

City of Alexandria, Virginia

Planning Commission Retreat

September 25, 2026





What will we discuss?

- ✓ Why we are here and what are we authorized to do?
 - Land Use Law
- ✓ General Rules
 - Rules for all Boards and Commissions
 - Roberts Rules & By Laws
 - FOIA Meeting and Document Rules
 - Conflicts of Interest

Dillon's Rule



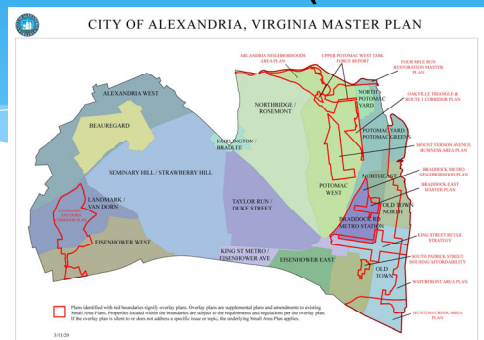
- Dillon's Rule: The City is only authorized to do what the State has authorized the City to do either through the [City Charter](#) or the [Virginia Code](#)

“The Dillon Rule of strict construction controls our determination of the powers of local governing bodies. This rule provides that municipal corporations have only those powers that are expressly granted, those necessarily or fairly implied from expressly granted powers, and those that are essential and indispensable.” City Council of Alexandria v. The Lindsey Trust, 258 Va. 424, 427, 520 S.E.2d 181, 182 (1999), citing Ticonderoga Farms v. County of Loudoun, 242 Va. 170, 173-74, 409 S.E.2d 446, 448 (1991); City of Richmond v. Confrere Club of Richmond, 239 Va. 77, 79, 387 S.E.2d 471, 473 (1990).

Hierarchy of Land Use Approvals

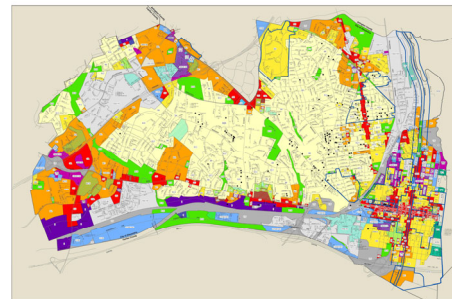
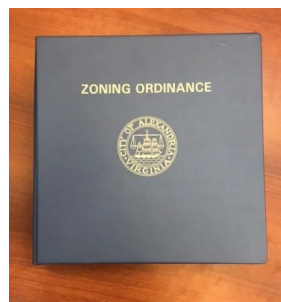


City of Alexandria Master Plan (Master Plan Amendments)



Zoning Ordinance (Text Amendments)

Zoning Map (Map Amendments (Rezoning))



Discretionary Approvals

Development Special Use Permits
Special Use Permits
BZA Special Exceptions and
Variances

Non-Discretionary Approvals

BAR Permits
Site Plans
Subdivisions

Non-Discretionary Staff Approvals

Administrative SUPS
Administrative BAR Approvals
Zoning/Permit Center Permit

Other Approvals on City Property:

Encroachments, Vacations,
9.06 Reviews, Street Names

Master Plan Amendments



- Land use policy that guides text amendment, rezoning and dsup/sup decisions
- ZO Section 11-900 et seq.
- Process
 - *Planning Commission*
 - Initiation (if City is applicant)
 - Resolution adopting amendment or deferral (upon applicant's request)
 - *City Council*
 - Approves with or without modifications, disapproves and requires reconsideration by PC, or deferral (upon applicant's request)
 - Adoption of implementation ordinance

Zoning Text Amendments



- Changes to zoning laws in the Zoning Ordinance
 - Includes permitted and special uses, lot requirements, density, height, setbacks for zones and processes
- ZO Section 11-800 et seq.
- Process
 - *Planning Commission*
 - Initiation
 - Recommend approval or disapproval including reasons, recommend referral back to PC for further study, or deferral for good cause
 - *City Council*
 - Approve, disapprove, or refer back to PC for further study
 - Adoption of implementation ordinance

Rezoning/ Map Amendments



- Changes to zoning of properties (e.g. R districts, CDDs)
- ZO Section 11-800 et seq.
- Process
 - *Planning Commission*
 - Initiation (if City is applicant)
 - Recommend approval or disapproval including reasons, recommend referral back to PC for further study, or deferral for good cause
 - *City Council*
 - Approve, disapprove, defer (upon applicant's request), or refer back to PC for further study
 - Adoption of implementation ordinance

