



Text Amendment #2025-00001

Minor Updates

<p>Issue: (A) Initiation of and (B) Public Hearing and consideration of a text amendment to the Zoning Ordinance to: (1) correct technical errors and unintentional omissions in Articles II, III, IV, V, VII, and XI; (2) amend Sections 4-500 and 6-700 to increase height and FAR limits for public buildings constructed prior to January 24, 1998 in the Commercial District (CD) and King Street Retail (KR) zones; (3) amend Section 7-200 to allow fences up to 10 feet in height in required side or rear yards when a subject property immediately abuts a lot developed with a nonresidential use and to clarify that wall mounted mechanical equipment may be located in a required side or rear yard; (4) amend section 11-400 to allow additions less than 3,000 square feet to be exempt from Site Plan requirements; (5) amend Sections 12-200 and 12-300 to clarify that a public building constructed prior to June 24, 1998 is not a nonconforming use, that such public building is a noncomplying use, and that such use may be expanded without Special Use Permit approval; and (6) to amend Article XI to make the Director of Planning and Zoning responsible for certain activities and make other clarifications.</p>	Planning Commission Hearing:	March 5, 2025
	City Council Hearing:	March 15, 2025
<p>Staff: Tony LaColla, AICP, Division Chief anthony.lacolla@alexandriava.gov Sam Shelby, Principal Planner sam.shelby@alexandriava.gov</p>		
<p>Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment.</p>		

PLANNING COMMISSION ACTION, MARCH 4, 2025: On a motion made by Commissioner Koenig, seconded by Commissioner Brown, the Planning Commission moved to initiate ZTA #2025-00001. The motion carried on a vote of 7 to 0.

On a motion made by Commissioner Koenig, seconded by Commissioner Brown, the Planning Commission moved to recommend approval of ZTA #2025-00001. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff analysis.

Discussion:

Chair McMahon and Commissioner Koenig highlighted that Planning Commission and City Council routinely approve minor updates to the Zoning Ordinance. They both observed that these updates are necessary to streamline processes and to eliminate unintended consequences.

Chair McMahon acknowledged that this round of updates included changes not typically included with minor updates. Specifically, Chair McMahon was referring to the changes proposed to facilitate the renovations of City Hall. Ordinarily, these types of changes would be wrapped into the entitlement process and would be considered alongside the project approval by Planning Commission and City Council. In this case, she spoke in support of making the changes proactively as staff had identified administrative barriers that could get in the way of a good project. She found that the existing regulations don't accurately reflect City Hall's in its existing configuration nor the City Hall envisioned for the future. Chair McMahon stated that the public process for the City Hall project is already well underway and that, without these zoning changes, the project might not be able to achieve all the goals identified through this process. Commissioner Koenig echoed these points.

I. SUMMARY

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

In this round of updates, staff propose changes to implement the City's One Start initiative, to allow additional flexibility to accommodate planned City Hall renovations, to allow small-scale additions to existing buildings without site plan approval, and to allow taller fences between residential and non-residential properties. The proposal also corrects errors and makes other updates to reflect on-going staff interpretations. The following list provides a summary of the proposed changes with further discussion in later sections of this report. The proposed text changes are included in Attachment 1.

- **Implement One Start initiative**
 - Shift site plan signatory and review authorities from Transportation and Environmental Services (TES) Director to Planning and Zoning (P&Z)
- **Increase flexibility for City Hall renovations**
 - Clarify that public buildings constructed prior to 1998 are noncomplying uses
 - Permit such public buildings to be expanded without special use permit (SUP) approval
 - Increase permitted height and floor area ratio (FAR) for such public buildings in the CD/Commercial Downtown and KR/King Street Urban Retail zones
- **Allow taller fences between residential and non-residential properties**
 - Permit 10-foot-tall fences in required side and rear yards of residential properties that directly abut non-residential properties
- **Allow small additions to existing buildings without site plan approval**
 - Permit expansions of less than 3,000 gross square feet to existing buildings without site plan approval
- **Correct technical errors/clarify practices**
 - Permit restaurants in a commercial complex or hotel in the CRMU-X/ Commercial Residential Mixed Use – Old Town North) zone.
 - Correct errors and omissions
 - Clarify that wall-mounted mechanical equipment must comply with rules related to freestanding mechanical equipment

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. Since March 2024, 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.

