

ORDINANCE NO. 5208

AN ORDINANCE to amend and reordain Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBRSTUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and add new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0015.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0015, 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 January 3, 2019 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on January 12, 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 2-113.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

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.

Section 2. That Section 2-120.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

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.

Section 3. That Section 2-200.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

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.

Section 4. That Section 4-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

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

Section 5. That Section 7-103 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:

7-103 - 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.

Section 6. 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.
  - (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.
  - (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) For any residential lot, single-story front porches with a maximum depth of ten feet shall be permitted in any required front yard provided that the porch shall be located on the first floor or at ground level and the front yard shall not be reduced to less than ten feet.

Section 7. That Section 7-301 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

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.

Section 8. That Section 7-2506 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

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.~~

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

Section 10. That Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBRSTUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS), as amended or added 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

Final Passage: March 16, 2019