

ORDINANCE NO. 5254

AN ORDINANCE to amend and reordain Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0006, 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 October 3, 2019 of a text amendment to the Zoning Ordinance to adopt new definitions and practical updates to the supplemental zone regulations, including permitted obstructions in yards, vision clearance, setback requirements, and fences in secondary front yards, which recommendation was approved by the City Council at public hearing on October 19, 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 2-113.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

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.

Section 2. That the following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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 3. That Section 2-183 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

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.

Section 4. That following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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.

2-183.42 - Plat.

A schematic representation of land divided or to be divided.

2-183.23 - 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.

2-183.34 - 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.

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~~ 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.

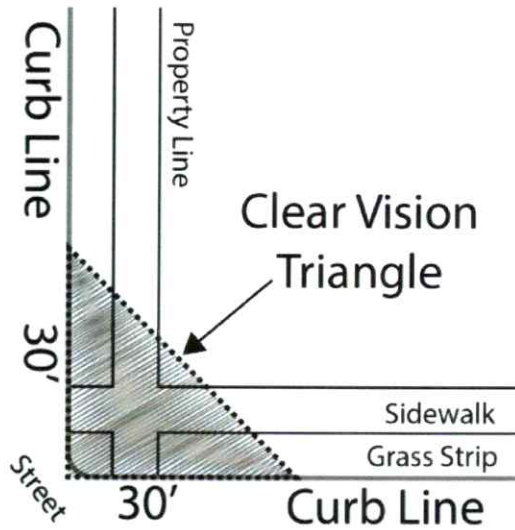
Section 6. That 7-801 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline and inserting the diagram, as follows:

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.~~



Section 7. That Section 7-902 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:

7-902 - 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.

Section 8. That 7-1702 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 and inserting the diagram, as follows:

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.~~

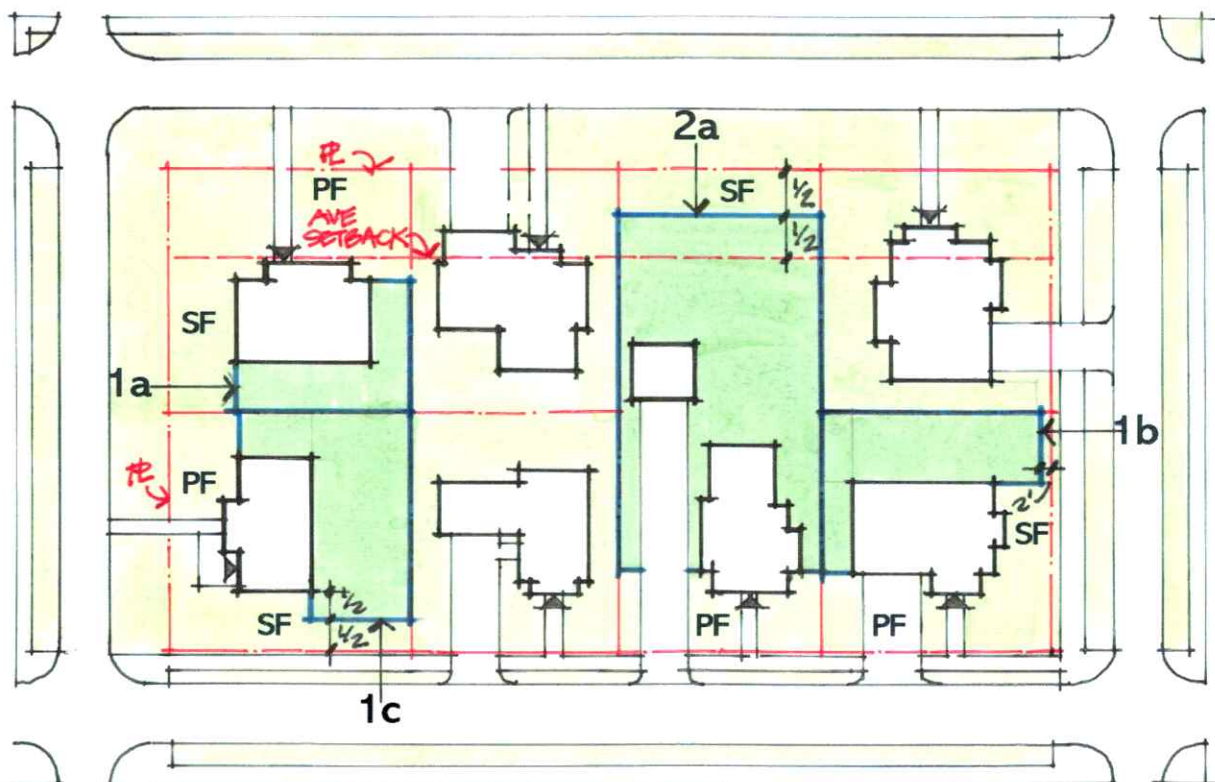
- (1) Corner Lots

- (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.



Fences in Secondary Yards on Corner and Through Lots

Section 9. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 10. That Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as amended pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.



JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk

Final Passage: November 16, 2019