

**City of Alexandria**  
**Meeting Minutes**  
**Saturday, April 26, 2025, 9:30 a.m. -City Hall**  
**City Council Public Hearing Meeting**

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Present: Mayor Alyia Gaskins, Vice Mayor Sarah R. Bagley, Members of Council Canek Aguirre, John Taylor Chapman, Abdel Elnoubi, Jacinta E. Greene, and R. Kirk McPike.

Absent: None.

Also Present: Mr. Parajon, City Manager; Mr. Lambert, Deputy City Manager; Ms. Roberts, Deputy City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Kerns, Division Chief, P&Z; Ms. Contreras, Principal Planner, P&Z; Ms. Cooper, Urban Planner, P&Z; Ms. Sample, Urban Planner, P&Z; Ms. Kamara, Interim Director, Independent Policing Auditor; Mr. Smith, Information Technology Services (ITS); Ms. Demeke, ITS; and Police Lt. Jones.

Recorded by: Keia Waters, Deputy City Clerk and Clerk of Council.

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**I. OPENING**

**1. Calling the Roll.**

Mayor Gaskins called the meeting to order and the City Clerk called the roll. All the members of City Council were present with Councilman Aguirre arriving during public discussion period.

**2. Approval of Electronic Participation Resolution**

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilwoman Greene and carried 6-0, City Council adopted the electronic participation resolution for Councilman Kirk McPike. The vote was as follows: In favor, Mayor Gaskins, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Aguirre.

The resolution reads as follows:

**Resolution No. 3283**

**Resolution Regarding Electronic Participation by a Member of City Council**

**WHEREAS**, Virginia Code Section 2.2-3708.3 provides that an individual member of a public body may fully participate in meetings electronically if any such member meets the criteria of the code and the public body has adopted an Electronic Meeting Policy; and

**WHEREAS**, City Council adopted an Electronic Participation Policy on June 22, 2021 as Resolution No. 3011; and

**WHEREAS**, City Council Member R. Kirk McPike has notified the Mayor and the Clerk that he is unavailable to be physically present for the April 26, 2025 City Council Meeting due to a personal matter, specifically travel for work; and

**WHEREAS**, the Council Member has not participated in more than two or 25% of City Council Meetings by electronic means during this calendar year; and

**WHEREAS** the City Council Member R. Kirk McPike will participate in the City Council Meeting by video conference call from California and arrangements have been made to ensure the member shall be heard by all participants at the City Council Meeting; and

**WHEREAS** a quorum of the City Council is physically assembled in person.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:**

That pursuant to Virginia Code 2.2-3708.3 and the City Council's Electronic Meeting Policy Resolution 3011, City Council Member R. Kirk McPike will participate remotely in this meeting by video conference call.

### **3. Public Discussion Period**

The following person participated in the public discussion period:

1. Janice Grenadier, Alexandria, spoke about corruption in the Justice system and the need for reform.
2. Melissa Elbirt, Alexandria, spoke about divesting City funds from Israel support in protest of the war in Gaza.
3. Katlyn Cotton, Alexandria, spoke about divesting City funds from Israel support in protest of the war in Gaza.
4. Cameron White, Alexandria, spoke about divesting City funds from Israel support in protest of the war in Gaza.
5. Glen Pine, Alexandria, spoke about divesting City funds from Israel support

in protest of the war in Gaza.

6. Samar Najia, Alexandria, spoke about divesting City funds from Israel support in protest of the war in Gaza.

7. Amanda Eisenhower, Alexandria, spoke about divesting City funds from Israel support in protest of the war in Gaza.

8. James VanderMeer, Alexandria, voiced concerns regarding off lease regulations and enforcement.

9. Erin Urlahs, Alexandria, voiced concerns about bee regulations and resident safety.

## **II. ACTION CONSENT CALENDAR**

### **Planning Commission (4)**

4. Special Use Permit #2025-00007  
4001 Mount Vernon Avenue  
Public Hearing and consideration of a Special Use Permit for a 10-year review to assess the compatibility of a nonconforming automobile service station use with other uses and redevelopment in the area (amending SUP #2025-00001); zoned NR/Neighborhood retail (Arlandria). Applicant: City of Alexandria, Department of Planning & Zoning  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 04/26/25, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bagley and carried unanimously, City Council approved the action consent calendar. The approvals were as follows:

4. City Council approved the Planning Commission recommendation.

The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

## **III. Roll-Call Consent Calendar (5-8)**

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-106 (ADVERTISING STRUCTURE) of Article II (DEFINITIONS), Sections 4-1409 (PUBLIC ART) and 4-1410 (SIGNS) of Article

IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 6-605 (SIGNS) of Article VI (SPECIAL AND OVERLAY ZONES), Article IX (SIGNS), and Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance related to signs, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00010 (Implementation Ordinance for Text Amendment No. 2024-00010 associated with the sign ordinance update approved by City Council on March 15, 2025). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 04/26/25, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 4/26/25, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 4/26/25, and is incorporated as part of this record by reference.)

6. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 3-505 (Lot requirements), 3-907 (Certain structures, lots and uses inconsistent with these provisions), and 3-1201 (Purpose) of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 4-506 (Bulk regulations) and 4-1002 (Permitted uses) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-402 (Permitted uses) of Article V (MIXED USE ZONES); Section 6-705 (Building and development requirements) of Article VI (special and overlay zones); Sections 7-103 (building, use, and structure limitations) and 7-202 (Permitted obstructions) of Article VII (supplemental zone regulations); and Sections 11-404 (Development exempt from site plan requirement), 11-409 (Action on site plans), 11-410 (Site plan requirements), 11-414 (As built site plan required), 11-415 (AMENDMENT TO APPROVED SITE PLAN), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), 11-1402 (PROCEDURES FOR ZONE EXTENSION), 11-1712 (AMENDMENTS TO APPROVED PLAT) of Article XI (development approvals and procedures); and 12-302 (NONCOMPLYING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00001 (Implementation Ordinance for Text Amendment No. 2025-00001 approved by City Council on March 15, 2025). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City

Clerk and Clerk of Council, marked Item No. 6; 04/26/25, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 4/26/25, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 4/26/25, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-602(A) (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00002 (Implementation Ordinance for Text Amendment No. 2025-00002 associated with CDD #21 Amendment approved by City Council on March 15, 2025).[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/26/25, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 4/26/25, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 4/26/25, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2025. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/26/25, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 4/26/25, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 4/26/25, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bagley and carried unanimously by roll-call vote, City Council closed the public hearing and approved the roll-call consent calendar. The approvals were as follows:

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-106 (ADVERTISING STRUCTURE) of Article II (DEFINITIONS), Sections 4-1409 (PUBLIC ART) and 4-1410 (SIGNS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 6-605 (SIGNS) of Article VI (SPECIAL AND OVERLAY ZONES), Article IX (SIGNS), and Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance related to signs, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00010 (Implementation Ordinance for Text Amendment No. 2024-00010 associated with the sign ordinance update approved by City Council on March 15, 2025). [ROLL-CALL VOTE]

The ordinance reads as follows:

#### **ORDINANCE NO. 5579**

AN ORDINANCE to amend and reordain Section 2-106 (ADVERTISING STRUCTURE) of Article II (DEFINITIONS), Sections 4-1409 (PUBLIC ART) and 4-1410 (SIGNS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 6-605 (SIGNS) of Article VI (SPECIAL AND OVERLAY ZONES), Article IX (SIGNS), and Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance related to signs, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00010.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2024-00010, 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 January 9, 2025 of a text amendment to the Zoning Ordinance to adopt amendments related to signs, which recommendation was approved by the City Council at public hearing on March 15, 2025;

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 2-106 (ADVERTISING STRUCTURE) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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2-106 – Reserved. Advertising structure.

~~Any sign or other object or structure serving primarily for advertising purposes, independent of any other structure.~~

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Section 2. That Sections 4-1409 (PUBLIC ART) and 4-1410 (SIGNS) of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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4-1409 - Reserved. Public art.