III. DISCUSSION OF PROPOSED TEXT CHANGES

A. Implement One Start initiative

1. Shift site plan signatory and review authorities from Transportation and Environmental Services (TES) Director to Planning and Zoning (P&Z) Director:

Private investment is an important contributor for meeting the community's and City Council's goals of a fiscally stable, vibrant, inclusive community. The One Start initiative is designed to facilitate delivery of approved development projects that align with the Council's priorities and adopted plans and ordinances. One Start includes a series of improvements in internal operations.

The proposed changes are procedural adjustments to signature authority. Site plan applications will receive the same rigorous review and be held to the same technical standards that they are now. Transferring the signature authority will reduce staff overhead associated with internal routing across departments.

B. Increase flexibility for City Hall renovations

1. Clarify that public buildings constructed prior to 1998 are noncomplying uses.

In 1997, City Council approved Text Amendment #1997-00009 which classified public buildings constructed prior to January 24, 1998, as "legal" uses. Based on the staff analysis in 1997, it is clear that public buildings were meant to be classified as legally noncomplying uses. Staff recommend minor changes to section 12-302 to clarify this point.

2. Permit public buildings constructed prior to January 24, 1998 to be expanded without SUP approval.

In general, the Zoning Ordinance requires SUP approval to expand a noncomplying use. Staff recommends removal of this requirement for public buildings constructed prior to January 24, 1998. Even without the SUP requirement, additions to public buildings, at a minimum, would still require Planning Commission review and approval pursuant to section 11-505(A). Further, major expansions to public buildings receive Council endorsement through the budget approval process. The SUP requirement is not necessary for the City to be responsive to community input on its own projects. Last, while the use can be expanded without SUP approval, any expansion to a building would have to comply with all height and size maximums otherwise established.

City staff held a few community meetings for the City Hall renovation project beginning in July 2024 with more planned moving forward. Staff's proposed change would eliminate the need for a redundant SUP process to renovate City Hall.

3. Increase permitted height and floor area ratio (FAR) for public buildings constructed prior to January 24, 1998, in the CD and KR zones.

Staff proposes increasing the maximum height for public buildings constructed prior to January 24, 1998 in the CD and KR zones to 75 feet. City Hall well exceeds the maximum height of 50 feet permitted by both the CD and KR zones. Portions of the building are over 100 feet tall. Increasing the allowable height to 75 feet would accommodate planned renovations that would allow for expansion of the building's upper stories but would not allow for additional stories to be constructed. Any expansion to public buildings in the CD and KR zones would still require approval by the Board of Architectural Review.

City Hall also well exceeds the maximum permitted FAR of 1.5 in the CD and KR zones. Staff propose to increase the permitted FAR for public buildings constructed prior to January 24, 1998 in the CD and KR zones to 2.5. Both zones currently permit 2.5 FAR for non-residential buildings with SUP approval. As stated above, the SUP process is redundant for City-led projects to expand City buildings.

C. Allow taller fences between residential and non-residential properties.

1. Permit 10-foot-tall fences in required side and rear yards of residential properties that directly abut non-residential properties.

Staff have received a number of inquiries from property owners wishing to construct fences that exceed six feet between their property and an adjacent non-residential property. Currently, the Zoning Ordinance would prohibit the residential property owner from constructing such a fence on their property. The Zoning Ordinance, would, however, permit the non-residential property owner to construct such a fence on their own property. Staff proposes allowing residential property owners to construct fences up to 10 feet tall in any required side or rear yard when such yard directly abuts a non-residential property.

