

Text Amendment #2019-0006
Practical Updates, Accessory Structures, Vision
Clearances, Fences with Zone Transitions, and
Fences for Corner Lots

Issue: Text Amendment #2019-0006 Fences on Corner lots, Fences with Zone Transition, Height of Accessory Structures in Required Yards, and Sheds and Other Small Accessory Buildings in the Historic District (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article II (Definitions) to address arbors, pergolas, and trellises; amend Section 7-202(A)(1) to increase the height of open fences in required yards; amend Section 7-202(A)(5) to set an allowable height for arbors and trellises and to allow -pergola- in all required yards; amend Section 7-202(B)(4)(c) to allow on properties located in the historic district accessory structures within the five foot setback for structures facing a shared property line with windows lower than eight feet; amend Section 7-202(D) to correct citation to the Zoning Ordinance; amend Section 7-801 to change how vision clearance is calculated; amend Section 7-902(C) to allow fences and accessory private walls within 100 feet of a residential zone line; and amend Section 7-1700 to add a section allowing fences on through lots and clarifying language and images for fences on corner lots.	Planning Commission Hearing:	October 3, 2019
	City Council Hearing:	October 19, 2019
Staff: Tony LaColla, AICP, Land Use Services, Division Chief Mary Christesen, Zoning Manager Marlo J.W. Ford, AICP, Urban Planner III		

PLANNING COMMISSION ACTION, OCTOBER 3, 2019: On motions by Vice Chair Wasowski and seconded by Commissioner Lyle, the Planning Commissions recommended the initiation and approval of Text Amendment #2019-0006. The motion carried on a vote of 7 to 0.

Vice Chairwoman Wasowski questioned why the limit on the height of pergola and arbors. Staff indicated the need to limit the need to prevent abuse of no regulations. The Commission indicated to see how the regulations work and pay attention to ensure that regulation has not gone too far.

Commissioner Brown noted that fences do not have to be setback from a property line, do not have to be cut off, and must be 50 percent open. There is no prohibition regarding putting shrubs behind the fence thus making it opaque. He supports the overall regulations but really wants to know the impetus and the interest of increasing height from three and one-half feet to four feet. The Commissioner generally supports the increase but has indicated that staff should consider whether or not if it is appropriate to address the opaqueness of shrubs for fences for acute angled intersections.

Chairman Macek addressed a potential issue with 7-202(C)(2)(c) on how to handle the setback for accessory structures outside of the historic district that are similarly situated (townhouses that may be just outside of the boundaries of the districts). He asked for staff to determine if there are other instances in areas outside of historic districts where this regulation will have to be addressed as a potential future text amendment adjustment.

Commissioner Koenig noted that he is completely in support of section 7-801 as another example of a continuous well organized, thoughtful examination of the Zoning Ordinance. The information has been thoroughly considered. It is practical and makes sense. Especially pleased with the vision clearance adjustment. Particularly noting that the vision clearance is moving from the centerline of the street to the curb which takes the width of the street out of the equation which could skew it based on the width of a street which had different implications.

I. Issue

The Zoning Ordinance recognizes that there are items and structures that homeowners may want in required yards for the enjoyment and functionality of their dwellings and property. The Zoning Ordinance has a supplemental section in Article VII that has addressed the needs of property owner since the 1992 amendment. Over time, staff has recognized that as the landscape and use of property in the City has changed, there is a need to amend, add and correct language in this section.

The purpose of this text amendment is to clarify sections in the Ordinance that require more specific language, address language that has had unintended consequences and clarify current language. Staff proposes to add two definitions in Article II and amend six sections within the Supplemental Regulations that are found in Article VII of the Zoning Ordinance.

II. Background

The existing Zoning Ordinance dates to 1992 with changes to specific sections occurring over time. The purpose of this text amendment is to update zoning regulations to more closely align with current planning strategies, emerging principles, and industry standards. Through use of the 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. Since adoption of the Ordinance, there have been few changes to the regulations governing the placement of fences and structures on residential and commercial properties within the City. Throughout the past several years staff has identified various challenges of the Zoning Ordinance and recommends providing updates to regulate the placement of fences and structures through modifying allowed fence heights and vision clearance provisions.