~~Public art is strongly encouraged in NR zone in order to create a sense of place for the community and to enhance the gateways into the neighborhood and the city. Public art provides many benefits, creates connections between the community and the built environment, and a sense of orientation and animation within the district. Public art may include sculpture, murals, fountains, and other similar features. For the purposes of this section, a mural shall not be considered a sign so long as it does not include advertisement for any business, organization or product.~~

- ~~(A) In order to provide a more meaningful experience and greater interpretation of the art, consideration should be given to relating public art features with each other to the extent possible;~~
- ~~(B) Public art located on public property shall be reviewed by the city commission for the arts and approved by the city council.~~

4-1410 – Reserved. Signs.

~~Storefront signs should contribute to the overall look and theme of the neighborhood and be compatible with the architecture style and details of the building. Signs should be attractive, uncluttered, and not overpowering to the building facade.~~

~~The sign provisions of article IX shall generally apply; however, notwithstanding any conflicting provisions in article IX, the following are applicable in the NR zone:~~

- ~~(A) The design of signs shall be incorporated into the overall design of the structure and the site, consistent with the following principles identified in~~

~~the currently adopted Mount Vernon Avenue Design Guidelines as determined by the director of planning and zoning;~~

- ~~(1) Simple, readable signs that incorporate the name "Arlandria," or its Spanish equivalent, and theme of "family" are strongly encouraged. Signs consisting of individual letters mounted to the building facade are encouraged;~~
  - ~~(2) Signs should be centered on the building facade, or over the entrance door to the business;~~
  - ~~(3) Unique, creative signs are strongly encouraged;~~
  - ~~(4) Sign materials shall include durable wood, painted plastics, metals, or pre-fabricated pin mounted letters;~~
  - ~~(5) Signs projecting from the building wall at a 90 degree angle are encouraged to identify a business to pedestrians on the sidewalk, or to those traveling parallel to the storefront;~~
  - ~~(6) Internally lit plastic box signs or flashing signs are prohibited;~~
  - ~~(7) Where a building includes multiple commercial units, the sign for each unit should be of uniform character and location;~~
  - ~~(8) Awnings are strongly encouraged and should be designed to coordinate with the design of the building and any other awnings along the same block face. Any sign located on an awning shall be fixed flat to the surface, and shall be non-illuminated.~~
- ~~(B) In order to retain the existing noncomplying roof signs that provide uniqueness and a sense of history in Arlandria, the following provision applies as specified:~~
- ~~(1) Roof mounted signs, existing as of January 1, 2003, shall be permitted to remain; however, no enlargement or relocation of those signs shall be permitted. Routine maintenance of the signs and structural repairs as necessary to maintain the integrity of the signs shall be permitted. Limited alteration to allow a name change for the business shall be permitted so long as the new lettering is the same type style, size, scale and theme as the existing lettering. No alteration of the structure is permitted.~~
- ~~(C) Notwithstanding the provisions of [section 9-104\(F\)](#) of the zoning ordinance, vertical banners may be installed on the light poles located in the public right-of-way as a coordinated banner program subject to review and approval by the director of planning and zoning. Banners shall be coordinated to promote a unified identity for Arlandria, an upcoming event or season, but shall not identify or promote individual businesses or products. Such banners shall be securely affixed at the top and bottom so as to preclude any fluttering or rotation by the movement of the atmosphere;~~
- ~~(D) Umbrellas displayed in conjunction with outdoor dining areas must be free of any advertising or wording;~~
- ~~(E) Free standing signs are hereby prohibited; however, one ground mounted, monument style center identification sign may be permitted on sites developed with shopping centers that have more than 20,000 square feet~~



~~of lot area. The total area of shopping center identification signs shall not exceed 50 square feet with a maximum height of 8 feet. The center identification sign shall display only the name and address of the center. No other ground-mounted signs shall be permitted.~~

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Section 3. That Section 6-605 (SIGNS) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-605 – Reserved Signs.