D. Allow small additions to existing buildings without site plan approval.

1. Permit expansions of less than 3,000 gross square feet to existing buildings without site plan approval.

The Zoning Ordinance currently requires site plan approval for an addition to existing building when the size of the addition exceeds one-third of the existing building's gross floor area or 3,000 square feet, whichever is less. For existing non-residential buildings with less than 3,000 square feet of floor area, any addition exceeding 1,000 square feet would require site plan approval. Staff have found this requirement to be overly restrictive. Since a new building with 3,000 gross square feet or less could be constructed without site plan approval, staff recommend that additions up to this amount also be permitted without site plan approval.

E. Correct technical errors and clarify practices.

1. Permit restaurants in a commercial complex or hotel in the CRMU-X/Commercial Residential Mixed Use – Old Town North) zone.

All other mixed-use zones allow for restaurants in a commercial complex or hotel as a permitted use. When restaurants were first listed as permitted uses at commercial complexes and hotels in 2020, staff inadvertently left them 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.

2. Correct errors and omissions.

Staff identified a few errors, inconsistencies, and unintentional omissions. Staff's proposed changes would correct these issues. Staff also proposes a clarification that would require wall-mounted mechanical equipment to comply with existing regulations for freestanding mechanical equipment.

IV. Recommendation

Staff recommends initiation and approval of the proposed text amendments.

Staff: Tony LaColla, AICP, Division Chief
Sam Shelby, Principal Planner

Attachments: Proposed Zoning Text Amendments

Sec. 2-100 – Definitions.

2-145 – Floor area.

(A) For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single- and two-unit dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(17) Pergolas in accordance with section 7-202(A)(5).

Sec. 3-500 – R-2-5 Residential ~~family~~ zone

3-505 – Lot requirements.

(A) *Lot width.* The minimum lot width at the building line shall be 50 feet except in the case of a corner lot, in which case the minimum lot width shall be 65 feet, and in the case of a two-unit ~~family~~ semi-detached dwelling, in which case the width of each lot shall be 25 feet.

Sec. 3-900 – RC/High density apartment zone.

3-907 – Certain structures, lots and uses inconsistent with these provisions.

All land within the RC zone must be used and developed in compliance with the RC zone regulations unless otherwise provided in this ordinance or by the following exceptions:

(A) Single- and two-unit ~~family~~ dwellings developed prior to June 24, 1992 shall be deemed to be in compliance with this ordinance and such uses may be redeveloped consistent with the use, lot and bulk limitations pursuant to which they were developed prior to said date.

Sec. 3-1200 – RS/Townhouse zone.

The RS zone is established to provide land areas for low to medium density townhouse development of approximately 15 units per acre which may be appropriate for infill sites in proximity to neighborhoods of single-unit-family detached homes.

Sec. 4-100 – OCM(100)/Office commercial medium (100) zone.

4-1002 – Permitted uses.

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

(A.1) Townhouse dwelling, except as limited by section 4-1003(~~BB.1A.1~~);

Sec. 4-500 – CD/Commercial downtown zone.

4-506– Bulk regulations.

(B) *Floor area ratio.*

(4) Public buildings. The maximum permitted floor area ratio for a public building constructed prior to January 24, 1998 is 2.5.

(C) *Height.* The maximum permitted height of a building is 50 feet except that the maximum permitted height of a single-unit family, two-unit, family or townhouse dwelling is 35 feet, provided however that such maximum height may be increased to an amount not to exceed 45 feet if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings. For a public building constructed prior to January 24, 1998, the maximum permitted height is 75 feet.

5-400 – CRMU-X/Commercial residential mixed use (Old Town North)

5-402 – Permitted uses.

(A.9.1) Restaurant within a commercial complex or hotel;

Sec. 6-700 – KR/King Street urban retail zone.

6-705 – Building and development requirements.

(C) *Floor area ratio.*

- (1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the following FAR limits apply:

(d) Public buildings. The maximum permitted floor area ratio for a public building constructed prior to January 24, 1998, is 2.5.

