figure 3: Prohibited deck under current Zoning Ordinance regulations

IV. Recommendation

Staff recommends that the text amendments contained in Attachment 1, be initiated and recommend approval of each of the attached Zoning Ordinance text changes.

Staff: Tony LaColla, AICP, Division Chief – Land Use Services
Mary Christesen, Zoning Manager
Shaun Smith, Urban Planner

Attachment #1

Proposed Zoning Ordinance Changes – The following text will modify or replace text in Sections 4-300, Section 7-100, 7-200, 7-300, and 7-2506 and add text as Sections 2-113.2, 2-120.1 and Section 2-200.1.

Note: New text is underlined

~~Deleted text is shown with a strikethrough~~

Sec. 2-100 - Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

Sec 2-113.2 – Attic. A space or room, usually with sloping ceilings, created partially or wholly from the space immediately beneath a roof and above the uppermost story of rooms with finished ceilings.

Sec 2-120.1 – Bay window. A window or series of windows projecting from the outer wall of a building and forming an alcove in a room. It may have its foundation in the ground or cantilevered from the outer wall. Such a space shall have a minimum of 65% of the surface area composed of glass.

2-200.1 – Trellis. A structure made of interwoven pieces of wood, metal or synthetic material that is a minimum of 80% open to support and display climbing plants.

Sec. 4-300 - CSL/Commercial service low zone. ***

4-303 - Special uses.

The following uses may be allowed in the CSL zone pursuant to a special use permit:

- (A) Animal care facility with overnight accommodation, other than pursuant to 4- 302.1;
- (A.1) Automobile service station;
- (B) Automobile and trailer rental or sales area;
- (B.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Building materials storage and sales;
- (D) Bus shelter on private property;
- (E) Catering operation;

- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Glass shop;
- (M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);
- (N) Home for the elderly;
- (O) Laundry, dry cleaning operation;
- (O.1) Light assembly, service and crafts;
- (P) Light automobile repair;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Reserved;
- (S) Nursing or convalescent home or hospice;
- (S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;
- (S.2) Outdoor garden center, other than pursuant to section 4-302.1;
- (T) Parcel delivery;
- (U) Reserved;
- (V) Private school, ~~academic or commercial~~, with more than 20 students on the premises at any one time;
- (W) Public building;
- (X) Research and testing laboratory;
- (Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;
- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use;
- (BB) Storage buildings and warehouses, not to include freight distribution centers;

(CC) Wholesale Business

Sec. 7-100 - Accessory uses and structures.

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~~ forward of a front building wall facing a primary front yard.
- (B) No accessory use or structure shall be located in a required front, 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 building and which is adjacent to and in common ownership with the lot on which the principal building which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

Sec. 7-200 - Permitted structures in required yards.

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, window sills, and roof overhangs projecting 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.
 - (10) Walls which do not exceed two feet in height.
 - (11) Fountains.
- (B) In any yard except a primary 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) Sheds and other small accessory buildings:~~

- ~~(a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than ten feet.~~
- ~~(b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.~~
- ~~(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)(3) 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 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 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.

(2) Sheds and other small accessory buildings:

- (a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than ten feet.
- (b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.
- (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.

(3) Freestanding residential mechanical equipment, 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. Demonstration may be provided through the following methods:

- (a) A survey plat showing the proposed location of the equipment.
- (b) The method of screening for the equipment, if required.
- (c) Documentation provided by the manufacturer that the proposed equipment will not exceed 55 decibels and/or screening methods that will reduce the noise level. +

(4) Free-standing private garages to the rear of the main building in accordance with section 7-2505.

~~(C)~~(D) 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)~~(E) 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.

Sec. 7-300 - Home occupations.

7-301 - Permitted occupations.

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, macrame, cabinet making, and weaving;
- (F) Office 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 manufacturer's 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.

Sec. 7-2500 – Infill regulations for single- and two-family residential zones.

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.

- ~~(C) — 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.~~