Special Use Permits



- Uses of land that need legislative approval
- ZO Section 11-500 et seq.
- Standards for approval
 - Mandatory (Section [11-504\(A\)](#))
 - Will not adversely affect the health or safety of persons residing or working in the neighborhood
 - Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood
 - Will substantially conform to the master plan of the city
 - Discretionary
 - Standards under ZO Section [11-504\(B\)](#)
- Process
 - *Planning Commission*
 - Recommend approval with or without conditions, disapproval, or defer for additional information
 - *City Council*
 - Approve with or without conditions, disapprove, or defer for additional information

Governmental Takings & Mitigating Impacts



- What is a governmental taking?
 - When a regulation or action by the government so interferes with the use of private property that the result is a loss of the property right by the owner
- What actions can the government take?
 - Eminent Domain: the Constitution gives the government the authority to directly take private property but only for a public use and with just compensation
 - Regulatory Authority: the government may write laws to regulate private property but the laws may not directly take the property or may not result in the loss of all economic viable use of the property without just compensation
 - Permit Conditions: Conditions may be placed on the use of property to mitigate the impacts of the use but the conditions must meet the constitutional test. Applies to all conditions, discretionary (including proffered) and nondiscretionary
- What happens when a taking is found?
 - Government must compensate the owner

Governmental Takings & Mitigating Impacts



- The Constitutional Test:
 - Must have an “essential nexus” and “rough proportionality” between the governmental interest and the permit condition being imposed
 - Requirement must effectuate its goal or purpose
 - Must be an individualized determination
 - Requirement must be related both in nature and extent of the impact of the proposed development
 - Does not need to be a mathematical determination
 - Locality must provide facts that establish connection
 - Applies to all conditions, monetary or otherwise and to applications, whether approved or denied

Site Plans



- Relate to development of land
- ZO Section 11-400 et seq.
- Standards for approval of preliminary site plan
 - The applicable factors of section 11-410 have been appropriately considered in the site plan
 - The development will not adversely affect the public health safety and welfare
 - The application complies with all provisions of this ordinance and all applicable laws
- Process
 - *Planning Commission*
 - Approve or disapprove preliminary site plan with conditions, required revisions, additions or changes preliminary site plan or defer (upon applicant's request)
 - Must provide reasons for disapproval
 - *Staff*
 - Review and approve final site plan for conformance with preliminary site plan

Subdivisions



- Approves the division of land into lots
- ZO Section 11-1700 et seq.
- Standards for approval of preliminary plat
 - The applicable factors of section 11-1710 have been appropriately considered in the plat
 - The subdivision will not adversely affect the public health, safety and welfare
 - The application complies with all provisions of this ordinance and all applicable laws
- Process
 - *Planning Commission*
 - Approve with or without conditions, required revisions, additions, or changes, disapprove, or defer (upon applicant's request)
 - Must provide reasons for disapproval
 - *Director of Planning & Zoning*
 - Confirms final plat's substantial compliance with approved preliminary plat and for compliance with the provisions of section 11-1710
 - Signed by the chair or vice chair of the Planning Commission

Encroachments

Use of City property



- Examples – outdoor dining, parklets, stoops, steps
- Authorization
 - If requirements of City Code § [5-2-29](#) are met, a permit is issued by staff
 - If requirements of City Code § 5-2-29 are not met, then
 - Process
 - *Planning Commission*
 - Review for consistency with the master plan
 - *City Council*
 - Approve or disapprove with conditions or defer
 - Adoption of implementation ordinance

Vacations

Acquisitions of City property



- Sale or conveyance of right of way to a private owner
- Process
 - *Planning Commission*
 - Review for consistency with the master plan
 - *City Council*
 - Approve or disapprove with conditions or defer
 - Adoption of implementation ordinance

Consistency with Master Plan (Section 9.06 review)



- Planning Commission has to find that a proposed use of or change to City property is consistent with the master plan before Council can take action
- Process
 - Planning Commission
 - Proposal is consistent or not with the master plan or defer (upon applicant's request)
 - City Council
 - Can override Planning Commission disapproval