(D) *Height.*

- (1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the maximum permitted height of a building is 50 feet. For a public building constructed prior to January 24, 1998, the maximum permitted height is 75 feet.

Sec. 7-100 – Accessory buildings, uses, and structures.

7-103 – Accessory building, use, and structure limitations.

The following limitations apply to accessory buildings, uses and structures:

- (E) Outside of the Old and Historic Alexandria and the Parker-Gray Districts, if a principal dwelling on an abutting lot has any openings with sill or threshold heights lower than the height of the following proposed accessory buildings and structures, as measured from grade, facing the shared lot line and within three feet of the shared lot line, the following accessory structures and buildings shall be located at least five feet from the shared lot line along the width of the openings and for a minimum of five feet in each direction, along the shared lot line, beyond the width of the openings:

- (5) Fences exceeding ~~four three and one-half~~ four feet in height.

Sec. 7-200 – Permitted structures in required yards.

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:

(C) In any yard except a front yard.

(2) Sheds and other small accessory buildings:

(b) For lots developed with townhouse dwellings or single or two-unit-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.

(3) Freestanding or wall mounted 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:

(F) Open and closed fences which do not exceed ten feet in height shall be permitted in any required side or rear yard on any between residential lot properties when such yard that abuts a lot property developed with a nonresidential use public or private academic school.

Sec. 11-400 – Site plan.

11-404 – Development exempt from site plan requirement.

The prohibitions of section 11-403(A), (B), and (C) shall not apply to:

(A) The contemporaneous development of fewer than three dwelling units. It is the intent of this section 11-404(A) that these site plan regulations not apply to individual single-unit ~~family~~, two-unit-family or townhouse units developed or improved independently notwithstanding the terms of the other exemptions or the fact that such units were originally subject to a site plan. It is the further intent of this section 11-404(A) that this exemption not be undermined by purposeful piecemeal development; the term "contemporaneous development" includes development under common ownership or control or the subject of a common, concerted or coordinated plan or schedule of development irrespective of ownership or control.

(B) Additions to buildings where the total gross floor area of the proposed addition does not exceed ~~one-third of the total gross floor area of the existing building~~ or 3,000 square feet;

~~whichever is smaller, or, where additions are proposed to two or more buildings located on the same lot, the aggregate proposed additions do not exceed one-third of the total gross floor areas of the existing buildings or 3,000 square feet, whichever is smaller.~~ In calculating the size of any addition, replacement floor area shall be included.

11-409 – Action on site plans.

(D) *Action on final site plan.*

- (2) The final site plan shall show all of the information required by sections 11-406(C) through (E) for preliminary site plans, but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature. Calculations of storm water runoff shall be submitted. The final site plan submission shall include test borings and soil tests, when the subject property contains marine clay or fill or when otherwise found necessary by the director ~~of transportation and environmental services~~, including proposals for sheeting, shoring, dewatering, excavating, foundation design and backfilling. Final site plans shall be checked for compliance with preliminary site plans previously approved and the requirements of this section 11-409(D). If the director ~~and the director of transportation and environmental services~~ find~~s~~ that a final site plan complies in all respects, they shall indicate their approval thereon and submit it to the chairman or vice-chairman of the commission for approval. The date of the final approval signature shall be noted on the plan.
- (3) If the director ~~or the director of transportation and environmental services~~ find~~s~~ that a final plan does not comply with a previously approved preliminary site plan or the provisions of this section 11-409(D), the applicant shall be so advised, and shall be allowed to either bring the final plan into compliance in all respects, submit a new preliminary site plan for processing as if no plan had been previously considered, or withdraw his application without refund of fees.

11-410 – Site plan requirements.

In reviewing an application, the planning commission shall consider those factors listed below which it determines to be applicable in a given case.