III. Discussion of Proposed Text Changes

The proposed text amendment seeks to include definition updates, modify certain Zoning Ordinance regulations by providing clarifications and amending regulations, set allowable standards for fences and other structures on private property, including fences and walls in the Industrial zone, and change how vision clearance is calculated. Below is a description of the proposed modification to the City's Zoning Ordinance.

A. Definitions

Staff proposes to add definitions for arbor and pergola. With these amendments, staff intends to provide more clarity and consistency to both staff and the public for the application and interpretation of the Zoning Ordinance. Staff also proposes numerical changes to the Definitions section to accommodate the two new definitions.

Section 2-113.1 – Arbor

A free-standing structure that is a minimum of 80 percent open consisting of a trellis or interwoven lattice pieces typically covered with climbing shrubs or vines. These structures usually define a point of entry or the division of two places along a path.

Section 2-183 – Pergola

A structure of colonnades or pillars supporting a roof of crossing rafters or trellis that is a minimum of 80 percent open. The structure may be freestanding or connected to a building.

B. Accessory Structures Regulations

7-202(A)(1) Permitted obstructions in all yards

Staff proposes to increase the height of open fences that are allowed in all yards from three and one-half feet (3.5 ft.) in height to four feet (4.0 ft.) in height. The change will accommodate common standards seen across the fence industry and what is being offered on the market as well as provide some flexibility for homeowners who wish to install pre-manufactured fences. Those fence height standards are currently between three and one-half feet and five feet in height.

Section 7-202(A)(5) - Accessory Structure: Arbor, Trellis, and Pergolas

Staff proposes to clarify and make a distinction between arbors and pergolas and to ensure standardized height limitations for arbors, trellis, pergolas.

Staff recommends that language in this section be more specific to ensure that the provision does not allow a loophole to promote something that was not otherwise intended. An example would an arbor or pergola that is put into a required yard that becomes used for parking or a trellis that is used as a fence. Staff suggests putting height limitations of ten feet (10.0 ft.) in height on those structures in required yards and include specific language that an arbor, trellis, or pergola shall not be covered by roof like material, such as plastic or wood, to create an accessory structure that has not been counted in the floor area ratio for structures under roof as defined in section 2-145 or the Zoning Ordinance.

While arbors, trellises and pergolas are all designed to support climbing plants, research has indicated that there is no standard height for these structures. To be consistent with the other accessory structure heights used by the City, such as sheds, the height should be no more than ten feet in height. The structure(s) should be high enough to stand under yet low enough to maintain the pruning of the vegetation that may grow on such structure.



Figure 1: Typical arbor



Figure 2: Typical trellis

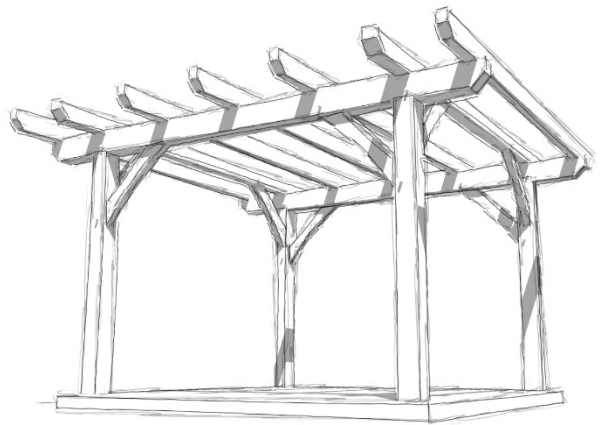


Figure 3: Typical pergola

7-202(C)(2)(c) -Setback for accessory structures where adjacent property has window for houses in the historic districts

Staff recommends that this section be amended to exclude the Old and Historic and Parker Gray districts. In looking at the lots within the two districts, the lots are typically much smaller than in other parts of the City. In some cases, based on lot widths, there are no side yard requirements. This rule, however, would require an accessory structure, but not an addition, to meet a setback. The housing patterns for many of the homes in both districts, and more specifically in the Old and Historic District, have windows and doorways with a sill lower than eight feet. The rule would put an uncharacteristic burden on those in one part of the City that others may not have to address. Lastly, because there is another level of review by the Board of Architecture Review for structures that are visible from a public alley or walkway and review for additions and structures added to a property, staff suggests that properties in the historic districts be excluded from the regulations.