Street Naming



- City Code Section [5-2-61](#) et seq.
- Process
 - *Newly acquired or dedicated streets*
 - Planning Commission has the authority to assign names
 - *Change to street name*
 - Ordinance adopted by Council

Overall Rules

Conflicts of Interest



- Conflicts of interest laws
 - State and Local Government Conflict of Interests Act (COIA)
 - Zoning Ordinance (§§ 11-350--11-356)

Overall Rules

Conflicts of Interest



- What are the obligations of PC members with regard to conflicts of interest?
 - The laws are not codes of ethics but minimum standards of conduct with respect to the financial interests of members
 - They do not protect against all appearances of improper influence
 - Instead, they place the burden on the member to evaluate whether there is the appearance of impropriety that is unacceptable or that could affect the confidence of the public in the ability of the member to be impartial

Overall Rules

Conflicts of Interest



- What conduct is prohibited under COIA?
 - No member may accept money or any other thing of value or take other advantages based upon his position
 - Members cannot have a “personal interest” in a “contract” or “transaction”
 - A “personal interest” is a financial benefit or liability accruing to a member or to his immediate family
 - A “contract” is any agreement to which the City is a party
 - A “transaction” is any matter considered by the body

Overall Rules

Conflicts of Interest



- What conduct is prohibited under the Zoning Ordinance?
 - Any member who has or has had a business or financial relationship shall be ineligible to vote or participate in any way in consideration of an application
 - A “business or financial relationship” is a relationship that a member or a member of his immediate household has, or has had, within the 12-month period prior to a hearing on an application, with the applicant, or with a party with an ownership interest in the applicant, or the property
 - Under the ZO there are a variety of relationship types, both direct and indirect
- Conflicts questions require fact specific analyses, so please contact the City Attorney’s Office

Overall Rules City

Rules for Boards and Commissions



General rules apply unless otherwise specified in enabling legislation.

Membership:

- Appointed by City Council
- 10-year term limits
- Attend or have an excused absence for 75% of meetings
- May be removed by City Council for neglect of duty; failure to timely take oath, meet qualifications, or file disclosure; and nonattendance

Meetings:

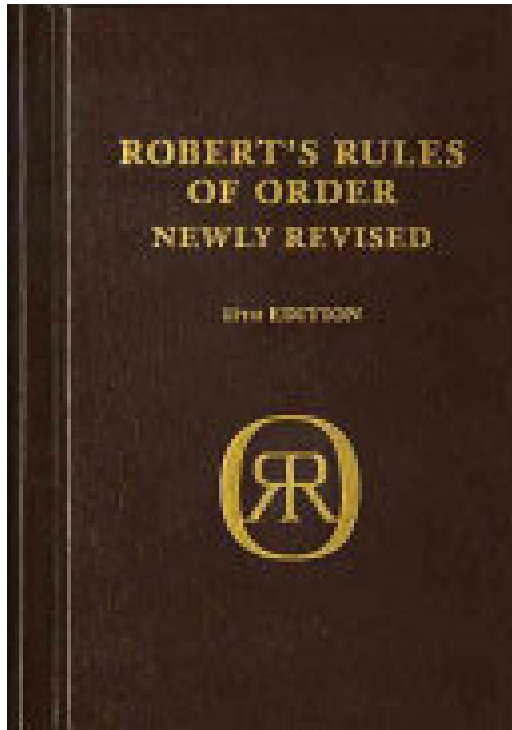
- At least 1 regular meeting per year
- Annual report to City Council, Board's principal activities and recommendations to improve the functions and duties
- Minutes of meetings must be taken, approved, and posted

Procedure:

- Quorum
- Vote requires a majority of those present, unless otherwise specified
- Must establish by-laws for the conduct of business
- Robert's Rules of Order applies unless otherwise specified by law

Overall Rules

Robert's Rules of Order



- Basics
 - Chair presides
 - Members need to be recognized to speak
 - Quorum required to transact business
 - Voice voting required
 - Must be majority vote, unless otherwise specified
 - Per PC By-Laws - Tie vote is a denial or recommendation of denial

Overall Rules

Robert's Rules of Order



- Motions and Amendments
 - All motions require a second
 - Motions can be amended with an amendment to the motion or a substitute motion
 - Amendments need to have a second and be voted on separately
 - Main motion, as amended is then on the table for consideration