~~The provisions of article IX of this ordinance shall apply within the overlay zone the following additions and modifications:~~

- ~~(A) Sign designs compatible with Mount Vernon Avenue. The following sign types are permitted:~~
  - ~~(1) Sign type. All signs shall be wall-mounted, projecting signs, glass applied or located on the valance of an awning;~~
  - ~~(2) Sign location. All signs shall be located below second floor windows;~~
  - ~~(3) Awnings. Awnings shall be designed to coordinate with the design of the building. Awnings shall not be internally illuminated. Light fixtures mounted to the building wall to illuminate the building or sidewalk are permitted.~~
- ~~(B) Prohibited signs on Mount Vernon Avenue. The following specific sign types are prohibited:~~
  - ~~(1) Freestanding signs, exceeding six square feet in size and six feet in height. Except that such freestanding signs existing on \_\_\_\_\_ (date of adoption) may be replaced on a one-time basis with a monument sign not to exceed eight feet in height. Any such replacement signs, shall be deemed a noncomplying structure, subject to section 12-100, and shall not be subject to the conditions of section 6-605(C).~~
  - ~~(2) Signs with internal illumination.~~
  - ~~(3) Box signs hung perpendicular to a building wall.~~
- ~~(C) Noncomplying status. Any signs existing on \_\_\_\_\_ (date of adoption) that are inconsistent with the requirements of sections 6-605(A) and (B) shall be subject to the following restrictions: such signs may not be physically expanded, enlarged or intensified; such signs must be removed if the use existing on \_\_\_\_\_ (date of adoption) to which it is accessory ceases operation, or if the use of the sign is abandoned for a period of 12 months. No change of sign face or message shall be permitted for a sign deemed noncomplying under this section.~~

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Section 4. That Article IX (SIGNS) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec. 9-100 – General provisions.

9-101 – Findings, purpose, interpretation, and intent; ~~interpretation~~.

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- (G) This article ~~Article IX~~ governs the erection and display of all signs, ~~marquees and awnings~~ in the City, except those erected and displayed by the City, the Commonwealth of Virginia, and the United States in furtherance of their governmental responsibilities, and those required by law to be erected and displayed, ~~and public art~~.

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- (K) This article shall apply to signs, ~~marquees, and awnings~~ on property not used for public right-of-way. Under no circumstances shall any provision herein authorize placement of a sign on any public right-of-way.
- (L) Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

9-102 – Definitions.

- (A) ~~A frame sign. A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."~~
- (B) ~~Animated sign. Any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise, except for digital text and graphic signs.~~
- (C) ~~Awning. Any permanent or retractable structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. This structure consists of a flexible material covering attached to and supported by a metal frame.~~
- (D) ~~Awning sign. Any sign attached to and made a part of an awning or any similar projections from a building, with changeable, fixed or both types of lettering in use.~~
- (E) ~~Banner. A temporary sign of flexible material affixed to a framework or flat surface.~~
- (F) ~~Billboard. Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property's business owner.~~
- (G) ~~Building frontage. The length of the main wall of a building which physically encloses or covers usable space. Said frontage shall be measured at the width of the wall at the height where the sign is mounted.~~
- (H) ~~Chalk board sign. A single faced, framed slate, chalk board, whiteboard, or other material that can be written on with chalk, dry erase or similar markers.~~
- (I) ~~Changeable copy sign. A non-electronic sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.~~

