



DOCKET ITEM # 4
Text Amendment #2024-00002
Minor Updates

<p>Issue: (A) Initiation of a Text Amendment and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to: (1) amend Sections of Article II to delete apartment hotel, bed and breakfast accommodation, guest room, and tourist home definitions; amend the hotel definition; and delete private academic school from the personal service definition; (2) amend Sections of Articles III, IV, V, and VI to remove apartment hotel, bed and breakfast accommodation, guest room, and tourist home as special uses; add outdoor dining located on private property within a commercial complex as a permitted use in the CRMU-X zone; add indoor recreation and entertainment use as a permitted use in the I/Industrial zone; (3) amend Sections 6-603 and 6-704 relating to auxiliary dwellings; (4) delete Section 6-800 related to King Street Outdoor Dining; (5) correct technical errors in Sections 7-202 and 7-2501; (6) delete Section 7-400 relating to bed and breakfast accommodation; (7) delete Section 8-200(A)(4) relating to off-street parking requirements for tourist homes; and (9) amend Sections 11-511 and 11-513 to clarify language related to reviews of and administrative amendments to Special Use Permits and to increase the number of seats allowed with an Administrative Special Use Permit for outdoor dining.</p>	<p>Planning Commission Hearing:</p>	<p>March 5, 2024</p>
	<p>City Council Hearing:</p>	<p>March 16, 2024</p>
<p>Staff: Tony LaColla, AICP, Division Chief anthony.lacolla@alexandriava.gov Sam Shelby, Principal Planner sam.shelby@alexandriava.gov Alexa Powell, Urban Planner alexa.powell@alexandriava.gov</p>		
<p>Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment.</p>		

I. Summary

Staff proposes Zoning Ordinance amendments to correct errors, update regulations to accommodate changes in practices, and codify on-going staff interpretations.

These proposed minor updates amend various sections of the Zoning Ordinance related to commercial uses. The proposal also includes technical corrections. The following is a summary list of the proposed changes discussed in detail in this report with the specific text changes shown in Attachment 1:

- **Amend/delete definitions**
 - Delete definitions for tourist home, apartment hotel, and bed and breakfast accommodation.
 - Remove private school, academic with a maximum of 20 students at any one time from within the personal service establishment definition.
 - Amend hotel definition.
- **Consolidate accommodation uses**
 - Delete tourist home, apartment hotel, and bed and breakfast accommodation uses in all zones and consider most accommodation as a hotel use.
- **Amend administrative special use permit (SUP) regulations**
 - Allow up to 49 outdoor dining seats with administrative SUP approval.
 - Clarify administrative SUP review process.
 - Clarify administrative SUP amendment criteria.
- **Correct technical errors**
 - Add outdoor dining in a commercial complex in the CRMU-X (Commercial residential mixed use Old Town North) zone as a permitted use.
 - Amend the Mount Vernon Urban Overlay and King Street Urban Retail zones to make terminology consistent with other zones for auxiliary dwellings.
 - Correct cross-references for permitted obstructions related to fence height modifications in side and rear yards with BAR review and for freestanding garage provisions.
 - Delete all sections related to King Street outdoor dining, which was previously amended in 2022 with requirements moved to the City Code.
 - Add recreation and entertainment use, indoor as a permitted use in the I (Industrial) zone.

II. Background

Rationale for Proposed Text Amendments

Periodically, staff recommends minor updates to the Zoning Ordinance. These updates often include corrections to typographical errors, incorrect cross-references, and omissions. Staff also regularly proposes updates that clarify language, codify on-going staff interpretations, and address unintended consequences. Additionally, staff tracks business

inquiries to identify Zoning Ordinance updates required to accommodate new and evolving commercial uses. Since June 2022, when City Council approved the last round of minor updates, staff has identified additional issues and recommends the following Zoning Ordinance amendments in section III, below.

Staff originally considered defining electric vehicle (EV) charging in Article II and permitting it as an accessory use in all zones pursuant to section 7-101. Upon further consideration, staff concluded that EV charging need not be regulated as its own use. EV charging is always associated with a parking space or spaces and the Zoning Ordinance already regulates where and how parking spaces can be located and configured. Further, section 7-101 lists “structures or mechanical equipment associated with electric vehicle charging” as permitted accessory structures. The following table summarizes the approval process needed to add EV charging at different locations:

Existing or proposed driveway at a single-unit, two-unit, or townhouse dwelling	By-right approval
Existing off-street parking lot or garage	By-right approval provided that the number and size of off-street parking spaces remain unchanged. Minor site plan amendment may be required.
New, standalone off-street parking lot with 20 spaces or fewer	Site plan required (site plans are required for five spaces or more) Permitted by-right in most commercial and mixed-use zones Not permitted in most residential zones
New standalone off-street parking lot with more than 20 spaces	Site plan required Permitted with SUP approval in most commercial and mixed-use zones Not permitted in most residential zones
New off-street parking lot or garage associated with a principal use (residential, commercial, or mixed-use building)	Included with approvals needed for the principal use and building

III. DISCUSSION OF PROPOSED TEXT CHANGES

A. Amend/delete definitions

1. Amend hotel definition and delete apartment hotel, guest room, tourist home, and bed and breakfast accommodation:

In reviewing the Zoning Ordinance, staff identified several types of accommodation uses defined in Article II which are either indistinguishable from one another or which, from a land-use standpoint, result in similar impacts. Namely, these types of accommodation uses include tourist home (section 2-198), bed and breakfast accommodation (section 2-121), hotel (section 2-161), and apartment hotel (2-112). Staff recommends removal of tourist home, apartment hotel, and bed and breakfast accommodation in favor of classifying these uses as hotel uses. This proposal would consolidate these similar uses. Staff also recommends amending the hotel definition and deletion of the term guest room (section 2-153) to align with City Code regulations related to transient occupancy and to eliminate wording unrelated to land use considerations. Further explanation and analysis regarding the review process involved in this change is provided in section B, below.

