

ORDINANCE NO. 5566

AN ORDINANCE to amend and reordain Section 2-191 (RETAIL SHOPPING ESTABLISHMENT) of Article II (DEFINITIONS); Section 3-1409 (USE LIMITATIONS) of Article III (RESIDENTIAL ZONE REGULATIONS), Sections 4-107, 4-207, 4-307, 4-407, 4-507, 4-607, 4-707, 4-807, 4-906, 4-1006, 4-1106, 4-1206, and 4-1413 (USE LIMITATIONS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Sections 5-110, 5-210, 5-310, 5-410, and 5-511 (USE LIMITATIONS) of Article V (MIXED USE ZONES); and Section 6-707 (USE LIMITATIONS) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2024-00008, 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 November 7, 2024 of a text amendment to the Zoning Ordinance to adopt use limitations in Articles III-VI to include the limitation that retail uses principally selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products cannot be located within 1,000 linear feet of a day care establishment, a public school, and a private academic school and to Section 2-191 retail shopping establishment, to amend the definitions to include uses principally selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products, which recommendation was approved by the City Council at public hearing on November 16, 2024;
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 Section 2-191 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

2-191 Retail shopping establishment.

A store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale, including but not limited to:

Tobacco products, nicotine vapor products, alternative nicotine products, hemp products intended for smoking, as defined in the Code of Virginia, as amended;

Section 2. That Section 3-1409 of the Zoning Ordinance be, and the same hereby is,

amended by inserting new language shown in underline, as follows:

3-1409 Use limitations.

(G) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

Section 3. That Article IV of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-107 Use limitations.

(J) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-207 Use limitations.

(I) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-307 Use limitations.

(I) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-407 Use limitations.

(G) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-507 Use limitations.

(G) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-607 Use limitations.

(G) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-707 Use limitations.

(D) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-807 Use limitations.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any

such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-906 Use limitations.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-1006 Use limitations.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-1106 Use limitations.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-1206 Use limitations.

(F) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

4-1413 Use limitations.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

Section 4. That Article V of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-110 Use limitations.

(E) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

5-210 Use limitations.

(E) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

5-310 Use limitations.

(E) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

5-410 Use limitations.

(D) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

5-511 Use limitations.

(D) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

Section 5. That Section 6-707 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

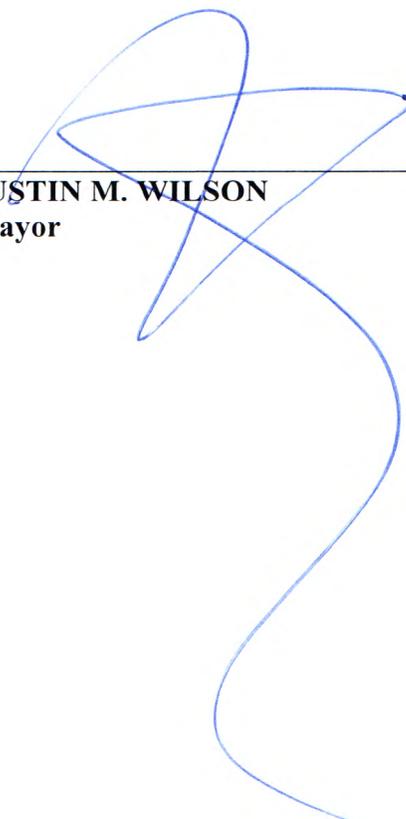
6-707 Use limitations.

(G) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

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

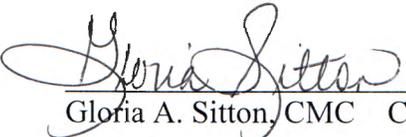
Section 7. That Sections 2-191, 3-1409, 4-107, 4-207, 4-307, 4-407, 4-507, 4-607, 4-707, 4-807, 4-906, 4-1006, 4-1106, 4-1206, 4-1413, 5-110, 5-210, 5-310, 5-410, 5-511, and 6-707, as amended pursuant to Sections 1 through 5 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. 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:



Cheran Cordell Ivery City Attorney

Final Passage: December 14, 2024