

ORDINANCE NO. 3864

AN ORDINANCE to add a new Section 5-2-29 (STREET ENCROACHMENTS) to Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); to repeal Section 8-1-16 (STREET ENCROACHMENTS) of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), all of The Code of the City of Alexandria, Virginia, 1981, as amended; and to make conforming amendments to subsection (B)(4) (PROTECTION AND HEIGHT OF SIGNS) of Section 9-202 of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A of Chapter 2, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-2-29, to read as follows:

Sec. 5-2-29 Street Encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

(a) Steps. Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

(b) Architectural decorations. Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.

(c) Signs. A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

(d) Canopies, awnings and marquees. Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected, provided that the owner of the canopy, awning or marquee obtains and maintains a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and his or her successors) and the city, as an additional named insured, against all claims, demands, suits, and related costs, including attorney fees, arising from any bodily injury or property damage which may occur as a result of the canopy, awning or marquee.

(e) Nonpermanent planters. Planters which are nonpermanent may be located in a right-of-way subject to the following:

(1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.

(2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

(3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

(4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

(5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the

right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

a. The location of the planter shall not unduly obstruct the public right-of-way.

b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.

c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.

Section 2. That Section 8-1-16 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 3. That subsection (B)(4) of Section 9-202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 9-202 Commercial zones.

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(4) Projection and height of signs. A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for encroachments into a public right-of-way or for land use, land development or subdivision approval provided for under The Code of the City of Alexandria, Virginia, 1981, as amended, or the City of Alexandria Zoning Ordinance, which applications are on such date pending before any city department, agency or board, or before city council, or on judicial review, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of The Code of the City

of Alexandria, Virginia, 1981, as amended, and the City of
Alexandria Zoning Ordinance, except as may be provided in Article
XII of the Zoning Ordinance.

KERRY J. DONLEY
Mayor

Final Passage: May 18, 1996