7-902(C) - Fences and walls in the industrial zone within 100 feet of residential zones

Under the Zoning Ordinance, the maximum height of fences within required yards cannot exceed six feet. However, there may be instances where a fence taller than six feet may be appropriate; such as when industrial uses abut commercial and residential uses. The Landmark/Van Dorn and Eisenhower West Small Area Plans, both of which encompass the majority of industrial areas within the City, identify a need to mitigate impacts from the current heavy and industrial uses and adjacent commercial and residential uses within the plan areas. Currently, the Zoning Ordinance does not allow for “buildings or structures” (which includes fences) within 100 feet of property lines within the industrial zone.

In 2002, the Board of Zoning Appeals approved a variance for a residential house to install a fence adjacent to an industrial area in case number BZA2002-0071. The Board of Zoning Appeal overturned the staff recommendation of a denial because of the use of the adjacent property (industrial) and the circumstances of the property (the use). For those reasons, the Board of Zoning Appeals justified that a fence higher than the six feet that is currently allowed in a residential zone could be taller to obscure the visual impact and to mitigate the adjacent residential concerns about a heavy commercial use.

Staff proposes to allow fences and walls to be erected within the 100 feet zone transition between industrial and residential zones. Staff also proposes to set a ten feet height limit for such structures.

Sec. 7-1700 - Fences on corner and through lots.

The regulations as written for fences, taller than 4.00 feet (proposed) but not exceeding 6.00 feet on corner lots are complex and can be confusing. Staff will use visuals to assist in making the regulations more understandable. In addition, there are no regulations that address fences for through lots. The Zoning Ordinance does allow a few exceptions as to when a fence that is six feet in height can be located in the secondary front yard. What the

Ordinance does not address is the secondary front yard for houses that face two parallel streets and have two frontages, also known as through lots, as defined by Section 2.169.1.

Staff is proposing to revise the language to be consistent across all districts and lot configurations to ease implementation of the Zoning Ordinance and ensure that all properties in the City are able to enclose a portion of their lot with a four to six -foot fence. In addition, staff proposes to add graphics to provide visual aid to the written text.

C. Vision Clearance

7-800 - Change to the required vision clearance

Staff proposes to change the way the vision clearance is calculated to be more consistent with current best practices and surrounding jurisdictions. The current vision clearance regulations are a carry-over from the 1951 Zoning Ordinance. During that time most intersections throughout the city were uncontrolled. Today, most intersections are controlled using slower speeds and stop signs or traffic lights designed to slow and control traffic. The 1951 vision clearance regulations have had an unintended effect on the ability of corner lots to erect structures and restricts a property owner's ability to enjoy some of the same amenities that the Zoning Ordinance allows on other lots.

Section 7-800 identifies the regulations regarding vision clearance. Per section 7-800 of the Zoning Ordinance it states:

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by the centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than three and one-half feet above the curb level.

(A) All residential zones and the CL, CC and CSL zones: 100 feet.

(B) All commercial, office, industrial and mixed- use zones: 75 feet.

In studying adjacent jurisdictions, the residential vision clearance in the City, currently 100 feet, is three to four times the amount of our neighbors which is typically 25-30 feet. It was also noted that all other jurisdictions use the intersecting curb grade and not the centerline as currently used in the City of Alexandria. The following chart shows the vision clearance of three local jurisdictions in addition to the current regulations for Alexandria.

