



Docket Item #12
Text Amendment #2025-00003
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 make clarifications in Articles IV, V, VII, and X; (2) amend Sections 3-606 and 3-706 to clarify open space requirements in the RA/Residential multi-unit and RB/Residential townhouse zones; (3) amend Articles III, IV, V, and VI to add churches as a permitted use in the RD/High density apartment, RS/Townhouse, RT/Townhouse, CD-X/Commercial downtown (Old Town North), CR/Commercial regional, I/Industrial, CRMU-L, M, H, and X (Commercial residential mixed use low, medium, high, and Old Town North), W-1/Waterfront mixed-use, and CDD/Coordinated development district zones; (4) amend Section 6-403 to remove height limitations for lighting permitted with a Special Use Permit approval for congregate recreational facilities and dog parks; (5) amend Section 7-202 to allow electric vehicle charging equipment in any required yard; (6) amend Section 7-203 related to accessory dwelling units to delete permit requirement and use limitations; (7) amend Section 8-200(F) to exempt churches from certain parking requirements; and (8) create provisions for a mural program in Article IX.</p>	<p>Planning Commission Hearing:</p>	<p>May 6, 2025</p>
	<p>City Council Hearing:</p>	<p>May 17, 2025</p>
<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>		

I. SUMMARY

This is the second set of minor updates that staff has proposed in 2025. As usual, staff proposes amendments to correct errors, clarify language, update regulations to accommodate changes in practices, and codify staff interpretations.

In this round of updates, staff proposes the following changes:

(A) Delete accessory dwelling unit (ADU) permit and owner occupancy requirements

(B) Include church as a permitted use in all zones and exempt churches from certain parking requirements

- Permit churches by-right in the RD/High density apartment, RS/Townhouse, RT/Townhouse, CD-X/Commercial downtown (Old Town North), CR/Commercial regional, I/Industrial, CRMU-L, M, H, and X (Commercial residential mixed use low, medium, high, and Old Town North), W-1/Waterfront mixed-use, and CDD/Coordinated development district zones
- Exempt churches from regulations which require them to provide complying off-street parking when renovation costs exceed one-third of the property's assessed value

(C) Eliminate congregate recreational facilities light pole SUP height limit

- Remove 80-foot light pole height limit from SUP limitations

(D) Allow electric vehicle (EV) charging equipment in all required yards

(E) Article X – Historic Districts and Buildings

- Clarify appeal of administrative decision processes for Old and Historic Alexandria District (OHAD) and 100-year-old buildings

(F) Technical errors/clarifications

- Correct errors, clarify and modernize language, and improve organization

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 2025, 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) Delete accessory dwelling unit (ADU) permit and owner occupancy requirements

Staff recommends removing the administrative ADU permit requirement. When the ADU policy was adopted, staff proposed the permit requirement to ensure that life safety requirements were met, as an opportunity for staff to clearly communicate the newly passed

regulations to applicants, and to ease enforcement. In practice, staff has found the separate ADU permit to be redundant to the standard permitting process. Life safety requirements are thoroughly addressed through the standard permitting process without the need for a separate ADU permit issued by Planning and Zoning. Requiring a separate ADU permit also ends up adding time and expense for applicants. Enforcement of any potential ADU violations would not be impacted by removing the ADU permit given that Alex311 and the City's permitting system capture the same information the ADU permit otherwise would have.

Staff also recommends deletion of the requirement for an ADU applicant to "...maintain the property as their primary residence at the time the permit required by section 7-203(A), above, is issued." Originally, staff recommended that no conditions related to ownership be included in the Zoning Ordinance. City Council included this requirement at the public hearing to discourage short-term rentals of ADUs and developer speculation that could create land use impacts. The City now has a robust short-term rental policy and did not at the time of passage of the ADU policy.

Concerns related to short-term rentals of ADUs are now covered by the short-term rental policy. Staff does not find that the ADU policy has increased developer speculation or created land use impacts. Further, all zones in the City now permit two-unit or multi-unit dwellings by-right with no ownership limitations. Staff finds no compelling reason to recommend retention of the ownership requirement for ADUs only.