2. Remove private school, academic with a maximum of 20 students at any one time from the personal service establishment definition (section 2-183.1).

The proposed revision removes private school, academic with up to 20 students as a personal service use, which is generally a permitted use in all commercial and mixed-use zones. There have been no requests for this size private academic school and removing it from the personal service definition will simplify the code. Based on the lack of demand it appears a one-room schoolhouse type model is no longer needed in the ordinance. If such a use does come forward, the applicant could seek approval through the full-hearing SUP process in zones where private schools are permitted with SUP approval. The private school use with fewer than 20 students could also be considered accessory to a permitted principal use in limited circumstances.

B. Consolidate accommodation uses

Remove tourist home, bed and breakfast accommodation, and apartment hotel uses in all zones and process these types of accommodation uses as hotels.

Currently tourist homes, apartment hotels, hotels, and bed and breakfast accommodation uses all require full hearing special use permit approval. To correspond with deletion of these terms in Article II, explained above, staff recommends deleting these uses from all commercial and mixed-use zones. By removing these uses, staff would classify most future accommodation uses as hotels. Staff would no longer regulate bed and breakfasts as a use. As such, staff recommends deletion of section 7-400 which establishes requirements for bed and breakfast accommodations.

Hotel uses are permitted with SUP approval in the same zones as tourist homes, apartment hotels, and bed and breakfast accommodations with only one exception. Bed and breakfast accommodations are also permitted to operate with

SUP approval in the RM zone which does not allow hotels. However, the land use impacts of a bed and breakfast accommodations are indistinguishable from a private property owner who rents rooms in their home on a short-term basis. Removing bed and breakfast accommodations as a use functionally has no impact on such operations. It is also important to note that no SUPs for a bed and breakfast accommodation use have been sought in the RM zone and likewise no approvals have been granted for such operations in recent years.

C. Amend administrative special use permit (SUP) regulations

1. Change outdoor dining with an administrative special use permit to allow up to 49 seats rather than the current maximum of 40 seats.

More outdoor dining uses could be approved administratively with the proposed changes to the criteria for administrative SUP approval in Section 11-513(M)(3): increase of seats from 40 to 49. This represents a modest shift that would allow for a quicker permitting process for outdoor dining of this size and would not result in added neighborhood impacts. Any outdoor seating with 50 or more triggers added code requirements and could contribute to impacts, which staff would review in detail through a SUP review at public hearing.

2. Clarify standard SUP enforcement condition in section 11-513(C)(14).

This amendment establishes clear guidelines regarding the timing for SUP inspections and the Director's authority to re-docket an SUP.

3. Clarify administrative SUP amendment criteria.

Staff proposes amendments to section 11-511 to codify existing staff practices. These amendments establish clearer standards for when an administrative amendment to an SUP can be sought. These amendments would also exempt the following uses from administrative SUP amendments: automobile service station, outdoor live entertainment, drive through facility, and outdoor recreation and entertainment uses. Staff recommends exempting these uses as they have greater potential for neighborhood impacts and should not be eligible for staff-level approval.

D. Technical Errors

1. Add recreation and entertainment use, indoor as a permitted use in the I (Industrial) zone.

When the recreation and entertainment use was created in 2020, staff inadvertently left it out of permitted uses in the I zone. The Industrial zone is Alexandria's most permissive commercial zone and is intended to provide space for uses not permitted elsewhere in the city. As indoor recreation and

entertainment use is allowed by-right in all other more restrictive commercial zones, it is also a suitable by-right use in the Industrial zone. As such, staff recommends listing indoor recreation and entertainment uses in the I zone as a permitted use (section 4-1202).

2. Include outdoor dining in a commercial complex in the CRMU-X (Commercial residential mixed use Old Town North) zone (section 5-402).

All other mixed-use zones allow for outdoor dining on private property in a commercial complex as a permitted use. When outdoor dining was first listed as a permitted use at a commercial complex in 2020, staff inadvertently left it out of the CRMU-X zone. Allowing this use by-right as it is in other mixed-use zones would establish parity across all zones.

3. Amendments to the Mount Vernon Urban Overlay and King Street Urban Retail zones to make terminology consistent with other zones for auxiliary dwellings

When the auxiliary dwellings policy was created in 2021, these sections of the zoning ordinance were overlooked. With this revision, staff aims to correct the ordinance to reflect the 2021 policy update.

4. Correct cross references in the permitted obstructions and freestanding garages sections.

Staff identified errors in the zoning ordinance where the incorrect cross-reference is cited. These changes correct these citations and clarifies the language of these provisions.

5. Fix an administrative error by removing all references to the King Street outdoor dining section in the zoning ordinance.

Staff identified an error in the zoning ordinance stemming from the 2023 King Street outdoor dining program update. This revision will remove all King Street outdoor dining regulations from the Zoning Ordinance. All requirements for outdoor dining in the City's public right-of-way were transferred to the City Code with the 2023 update.

IV. Recommendation

Staff recommends initiation and approval of the proposed text amendments.

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Christina Zechman Brown, Deputy City Attorney
Sam Shelby, Principal Planner
Ann Horowitz, Principal Planner
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Attachments: Proposed Zoning Text Amendments