- (J) ~~Comprehensive sign plan.~~ A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.
- (K) ~~Curb sign.~~ Any sign painted on a curb.
- (L) ~~Digital text and graphic sign.~~ Any sign that can change its content by way of electronic or mechanical means but maintains a consistent image and does not flash or display any animation or movement other than the occasional changing of text or graphics occurring no more than two times per day. Digital text and graphic signs can be in the form of televisions, monitors, and other screens.
- (M) ~~Double face sign.~~ Any sign having two parallel planes or surfaces that both bear the message.
- (N) ~~Feather sign.~~ A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. See windblown sign.
- (O) ~~Flag.~~ A piece of cloth or similar material, shaped like a pennant, rectangle, or square, attachable by one straight edge to a pole or rope or attached at the top and draped.
- (P) ~~Flashing sign.~~ Any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color except for digital text and graphic signs.
- (Q) ~~Freestanding sign.~~ A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall. It also means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. A freestanding sign can have one or two sides and can have messages on each side.
- (R) ~~Height.~~ The maximum vertical distance from the ground at the base of the sign, or, for projecting signs, at the bottom of the plane created by the face of the sign extending to the ground, to the top of the highest attached component of the sign. Height also measures the ground clearance under projecting signs.
- (S) ~~Holiday displays.~~ Any displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material
- (T) ~~Illegal sign.~~ Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.
- (U) ~~Illuminated sign.~~ Any sign that is backlit, internally lighted, or lighted by direct external lighting fixtures.
- (V) ~~Marquee.~~ Any permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. A marquee may take the form of an awning.
- (W) ~~Marquee sign.~~ Any sign attached to and made a part of a marquee or any similar projections from a building, with manually changeable, fixed or both types of lettering in use.
- (X) ~~Minor sign.~~ Any wall or freestanding sign not exceeding one (1) square foot in area and not illuminated.

- (Y) ~~*Monument sign.* Any freestanding sign consisting of a structure built on grade in which the sign and the structure are an integral part of one another. A monument sign is not a pole sign, and it does not have any visible supporting posts or poles under the sign area. This sign generally has a low profile in accordance with height restrictions for this sign type with little or no open space between the ground and the sign and has a structure constructed of masonry, wood, or materials similar in appearance.~~
- (Z) ~~*Moving or windblown sign.* Any sign, any element or part of which (such as a streamer, wheel, moored blimp or propeller) moves by means of a mechanized, electrical, or other device or is set in motion by movement of the atmosphere, including feather signs. A flag is not a moving or windblown sign.~~
- (AA) ~~*Mobile sign.* Any sign mounted on wheels, built with axles to which wheels may be attached, or attached to a motor vehicle which is used primarily for the displaying of the sign, not for operating of the vehicle. Any such vehicle shall, without limitation, be considered to be used for the primary purpose of displaying the sign if it remains parked in the same location for more seven days without moving, fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid to date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign.~~
- (BB) ~~*Neon sign.* Any sign containing exposed tubes filled with light emitting gas or a sign giving the appearance of being a neon sign.~~
- (CC) ~~*Nonconforming sign.* Any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.~~
- (DD) ~~*Pole sign.* Any freestanding sign taller than six feet that is mounted on one or more visible, ground-mounted poles. A flag, as defined by 9-102(N), on an affixed to a pole is not a pole sign.~~
- (EE) ~~*Portable sign.* Any temporary sign, not affixed to a building, structure, vehicle or the ground and which can easily be picked up and moved to another location without the use of machinery.~~
- (FF) ~~*Projecting sign.* Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted. A projecting sign has a sign face that is not flat to the wall on which it is mounted and has two sides and can have messages on each side.~~
- (GG) ~~*Public area.* Any public place, public right of way, any parking area or right of way open to use by the general public, or any navigable body of water.~~
- (HH) ~~*Public art.* Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.~~
- (II) ~~*Roof line.* A line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof.~~



- (JJ) ~~Roof sign. Any wall sign attached erected on or affixed to a building or structure which extends, in whole or in part, above the roof line or the eaves or bottom edge of the roof.~~
- (KK) ~~Sign. An object, device, display structure, or part thereof, visible from a public place, a public right of way, any parking area or right of way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term also does not include public art or architectural elements incorporated into the style or function of a building. The term "sign" also does not include the display of merchandise for sale on the site of the display.~~
- (LL) ~~Sign face. The portion of a sign structure bearing the message.~~
- (MM) ~~Sign structure. Any structure supporting or bearing a sign face.~~
- (NN) ~~Temporary sign. Any sign intended to be displayed for a short time period based on a property condition. All temporary signs are not illuminated. Unless a different time period is specified, a temporary sign may not be displayed for more than 120 continuous days, and there must be a 30-day interruption between postings of temporary signs.~~
- (OO) ~~Wall sign. Any sign attached to or painted on or against a flat vertical surface of a structure.~~
- (PP) ~~Window sign. Any sign visible from outside a building and visible through any window or door and attached to or within four feet in front of or behind the surface of a window or door.~~
- (A) *Billboard.* Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property's business owner.
- (B) ~~Digital text and graphic sign. Any sign that can change its content by way of electronic or mechanical means but maintains a consistent image and does not flash or display any animation or movement other than the occasional changing of text or graphics occurring no more than two times per day. Digital text and graphic signs include, but are not limited to, can be in the form of images projected onto a building, televisions, monitors, and other screens.~~
- (C) *Flag.* A piece of cloth or similar material, shaped like a pennant, rectangle, or square, attachable by one straight edge to a pole or rope or attached at the top and draped.
- (D) *Flashing sign.* Any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color except for digital text and graphic signs.
- (E) *Freestanding sign.* A sign that is supported by an independent structure and is not attached to a building or other structure. ~~supported by structures or supports in or upon the ground and independent of any support from any building or wall.~~ It also means any non-portable sign supported by a fence, or retaining wall, or by