(B) Include church as a permitted use in all zones and exempt churches from certain off-street parking requirements.

1. Permit churches by-right in the RD/High density apartment, RS/Townhouse, RT/Townhouse, CD-X/Commercial downtown (Old Town North), CR/Commercial regional, I/Industrial, CRMU-L, M, H, and X (Commercial residential mixed use low, medium, high, and Old Town North), W-1/Waterfront mixed-use, and CDD/Coordinated development district zones.

Churches are permitted by-right in nearly all zones. The zones listed above do not currently permit churches by-right. These additional zones are appropriate districts for churches and currently permit other uses with similar land use impacts to churches. With staff's proposal, churches would be listed as permitted uses in the zones listed above.

2. Exempt churches from certain off-street parking requirements.

Currently, if a church constructed prior to 1963 undergoes a renovation that costs more than one-third of the total assessed value, it must be brought into full compliance with off-street parking requirements. There is some difficulty in applying this regulation as churches are exempt from real estate taxes and are therefore not assessed by the City. Because of this, determining the total assessed value is not straightforward. Further, construction costs continue to increase, possibly outpacing the increase in assessed values. Given this, staff recommends exempting churches constructed prior to 1963 from having to comply with off-street parking requirements. A church constructed prior to 1963 that increases the number of

seats in its principal auditorium by more than 20 percent would still have to comply with all off-street parking requirements.

(C) Eliminate congregate recreational facilities light pole SUP height limit.

Remove 80-foot height limit from SUP limitations.

Lighting for congregate recreational facilities (athletic fields or similar) and dog parks requires SUP approval. For City Council to approve an SUP, the height of the light poles can't exceed 80 feet. City Council can't approve a light pole higher than this even if light spillage and other impacts are adequately addressed.

Staff proposes deletion of this height limitation because the existing regulations already require that "the applicant shall demonstrate that the increased pole height will mitigate the impact of lighting in terms of spillage and glare." This provision ensures that City Council can limit potential impacts regardless of light pole height.

(D) Allow EV charging equipment in all required yards.

Currently, EV chargers must meet all required setbacks. Staff has received increasing numbers of requests to install EV chargers. Because driveways are permitted in required yards, staff finds it appropriate to also allow EV chargers in these locations. Staff recommends that EV chargers must also comply with the same noise and other limitations that other, currently permitted mechanical equipment must comply with.

(E) Article X – Historic Districts and Buildings.

Clarify appeal of administrative decision process for OHAD and 100-year-old buildings.

Currently, Article X outlines the process for an appeal of an administrative decision process only in the Parker-Gray historic district. Staff recommends including this appeal procedure for properties in OHAD and for 100-year-old buildings.

(F) Technical errors/clarifications

Correct errors, clarify language, and improve organization.

Staff proposes several changes to correct typos, increase consistency, and clarify meaning throughout. These changes also improve organization and flow of the Zoning Ordinance's text. In this round of updates, most of the recommended changes are within Article X. Staff also recommends specifying exactly what constitutes a kitchen in an ADU given some challenges in applying the regulations as currently written.

IV. Recommendation

Staff recommends initiation and approval of the proposed text amendments.

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

V. Proposed Text Changes

Article III. – RESIDENTIAL ZONE REGULATIONS

Sec. 3-1000 – RD/High density apartment zone.

3-1001 – Permitted uses.

The following uses are permitted in the RD zone:

(B.1) Church;

Sec. 3-1200 – RS/Townhouse zone.

3-1202 – Permitted uses.

The following uses are permitted in the RS zone:

(C.1) Church;

Sec. 3-1300 – RT/Townhouse zone.

3-1302 – Permitted uses.

The following uses are permitted in the RT zone:

(C.1) Church;

Sec. 4-600 – CD-X/Commercial downtown zone (Old Town North).

4-602 – Permitted uses.

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

Sec. 4-700 – CR/Commercial regional zone.

4-702 – Permitted uses.

