

ORDINANCE NO. 5171

AN ORDINANCE to add Section 2-129.1 (Congregate recreational facilities) of Article II (DEFINITIONS) and to amend and reordain Section 6-105 (Special uses) and 6-403 (General regulations and exceptions) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0007, 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 2, 2018 of a text amendment to the Zoning Ordinance to add provisions to allow by special use permit lighting at congregate recreational facilities, which recommendation was approved by the City Council at public hearing on October 13, 2018;
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 2-129.1 of the Zoning Ordinance be, and the same hereby is, added by inserting the language shown in underline, as follows:

2-129.1 Congregate recreational facilities

A use devoted to recreational activities typically or often pursued as a group or team, such as athletic fields, children's play apparatus areas, archery ranges, court game facilities, indoor and outdoor swimming pools, amphitheaters, band shells, and outdoor theaters, not including drive-in theaters.

Section 2. That Section 6-105 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:

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

- (A) Public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions, providing functions and facilities such as gymnasiums, meeting rooms, game rooms, arts and crafts centers, and dining and dancing facilities;
- (B) ~~Active and/or e~~Congregate recreational facilities ~~such as:~~
  - (1) ~~Athletic fields, children's play apparatus areas, archery ranges and court game facilities;~~

- ~~(2) Indoor and outdoor swimming pools;~~
- ~~(3) Indoor and outdoor roller skating and ice skating rinks;~~
- ~~(4) Amphitheaters, band shells and outdoor theaters, not including drive-in theaters;~~
- ~~(5) Miniature golf courses and similar amusement and recreational facilities;~~
- (C) Commercial facilities customarily incidental and subordinate to the operation of public recreational uses, such as refreshment stands and small shops providing sporting goods and related services.
- (D) Cultural facilities such as botanical gardens, arboretums, nature centers, conservatories, historic sites, archeological sites, monuments and memorials;
- (E) Plant, tree and flower nurseries;
- (F) Public utility rights-of-way, man-made lakes, ponds and water courses, and similar public works compatible with the purposes of the POS zone;
- (G) Facilities for the lighting of any area in the POS zone for nighttime use;
- (H) Outdoor food and crafts market;
- (I) Temporary public school classroom trailers in conjunction with adjacent public schools. This subsection shall expire on June 30, 2006. Any trailers permitted under the authority of this subsection shall be removed by that date.
- (J) Public recycling center, provided that the director finds that the use does not interfere with an established active or passive recreation area; that no trees will be removed to accommodate the use, unless such removal is approved by the director of parks, recreation and cultural activities, and that uses adjacent to the recycling site are compatible with recycling activities.
- (K) Indoor and outdoor roller skating and ice skating rinks, miniature golf courses.

Section 3. That Section 6-403 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:

- (A) *Relationship of height to setback.* In all height districts, the allowable height of a building at any point shall not exceed twice the distance from the face of the building at that point to the centerline of the street facing such building.
- (B) *Mechanical appurtenances.* Chimney, towers, tanks, machinery, equipment, penthouses or other necessary mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.
  - (1) All necessary rooftop mechanical appurtenances and penthouses shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.
  - (2) The following limitations apply to rooftop mechanical penthouses:
    - (a) Only one penthouse is permitted unless the number is increased by a special use permit;
    - (b) The penthouse shall not exceed 15 feet unless the height is increased by a special use permit;
    - (c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and

- (d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.
- (3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.
- (C) *Church steeples.* No church building shall exceed the height for each zone, as limited by the Height District Maps, except that a church steeple may be erected to a height of 90 feet, or to a height in excess of 90 feet but not in excess of 150 feet with a special use permit. For purposes of this section 6-403(C), steeple shall mean a decorative or symbolic architectural component including a tower, spire, belfry or similar component extending above the ridge line of the building roof, or the highest point of the roof of the building.
- (D) *Reception or transmission structures.* All radio and television reception or transmission structures may be erected only in compliance with section 7-1205 and section 7-1206.
- (E) *Noncomplying buildings and structures.* Any building or structure lawfully in existence on June 24, 1992 which does not comply with the provisions of this section 6-400, shall be categorized as a noncomplying structure subject to section 12-100; provided, however, that any building or structure in existence on June 24, 1992 and immediately prior to such date categorized as an illegal building or structure because of height, shall continue to be so categorized.
- (F) *Lighting for congregate recreational facilities and dog parks.*
  - (1) Subject to the limitations in subsection (2) below, poles for lighting the following uses may be constructed to a height which otherwise exceeds that permitted by the zone with a special use permit:
    - (a) Congregate recreational facilities and
    - (b) Dog parks.
  - (2) The following limitations apply:
    - (a) Poles include luminaire assemblies;
    - (b) Poles may be up to 80 feet in height;
    - (c) The applicant shall demonstrate that the increased pole height will mitigate the impact of lighting in terms of spillage and glare;
    - (d) Poles shall be setback a minimum of 35 feet from any right-of-way or residential property line; and
    - (e) Poles may be located in any zone.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Sections 2-129.1, 6-105, and 6-403, as amended pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. 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.

ALLISON SILBERBERG  
Mayor

Final Passage: November 17, 2018