~~upright structural members or braces on or in the ground and not attached to a building. A freestanding sign can have one or two sides and can have messages on each side. Freestanding signs include, but are not limited to, monument signs, minor freestanding signs, and pole signs.~~

- (F) Freestanding sign, monument: A freestanding sign without visible supporting posts or poles under the sign face.
- (H) Height. The maximum vertical distance from the ground at the base of the sign, or, for projecting signs, at the bottom of the plane created by the face of the sign extending to the ground, to the top of the highest point of the sign or sign structure. ~~attached component of the sign. Height also measures the ground clearance under projecting signs.~~
- (I) Illuminated sign. Any sign that is backlit, internally lighted, or lighted by direct external lighting fixtures.
- (J) Internally illuminated panel sign. An illuminated sign with a light fixture inside a rectangular box with a translucent sign face.
- (K) Moving or windblown sign. Any sign, that has moving parts any element or part of which (such as a streamer, wheel, moored blimp or propeller) moves by means of a mechanized, electrical, or other device or is set in motion by movement of the atmosphere, including feather signs. A flag is not a moving or windblown sign.
- (L) Pole sign. Any freestanding sign taller than six feet that is mounted on one or more visible, ground-mounted poles. A flag, as defined by 9-102(CN), ~~on an~~ affixed to a pole is not a pole sign.
- (M) Portable sign. Any temporary, freestanding sign, including but not limited to A-frame signs ~~not affixed to a building, structure, vehicle or the ground and which can easily be picked up and moved to another location without the use of machinery.~~
- (N) Roof sign. Any wall sign attached erected on or affixed to a building or structure which extends, in whole or in part, above the roof line or the eaves or bottom edge of the roof, or is located on a penthouse. The term "roof sign" shall not include a wall sign which is mounted on a parapet wall above the roof line and below the top of the parapet.
- (O) Sign. An object, device, display structure, or part thereof, visible to and designed to communicate information to persons in a public area from a public place, a public right of way, any parking area or right of way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. A sign may have one or two faces and may have messages on each face. The term does not include flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term also does not include public art or architectural elements incorporated into the style or function of a building. The term "sign" also does not include the display of merchandise for sale on the site of the display.

- (P) Sign face. The portion of a sign structure which contains words, letters, figures, designs, symbols, logos, or similar and any distinctive background, separate from the building or structure to which it is attached, containing these elements, bearing the message.
- (Q) Sign area. The sum of the areas of the smallest rectangle around each individual word, figure, design, symbol, logo, or similar and any distinctive background, separate from the building, containing these elements. For freestanding signs, sign area shall not include the base of the sign and shall only include the area of one sign face.
- (R) Sign area ratio. The ratio of the building wall's width to the sign area.
- (S) Sign structure. Any structure supporting or bearing a sign face.
- (T) Temporary sign. ~~A sign intended to be displayed for a short period of time. Any sign intended to be displayed for a short time period based on a property condition. All temporary signs are not illuminated. Unless a different time period is specified, a temporary sign may not be displayed for more than 120 continuous days, and there must be a 30-day interruption between postings of temporary signs.~~
- (U) Wall sign. Any sign attached to a building or painted on or against a flat vertical surface of a structure.
- (V) Window sign. Any sign visible from outside a building and visible through any window or door and attached to or within four feet in front of or behind the surface of a window or door.