Jurisdiction	Vision Clearance Primary Front Yard	Vision Clearance Secondary Front Yard	Height of Fence in Vision Clearance
Alexandria	100.00 feet	100.00 feet	3.5 feet
Arlington County	25.00 feet	25.00 Feet	3.0 feet
Fairfax County	30.00 feet	30.00 Feet	4.0 feet
City of Fall Church	25.00 Feet	25.00 Feet	4.0 feet

In looking at a visual analysis, staff from Transportation and Environmental Services studied various neighborhoods throughout the City. The analysis looked at the regulations as they are currently implemented with a 100-foot vision clearance measured from the centerline and what they would look like if the regulations required a smaller 30-foot vision clearance and imposed from the intersecting curb line. (See exhibits on pages 10 through 12).

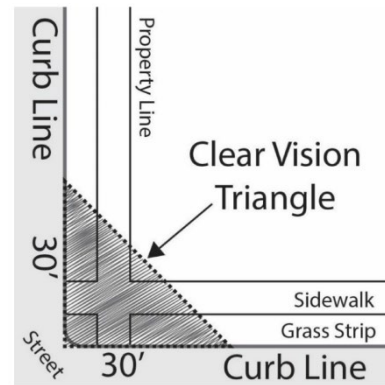


Figure 4: Proposed 30' Vision Clearance

For properties that are developed with a single-family dwelling in an area of the City where the land mass requirement is greater than 5,000 square feet, the example shows how much property would be prohibited from having permitted structures in a required yard under current regulations. In other neighborhoods on the east side of the City (Old Town, Parker Gray, Rosemont, Del Ray, and Hume Springs), many of the properties are smaller in land size. In those instances, many of the properties have dwellings located within the required vision clearance. The current regulations prohibit those properties from constructing additions or other structure unless they seek relief from the Board of Zoning Appeals first.

The exception would be those properties within the Old and Historic and Parker-Gray Historic District where Section 7-802 gives the Board of Architecture Review the ability to review a waiver if what is being proposed is consistent with the historic character of the district.

It should be noted that there are also numerous structures are greater than 3.50 feet in height typically located in the vision clearance that enhance the standards of modern living and/or safety such as transformer boxes, traffic signs, electric poles, and even vehicles that are parked on public streets.

IV. Recommendation

Staff recommends approval of the change to the Zoning Ordinance as proposed in the following attachment.

Staff: Tony LaColla, AICP, Land Use Services, Division Chief
Mary Christesen, Zoning Manager
Marlo J.W. Ford, AICP, Urban Planner III

