

ORDINANCE NO. 5449

AN ORDINANCE to amend and reordain Articles II (DEFINITIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), and VIII (OFF-STREET PARKING AND LOADING) of the City of Alexandria Zoning Ordinance to allow auxiliary dwelling units in commercial zones, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00004.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2022-00004, 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 June 23, 2022 of a text amendment to the Zoning Ordinance to adopt amendments to allow auxiliary dwelling units in commercial zones, which recommendation was approved by the City Council at public hearing on July 5, 2022;
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 Article II 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:

2-136.2 Dwelling, auxiliary.

A portion of a commercial building containing up to four dwelling units located on a ground floor or floors above or below retail or commercial uses.

2-136.23 – Dwelling, co-living.

A portion of a building containing five or six private living spaces, a shared kitchen and other communal areas. Each private living space must include a bedroom but may or may not include a private bathroom. Each co-living dwelling cannot exceed a total occupancy of eight people. Cooking facilities, specifically a stove or oven, shall not be provided within a private living space. Typically, private living spaces within a co-living dwelling are leased on an individual basis.

Section 2. That Article IV 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:

4-102 Permitted uses.

The following uses are permitted in the CL zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-108 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

4-202 Permitted uses.

The following uses are permitted in the CC zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-208 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

4-302 Permitted uses.

The following uses are permitted in the CSL zone:

(B.1) Auxiliary dwelling, not to exceed four units;

~~4-308 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s- Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

4-402 Permitted uses.

The following uses are permitted in the CG zone:

(B.1) Auxiliary dwelling, not to exceed four units;

~~4-408 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s- Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

4-502 Permitted uses.

The following uses are permitted in the CD zone:

(B.1) Auxiliary dwelling, not to exceed four units;

~~4-508 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. each s- Such apartment dwellings shall provide the parking

~~required for a multifamily dwelling unit of equivalent size with the following exceptions: parking spaces may be compact size or tandem; parking shall be located either on the site or within 500 feet of it; and each one bedroom apartment unit shall provide at least one parking space. comply with Section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

4-602 Permitted uses.

(B.1) Auxiliary dwelling, not to exceed four units

~~4-608 Accessory apartments. Auxiliary dwellings.~~

~~One or two apartment Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

4-802 Permitted uses.

The following uses are permitted in the OC zone:

(B.1) Auxiliary dwelling, not to exceed four units;

~~4-808 Accessory apartments. Auxiliary dwellings.~~

~~One or two apartment Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

4-902 Permitted uses.

The following uses are permitted in the OCM(50) zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-907 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s- Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

4-1002 Permitted uses.

The following uses are permitted in the OCM(100) zone:

(B.1) Auxiliary dwellings, not to exceed four units;

4-1007 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s- Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

4-1403 Permitted uses.

In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

(B) Permitted uses above the ground floor:

(2) ~~Dwelling-unit;~~ Auxiliary dwellings, not to exceed four units;

4-1414 Auxiliary dwellings.

Up to four auxiliary dwelling units are permitted and shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. Such dwellings shall comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

Section 3. That Article V 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:

5-102 Permitted uses.

The following uses are permitted in the CRMU-L zone:

(B.1) Auxiliary dwellings, not to exceed four units;

5-112 Accessory apartments-Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

5-202 Permitted uses.

The following uses are permitted in the CRMU-M zone:

(B.1) Auxiliary dwellings, not to exceed four units;

5-212 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

5-302 Permitted uses.

The following uses are permitted in the CRMU-H zone:

(B.1) Auxiliary dwelling, not to exceed four units;

5-312 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

5-402 Permitted uses.

The following uses are permitted in the CRMU-X zone:

(A.3) Auxiliary dwelling, not to exceed for units;

(A.34) Motor vehicle parking or storage for 20 vehicles or fewer;

(A.45) Day care center;

(A.56) Personal service establishment;

(A.67) Private school, commercial;

(A.78) Public school;

(A.89) Recreation and entertainment use, indoor;

(A.910) Retail shipping establishment, up to 20,000 gross square feet;

5-411 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

5-502 Permitted uses.

The following uses are permitted in the W-1 zone:

(B.1) Auxiliary dwelling, not to exceed four units;

5-513 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size, comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

Section 4. That Article VI 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:

6-702 Uses.

Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

(A) *Ground floor uses.*

(1) *Permitted uses:*

(i) Auxiliary dwelling, not to exceed eight units;

(B) *Upper floor uses.*

(1) *Permitted uses:*

(b) Multifamily dwelling units or ~~accessory apartments~~ up to eight auxiliary dwelling units;

6-704 ~~Accessory apartments~~ Auxiliary dwellings.

A maximum of eight ~~apartment~~ auxiliary dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted ~~as an accessory use~~. Such ~~apartments~~ dwellings shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such ~~apartment dwelling~~ shall provide a minimum of one parking space for each dwelling unit, and the parking spaces may be compact size or tandem and parking may be located either on the site or within 500 feet of it.

Section 5. That Article VIII 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:

Sec. 8-200 General parking regulations.

(A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of section 8-200(A) may be reduced when special zoning allows parking reductions and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

(16) *Specific commercial uses:*

(a) Within the enhanced transit area:

- i. Minimum requirement—0.25 spaces per 1,000 square feet of floor area.
- ii. Maximum requirement—3.0 spaces per 1,000 square feet of floor area.

(b) Outside the enhanced transit area:

- i. Minimum requirement—0.75 spaces per 1,000 square feet of floor area.
- ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.

(c) The following uses are specific commercial for the purposes of determining parking requirements:

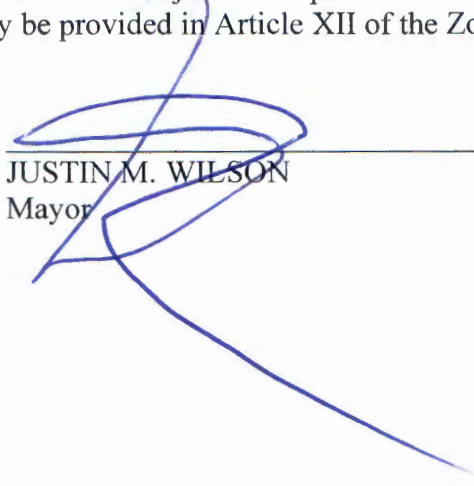
- i. Animal care facility.
- ii. Collegiate school or university.

- iii. Reserved. Auxiliary dwellings.
 - a. No parking is required within the enhanced transit area.
 - b. The parking required outside the enhanced transit area is set forth in subsection (b) above.
- iv. Day care center.
- v. Light assembly, service and crafts.
- vi. Personal service establishment.
- vii. Private school, academic.
- viii. Private school, commercial.
- ix. Retail shopping establishment.

Section 6. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 7. That Articles II, IV, V, VI, and VIII, as amended pursuant to Sections 1 through 5 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. 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

Approved as to Form:



Joanna Anderson City Attorney

Final Passage: September 17, 2022