(CC) Adequate minimum landscaping shall be provided as follows:

- (6) (a) ~~hg;~~ Where nonstructured surface parking areas are provided, they shall be designed with planting areas in the surface area at intervals to be determined by ~~the director of recreation, parks and cultural activities and the director of transportation and environmental services~~. The planting areas shall be in the form of curbed space

of sufficient size to permit the planting of trees and shrubs which may overhang the curbed space without damage from cars.

11-414 – As built site plan required.

- (A) It shall be unlawful for any person to occupy, or cause to allow to be occupied, any building, structure or portion thereof or use, or cause or allow to be used any land for which a site plan is required by this ordinance until an as built site plan has been approved by the director of ~~transportation and environmental services~~.
- (B) Upon satisfactory completion of the installation of the improvements shown on the approved site plan or a section thereof, the owner, developer or his authorized agent shall submit to the director of ~~transportation and environmental services~~ ten copies of an as built site plan certified by a person duly ~~certified by the state and licensed to practice under the provisions of sections 54-17.1 to 54-41 of the Code by the Commonwealth of Virginia, as amended~~, for review and approval for conformity with the approved site plan by the appropriate city departments. The director of ~~transportation and environmental services~~ shall approve an as built site plan within ten days of the receipt of the plan or advise the applicant of deficiencies. No as built site plan shall be approved until the building, structure and site involved shall comply in all respects with the approved site plan or section thereof. Two inspections for compliance may be made of an entire site plan or a section thereof without cost to the applicant. ~~The applicant shall pay a fee of \$50.00 for any additional inspection.~~ No performance bond, certified check or other guarantee shall be released until the as built site plan has been approved by the director of ~~transportation and environmental services~~. Every approved as built site plan shall be dated, state that the building, structure and the land involved complies with all provisions of this ordinance and be signed by the director of ~~transportation and environmental services~~. A record of all as built site plans issued shall be ~~kept on file~~ maintained in the office of the director of ~~transportation and environmental services~~. ~~One copy of the approved as built site plan shall be sent to the applicant.~~

11-415 – Amendment to approved site plan.

Any change to the terms of an approved final site plan requires that an amended site plan application be filed and that the amended site plan be reviewed and approved, pursuant to the provisions of this section 11-400. Minor modifications may be approved by the city manager, upon the recommendation of ~~the director of transportation and environmental services and the director of planning and zoning.~~

Sec. 11-1302 – Special exception established.

A lot developed with a single-unit, two-unit, townhouse, or multi-unit (up to four units) dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

- (B) Yard and setback requirements for enlargement of a dwelling, as follows:
 - (1) Yard and setback requirements applicable to the extension or enlargement of a single unit-family, two-unit-family ~~or townhouse, or multi-unit (up to four units)~~ dwelling only, within any one noncomplying plane of such dwelling.

Sec. 11-1400 – Zone extension.

11-1402 – Procedures for zone extension.

- (E) Withdrawal of application. An application for a zone extension ~~special exception~~ may not be withdrawn by the applicant without the consent of the board after it has been docketed for public hearing.

Sec. 11-1700 – Subdivisions.

11-1712 – Amendments to approved plat.

A major change to an approved subdivision plat, other than those requested by the commission, requires that an amended subdivision plat be filed and approved. A minor, nonmaterial modification may be approved by the city manager, on the recommendation of the director ~~and the director of transportation and environmental services.~~

Sec. 12-300 – Noncomplying uses.

12-302 – Noncomplying uses.

Noncomplying uses shall be permitted to continue indefinitely and shall be considered legal uses but subject to the following restrictions:

(G) Any public building existing on January 24, 1998, and categorized immediately prior to such date as a nonconforming use, whether the use operates pursuant to a special use permit or not, shall not be deemed a nonconforming use. From and after January 24, 1998, such use shall be categorized as a noncomplying-legal use and, ~~irrespective of the applicable zoning regulations,~~ may continue indefinitely. Such use may be expanded without special use permit approval regardless of subsection 12-302(A), above. ~~and may be expanded or replaced; provided, that any such expansion or replacement is approved by special use permit.~~