Exhibit #1
Del Ray Neighborhood



Exhibit #2
West End Exhibit

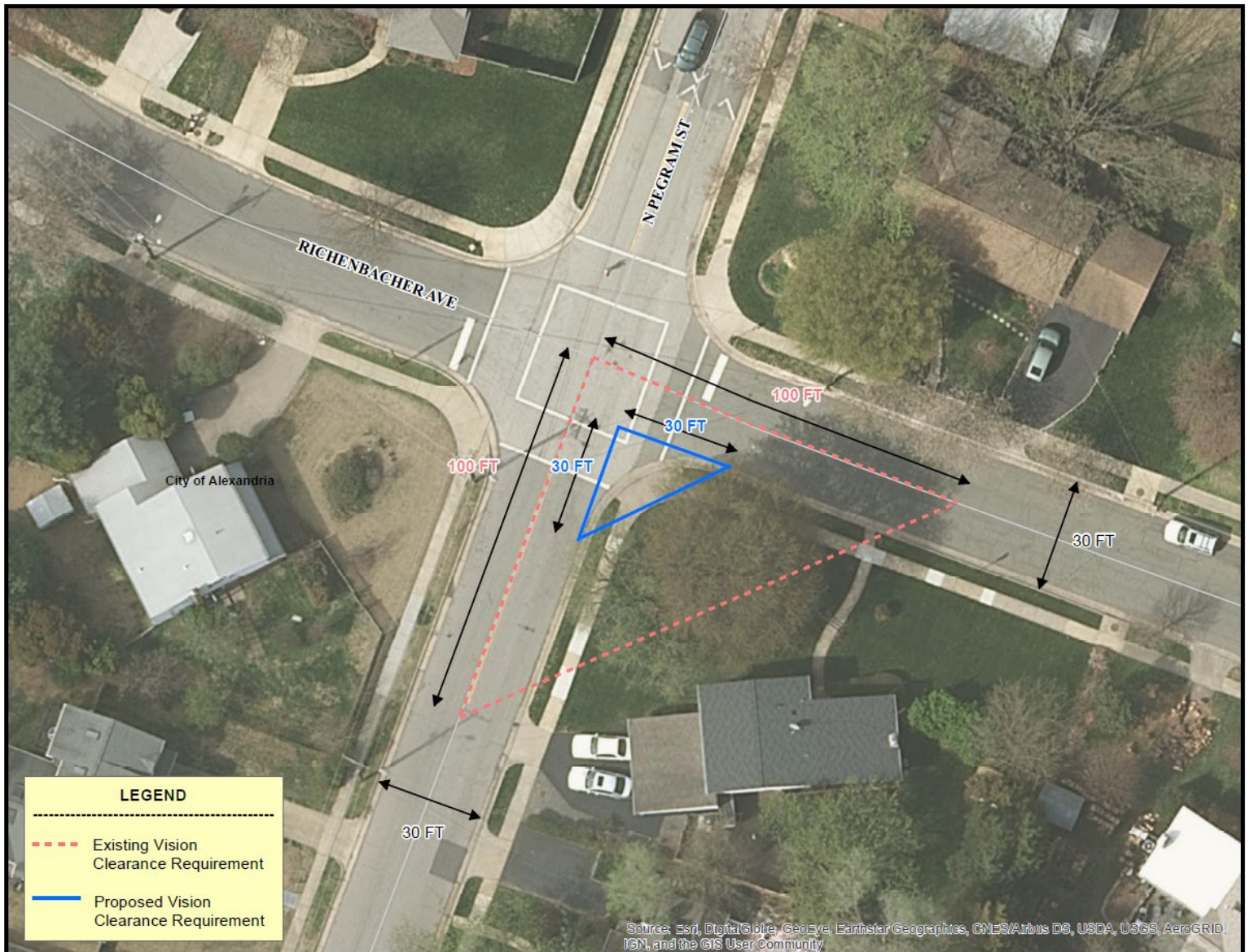


Exhibit #3
Old Town Neighborhood



Attachment #1

Section 2-100 - Definitions

2-113.1 – Arbor.

A free-standing structure consisting of a trellis or interwoven lattice pieces typically covered with climbing shrubs or vines. These structures usually define a point of entry or the division of two places along a path.

2-113.42 - 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.

2-113.23 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.

Section 2-183 – Pergola

A structure of colonnades or pillars supporting an open roof of crossing rafters or trellis that may be freestanding or connected to a building.

2-183.1 - Personal service establishment.

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

- Arts and crafts studios or stores;
- Appliance repair and rental;
- Banks, savings and loans, and credit unions;
- Bicycle repair;
- Barbershops and beauty shops;
- Contractors' offices, without accessory storage;
- Dressmakers and tailors;
- Dry-cleaning and laundry pickup stations;
- Laundromat;
- Locksmiths;

Musical instrument repair;

Optical center;

Pawnshops;

Private school, academic, with a maximum of 20 students on the premises at any one time;

Professional photographer's studios;

Shoe repair;

Furniture upholstering shops;

Watch repair;

Printing and photocopy service;

Tattoo parlors;

Personal service establishments do not include, as either a primary or accessory use, automobile-oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

2-183.1 ~~2~~- Plat.

A schematic representation of land divided or to be divided.

2-183.2 ~~3~~- Porch.

A covered, open structure that adjoins the exterior of a dwelling. A porch shall not be enclosed with walls, glass, screens, or similar. Railings shall be permitted no higher than three-and-one-half feet or the minimum height required by the Virginia Uniform Statewide Building Code (USBC), whichever is higher. Balusters shall be spaced so as to leave at least 50 percent of the perimeter length of the railings open.

2-183.3 ~~4~~- Portico.

A porch that adjoins any entrance of a dwelling, does not project more than six feet from a building wall, and is not more than nine feet in length. These dimensions shall include any roof overhang.

Article VII. – Supplemental Zone Regulations

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~~ four feet in height.

- (5) Arbors ~~and~~ trellises and pergolas.