The following uses are permitted in the CR zone:

(A) Church; ~~Recreation and entertainment use, indoor and outdoor;~~

(E.4) Recreation and entertainment use, indoor and outdoor;

Sec. 4-1200 – I/Industrial zone.

4-1202 – Permitted uses.

The following uses are permitted in the I zone:

(G.1) Church;

Article V. – MIXED USE ZONES

Sec. 5-100 – CRMU-L/Commercial residential mixed use (low) zone.

5-102 – Permitted uses.

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

- (C.1) Church; ~~Day care center~~;
- (C.2) Day care center; ~~Health and athletic club or fitness studio~~;
- (C.3) Health and athletic club or fitness studio;

Sec. 5-200 – CRMU-M/Commercial residential mixed use (medium).

5-202 – Permitted uses.

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

- (C.1) Church; ~~Day care center~~;
- (C.2) Day care center; ~~Health and athletic club or fitness studio~~;
- (C.3) Health and athletic club or fitness studio;

Sec. 5-300 – CRMU-H/Commercial residential mixed use (high).

5-302 – Permitted uses.

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

- (C.1) Church; ~~Day care center~~;
- (C.2) Day care center; ~~Health and athletic club or fitness studio~~;
- (C.3) Health and athletic club or fitness studio;

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

5-402 – Permitted uses.

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

(A.3) Auxiliary dwelling, not to exceed four~~for~~ units;
(A.3.1) Church;

Sec. 5-500 – W-1/Waterfront mixed-use zone.

5-502 – Permitted uses.

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

(C.1) Church; ~~Personal service establishment, pursuant to section 5-509;~~
(C.2) Personal service establishment, pursuant to section 5-509; ~~Private school,~~
~~commercial, pursuant to section 5-509;~~
(C.3) Private school, commercial, pursuant to section 5-509;

Sec. 5-600 – CDD/Coordinated development district.

5-602 – Coordinated development districts created, consistency with master plan, required approvals.

(E) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

(1.1) Church;

ARTICLE VI. – SPECIAL AND OVERLAY ZONES

Sec. 6-400 – Height districts.

6-403 – General regulations and exceptions.

(F) *Lighting for congregate recreational facilities and dog parks.*

(2) The following limitations apply:

(b) Reserved; Poles may be up to 80 feet in height;

ARTICLE VII. – SUPPLEMENTAL ZONE REGULATIONS

Sec. 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:

(12) Structures or mechanical equipment associated with electric vehicle charging, provided that they comply with the noise level established in subsection 7-202(C)(3).

(B) In any yard except a primary front yard:

~~(4) Structures or mechanical equipment associated with electric vehicle charging, provided that it complies with the noise level established in subsection 7-202(C)(3).~~

Sec. 7-203 – Accessory dwellings.

(A) ~~Reserved. 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 prescribed by section 11-104.~~

(B) *Use limitations.*

(4) An accessory dwelling unit's kitchen shall contain a kitchen sink, a cooking appliance, a food preparation counter, storage cabinets, and a refrigerator. ~~-. No more than three persons shall reside in the accessory dwelling.~~

(6) ~~Reserved. 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.~~

Sec. 7-2500 – Private garages.

7-2501 – Freestanding private garages ~~to the rear~~ to the rear of the main building.

ARTICLE VIII. – OFF STREET PARKING AND LOADING.

Sec. 8-200 – General parking regulations.

(F) *Prior existing buildings and structures.*

- (3) The provisions of this section 8-200(F) shall not apply to:
- (a) The enlargement, significant enlargement, or significant alteration of single-unit, two-unit, or townhouse dwellings;
 - (b) The significant alteration of a church; and
 - (c) The significant alteration of any dwelling unit or units that serve households at or below 60 percent Area Median Income (AMI) for 30 years or more.
- (4) For the purposes of this section 8-200(F), the following definitions apply:
- (a) "Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to one-third-33½ percent or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit. ~~The cost of the remodeling or rehabilitation of units that serve households at or below 60 percent Area Median Income (AMI) for 30 years or more shall be exempt from the calculation of expenditures pursuant to this section.~~

ARTICLE X. – HISTORIC DISTRICTS AND BUILDINGS

Sec. 10-100 – Old and Historic Alexandria District.