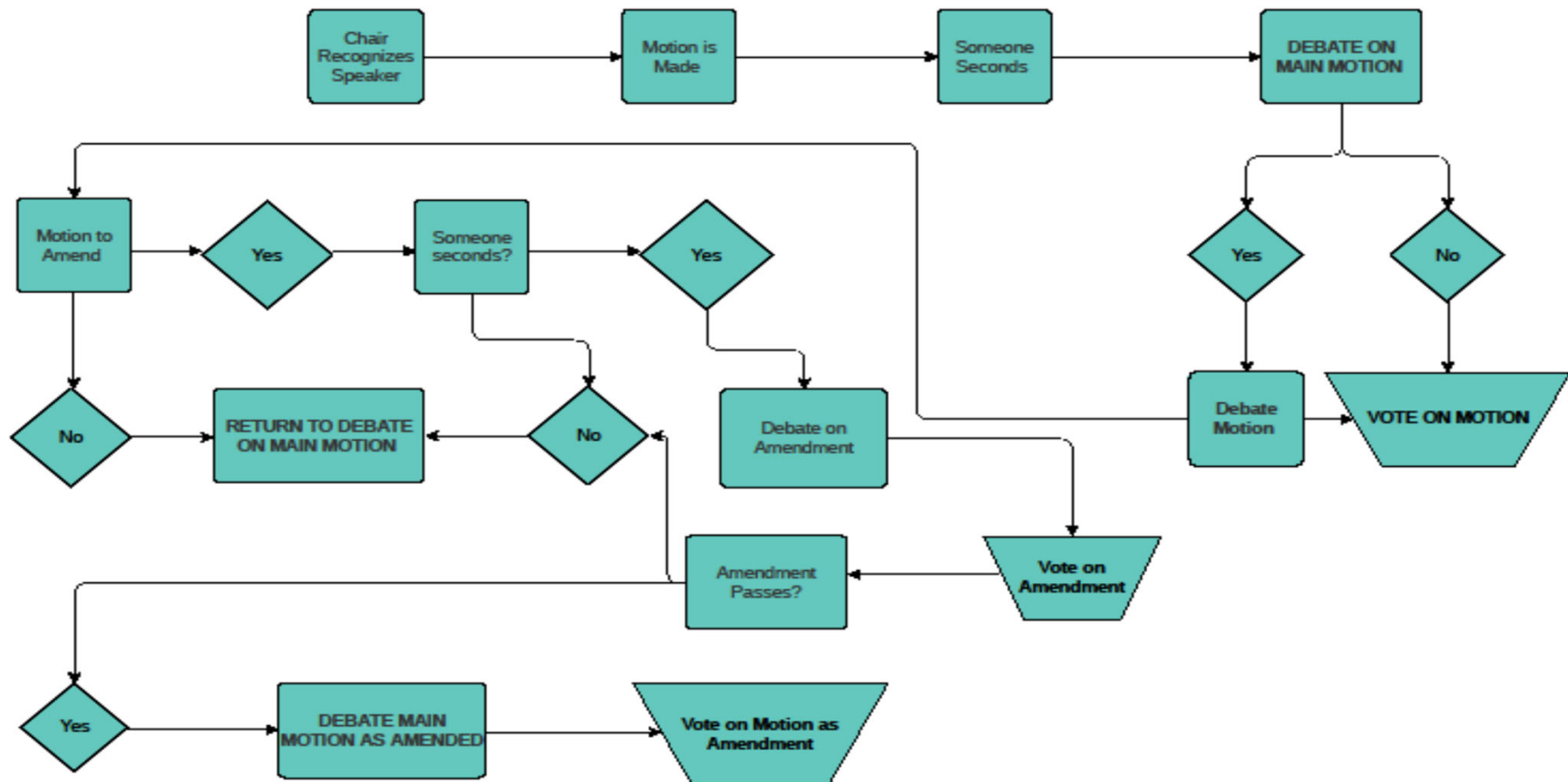
Overall Rules

Robert's Rules of Order



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Flow Chart of Parliamentary Procedure and Debate



Overall Rules

Robert's Rules of Order



- Amending an approved decision
 - Motion to reconsider
 - Made at the same meeting
 - Only a member who voted for the motion may make a motion to reconsider
 - Motion to rescind
 - Can be made at any time after a decision is made
 - Requires a 2/3 majority of those present unless there was prior notice of the reconsideration
 - Cannot be done if decision has been relied on to do something that cannot be undone



Questions?

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