(a) That do not exceed 10 feet in height;

(b) that are not used for parking or storage of motor vehicles; and

(c) 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.

(C) In any yard except a front yard:

- (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.

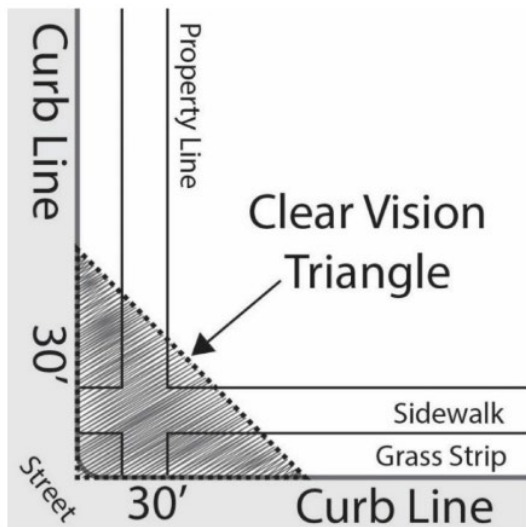
(c) Outside of the Old and Historic Alexandria District and the Parker-Gray District, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade,

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.

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by a diagonal line connecting two points located 30 feet from the intersecting curb line centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than four feet above the three and one-half curb line curb grade with the following exception:

- (A) Trunk of a tree but not branches or foliage less than 8 feet in height as measured from grade. All residential zones and the CL, CC and CSL zones: 100 feet
- (B) All commercial, office, industrial and mixed use zones: 75 feet.



Graphic for Section 7-801 – Vision clearance required

7-902 - Setback requirements.

(C) *Industrial.* No building or structure in the industrial zone shall be permitted within 100 feet of a residential zone line: with exception of the following:

- (1) Fences and walls with a height not in excess of ten feet.

7-1702 - Fences in secondary front yards.

B. A fence not exceeding six feet in height may be located in a secondary front yard if it complies with the following:

- ~~(1) It is located no closer to the front yard property line than the rear wall of the building structure that adjoins the secondary front yard;~~
- ~~(2) Except for cases governed by section 7-1702(B)(3), it is set back from the edge of the sidewalk or from the property line where there is no sidewalk at least two feet on lots of 25 feet width or less, and three feet on other lots; and~~
- ~~(3) Where the secondary front yard is located on a block face on which the adjacent house as well as the majority of the houses face the street, fences over three and one half feet but not exceeding six feet shall be permitted if located no closer to the property line than half the distance between the property line and the building face.~~

