



Legislation Details (With Text)

File #: 21-0681 **Name:** ADUs
Type: Ordinance **Status:** Agenda Ready
File created: 1/21/2021 **In control:** City Council Legislative Meeting
On agenda: 3/9/2021 **Final action:**
Title: Introduction and First Reading. Consideration on First Reading of an Ordinance to amend and reordain Sections 2-136.1 (DWELLING, ACCESSORY), 2-141 (DWELLING UNIT), and 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 7-101 (PERMITTED ACCESSORY USES), 7-103 (USE LIMITATIONS), 7-202 (PERMITTED OBSTRUCTIONS), and 7-203 of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 11-1302 (Special exception established) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) and add and ordain Section 7-203 (ACCESSORY DWELLINGS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00007 (Implementation Ordinance for Text Amendment No. 2020-00007 associated with Accessory Dwelling Units approved by City Council on January 23, 2021).

Sponsors:

Indexes:

Code sections:

Attachments: 1. 21-0681_cover, 2. 21-0681_ordinance

| Date | Ver. | Action By | Action | Result |
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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 3, 2021
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
THRU: MARK B. JINKS, CITY MANAGER /s/
FROM: KARL W. MORITZ, DIRECTOR, PLANNING AND ZONING

DOCKET TITLE:

Introduction and First Reading. Consideration on First Reading of an Ordinance to amend and reordain Sections 2-136.1 (DWELLING, ACCESSORY), 2-141 (DWELLING UNIT), and 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 7-101 (PERMITTED ACCESSORY USES), 7-103 (USE LIMITATIONS), 7-202 (PERMITTED OBSTRUCTIONS), and 7-203 of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 11-1302 (Special exception established) of Article XI

(DEVELOPMENT APPROVALS AND PROCEDURES) and add and ordain Section 7-203 (ACCESSORY DWELLINGS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00007 (Implementation Ordinance for Text Amendment No. 2020-00007 associated with Accessory Dwelling Units approved by City Council on January 23, 2021).

ISSUE: Zoning Text Amendment #2020-00007 - Accessory Dwelling Units (ADU).

RECOMMENDATION: That City Council approve the proposed ordinance on first reading and schedule for second reading, public hearing and final passage on Saturday, March 13, 2021.

BACKGROUND: At the January 23, 2021 public hearing, City Council approved the Planning Commission recommendation on ZTA #2020-00007 with amendments. At this hearing, City Council also directed staff to develop language to address the following amendments to the proposed Zoning Ordinance text changes:

- Require owner occupancy at the time of ADU construction.
- Prohibit the exclusive use of an ADU as a short-term rental.
- Establish ADU permit and fee requirements in the Zoning Ordinance.

This memorandum includes staff's proposed language to addresses the amendments that City Council made to the ADU policy at the January 23, 2021 public hearing. For this docket item, City Council should consider staff's recommendations in this memorandum together with the remainder of the ADU text changes that were approved on January 23, 2021.

DISCUSSION: Staff proposes the following text to address City Council's amendments. Staff justifications follow.

1) Require owner occupancy at the time of ADU construction.

Staff proposes the following language:

The owner of the property shall maintain the property as their primary residence at the time the permit required by section 7-203(A), above, is issued.

Staff proposes that the property owner maintain the property as their primary residence at the time of the ADU permit issuance instead of construction. With this language, staff intends to capture situations when no construction would occur. These situations include establishment of an ADU when the living space, kitchen and sanitary facilities already exist and when a property with an ADU changes ownership.

2) Prohibit the exclusive use of an ADU as a short-term rental.

Staff proposes the following language:

The accessory dwelling shall not be a short-term residential rental, as defined by City Code section 3-2-152(a)(2), for a period exceeding 120 days per calendar year.

Staff proposes a limit of 120 days per calendar year for an ADU to be used as a short-term rental. Montgomery County, Maryland establishes the same limit for short-term rentals. The District of Columbia also establishes a 90-day limit for short-term rentals when the property is not owner occupied. Staff's proposed limit would effectively prohibit the exclusive short-term rental use of an ADU.

3) *Establish ADU permit and fee requirements in the Zoning Ordinance.*

Staff proposes the following language:

No accessory dwelling unit shall be permitted unless a permit for the same has been issued by the Director. An application for the permit shall be submitted to the Director on such forms as the Director may prescribe and shall include information that demonstrates compliance with this section 7-203. The applicant shall submit the fee prescribe by section 11-104.

This language would formally authorize the Planning and Zoning director to require a permit for an ADU and to assess an ADU permit fee.

ATTACHMENTS:

21-0681_Cover

21-0681_Ordinance

STAFF:

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