10-105 – Matters to be considered in approving certificates and permits.

- (A) *Certificate of appropriateness.*

- (3) *Additional standards—Washington Street.*
- ~~(a)~~ In addition to the standards set forth in section 10-105(A)(2), the following standards shall apply to the construction of new buildings and structures and to the construction of additions to buildings or structures on lots fronting on both sides of Washington Street from the southern city limit line north to the northern city limit line:
- (a)(1) Construction shall be compatible with and similar to the traditional building character, particularly including mass, scale, design and style, found on Washington Street on commercial or residential buildings of historic architectural merit.

(B) *Permit to move, remove, capsule or demolish in whole or in part buildings or structures.* The board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsule or demolish in whole or in part a building or structure within the Old and Historic Alexandria District.

(8) Would retention of the building or structure help maintain the scale and character of the neighborhood?

10-107 – Appeals ~~from board of architectural review.~~

(C) Appeal of administrative decision to board of architectural review.

- (1) A person aggrieved by an administrative decision made pursuant to the authority of section 10-103 may file an appeal with the director within 14 days of the day of the administrative decision.
- (2) An appeal shall be docketed within a reasonable time for a public hearing before the board and the board shall review the matter de novo.
- (3) The appeal provided in this section 10-107(C), together with the appeals provided under this section 10-107(A) and (B), shall be the exclusive remedy and procedure for challenging an administrative decision made pursuant to section 10-103.

10-113 – Administrative approval of certain permits.

The director may review and approve applications for the following exterior changes, provided they comply with the specific criteria and standards outlined and formally approved by the board.

- (b) Minor architectural elements; including, but not limited to, such as residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas.

Sec. 10-200 – Parker-Gray District.

10-205 – Matters to be considered in approving certificates and permits.

(B) *Permit to move, remove, capsulate or demolish in whole or in part buildings or structures.* The board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsulate or demolish in whole or in part a building or structure within the Parker-Gray District.

(1) Is the building or structure of such architectural or historic interest that its moving, removing, capsulating, or demolition~~removal~~ would be to the detriment of the public interest?

10-208 – Additional or concurrent right to move, remove, capsulate or demolish in whole or in part buildings or structures.

(A) *Right to move, remove, capsulate or demolish in whole or in part buildings or structures if conditions are met.* In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this Article X, shall, as matter of right, be entitled to move, remove, capsulate, ~~raze~~ or demolish in whole or in part such building or structure provided, that:

Sec. 10-300 – Preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

10-301 – Purpose.

The City of Alexandria seeks, through the creation of 100 year old building lists, to protect community health and safety and to promote the education, prosperity, and general welfare of the public through the identification~~iden-tification~~, preservation, protection and enhancement of buildings, structures, places, or features, together with their landscapes and settings, which are over 100 years old, which are situated outside of the protections afforded buildings or structures in the Old and Historic Alexandria District or the Parker-Gray District, and which have special historical, cultural, artistic, or architectural significance. To achieve these general purposes the City of Alexandria seeks to pursue the following specific purposes:

10-309 – Appeals.

(C) Appeal of administrative decision to board of architectural review.

- (1) A person aggrieved by an administrative decision made pursuant to the authority of section 10-316 may file an appeal with the director within 14 days of the day of the administrative decision.
- (2) An appeal shall be docketed within a reasonable time for a public hearing before the board and the board shall review the matter de novo.
- (3) The appeal provided in this section 10-309(C), together with the appeals provided under this section 10-309(A) and (B), shall be the exclusive remedy and procedure for challenging an administrative decision made pursuant to section 10-316.

10-310 – Additional or concurrent right to move, remove, capsule or ~~raze~~ demolish in whole or in part buildings or structures over 100 years old.

10-316 – Administrative approval of certain permits.

The director may review and approve applications for minor architectural elements; including, but not limited to, ~~such as~~ residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas, provided they comply with the specific criteria and standards outlined and formally approved by the board.