(1) Corner Lots

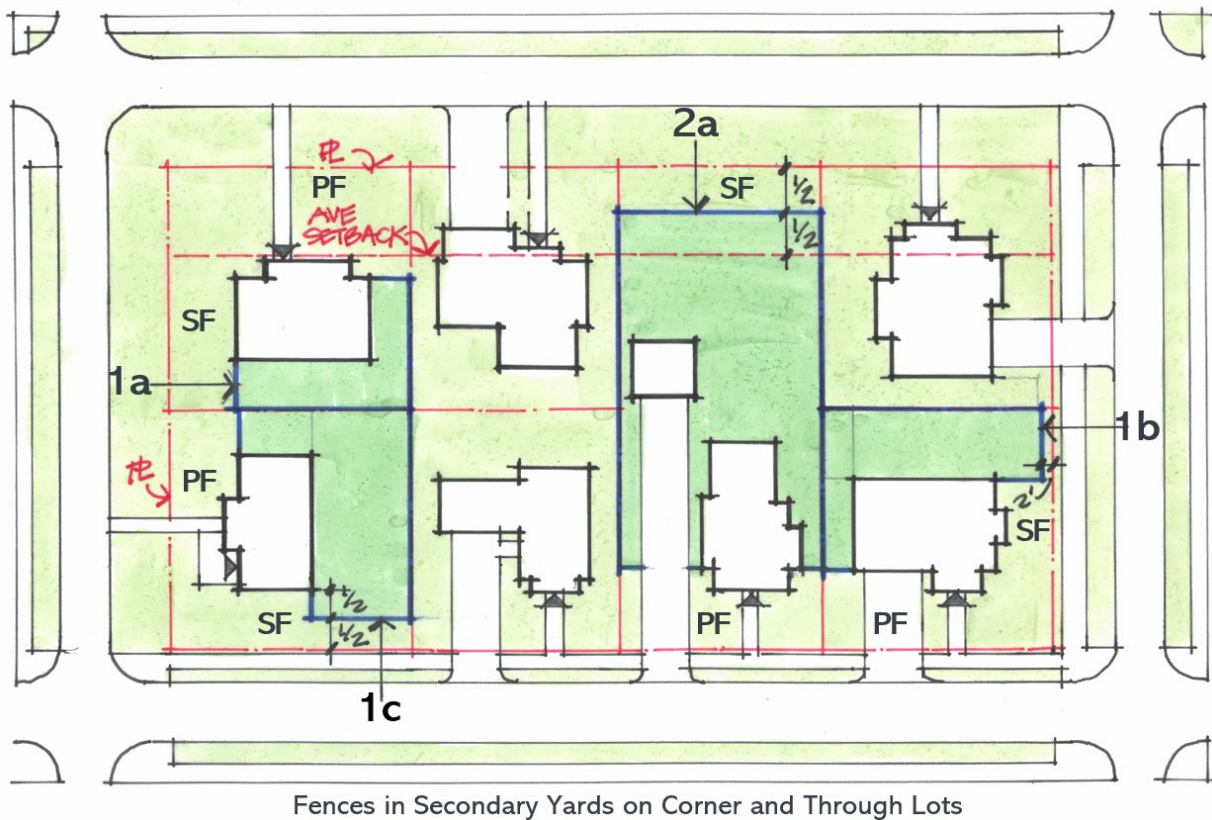
- (a) It is located no closer to the front secondary yard property line than the rear building wall that adjoins the secondary front yard.
- (b) Except for cases governed by section 7-1702(B)(1)(c), it is set back from the edge of the sidewalk by two feet or if there is no sidewalk at least two feet from the property line.
- (c) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties face the street, a fence of between four and six feet in height shall be permitted if located no closer to the property line than half the distance between the property line and the building face.

(2) Through Lots

- (a) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street face that street, a fence of between four and six feet in height shall be permitted if located no closer to the property line than half the

distance between the property line and the average setback utilizing the two abutting properties.

- (b) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street do not face such street or there is no abutting house(s), a fence of between four and six feet in height shall be permitted if located three feet from the property line.



Graphic for Section 7-1700 for fences in secondary yards

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 3, 2019

TO: CHAIRMAN NATE MACEK AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #9- AMENDMENTS TO THE STAFF REPORT AND ATTACHMENT #1

This memorandum provides minor revisions pertaining to Section 7-801 of the proposed text amendment to the Zoning Ordinance with respect to Vision clearance required. The proposed language unintentionally added and crossed out new language that will become part of the legal regulations. Staff also cleaned up typographical errors to ensure that the language is clear for administration of the regulations.

Existing Staff Report Language:

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by a diagonal line connecting two points located 30 feet from the centerline intersecting curb grade of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than ~~three and one-half~~ four feet above the ~~curbline~~ curb grade with the following exception:

- (A) ~~All residential zones and the CL, CC and CSL zones: 100 feet~~ 30 feet.
Trunk of a tree but not branches or foliage less than 8 feet in height as measured from grade.
- (B) ~~—All commercial, office, industrial and mixed-use zones: 75 feet.~~ 30 feet.

Proposed Correction:

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by a diagonal line connecting two points located 30 feet from the intersecting curb line ~~centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below~~, there shall be no structure, fences, shrubbery or other obstruction to vision more than four feet above the ~~three and one half curbline~~ curb grade with the following exception:

- (A) Trunk of a tree but not branches or foliage less than 8 feet in height as measured from grade.
~~All residential zones and the CL, CC and CSL zones: 100 feet~~
- (B) ~~All commercial, office, industrial and mixed use zones: 75 feet.~~