~~9-103—Sign approval.~~

~~(A) Approval required.~~

- ~~(1) No sign, marquee or awning may be erected, displayed, constructed, reconstructed or altered unless it complies with the Uniform Statewide Building Code. Compliance may require that, in addition to the permits required by any other section of this ordinance, a permit or permits be obtained from the building code official.~~
- ~~(2) Application for a permit shall be made on forms furnished by the building code official.~~
- ~~(3) The department of planning and zoning shall review each sign application except as noted in 9-103(B) below, for compliance with this Article IX.~~

~~(B) Zoning approval not required. In all zones, except property within the Old and Historic Alexandria or the Parker Gray Districts, the following signs are permitted without zoning approval if the sign is allowed in the zone pursuant to section 9-200 herein, however nothing in this section shall relieve the installer of the requirement to obtain applicable permissions pertaining to the building code in use by the City of Alexandria:~~

- ~~(1) Signs erected by a governmental body or required by law.~~
- ~~(2) Flags as allowed within each zone.~~
- ~~(3) The changing of messages on and/or maintenance of an existing sign, except that repair of a nonconforming sign must comply with 9-402.~~
- ~~(4) Temporary signs as allowed within each zone.~~

~~(5) Not more than two minor signs per property as allowed within each zone. Additional minor signs are permitted in certain districts with approval.~~

~~(6) Pavement markings on an area of property where traffic management is necessary.~~

~~(C) Coordinated sign special use permit. Comprehensive sign plans may be approved by special use permit in a CDD/Coordinated Development District, or in a unified development more than three acres in size, which contains more than one building, more than one parcel or private streets. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the zoning ordinance. The applicant for a coordinated sign special use permit shall submit a statement of justification for such program in addition to information which describes the number, location, size, height, clearance, color, material, type of illumination, if applicable, of all proposed signs within the program. A proposed coordinated sign program may be approved if council finds that it provides the same or greater benefits to the public as the sign regulations otherwise applicable.~~

~~(D) Waiver of requirement by special use permit. A special use permit may be obtained pursuant to section 11-500, which authorizes the of signage otherwise not permitted by this Article IX, subject to the following:~~

~~(1) The special use permit applicant shall demonstrate that the proposed signage would correspond with the intent of this Article IX; and~~

~~(2) City council finds that:~~

~~a. The proposed signage has an exceptional design or approach that cannot be accomplished within the existing regulations~~

~~b. The proposed signage will not have an adverse impact on the nearby neighborhood; and~~

~~c. The signs comply with the applicable standards for approval of a special use permit set forth in section 11-504~~

#### ~~9-104 Prohibited signs.~~

~~In addition to signs prohibited elsewhere in the zoning ordinance, City Code or by applicable state or federal law, The following signs are prohibited in all zones:~~

##### ~~General prohibitions.~~

~~(1) Signs displayed without complying with all applicable regulations of this chapter or that violate any city, state or federal law.~~

~~(2) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance.~~

##### ~~(B) Prohibitions based on materials.~~

~~(1) Animated signs. This subsection does not apply to flags expressly permitted under this article.~~

~~(2) Flashing signs.~~

- ~~(3) Moving or windblown signs.~~
  - ~~(4) Mobile signs.~~
  - ~~(5) Signs that emit smoke, flame, scent, mist, aerosol, bubbles, liquid or gas.~~
  - ~~(6) Signs that emit sound.~~
  - ~~(7) Any electronic sign or digital text and graphic sign. This section does not apply to signs specifically required by section 9-7-7 of the City Code.~~
  - ~~(8) Pole signs.~~
  - ~~(9) Signs which utilize a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area so that it may be seen by the operator of a motor vehicle when the vehicle is not parked.~~
  - ~~(10) Illuminated signs located higher than 35 feet above grade unless the building is located within 2,000 feet of and the sign is facing Interstate 95 (the Capital Beltway) or unless a special use permit is approved after a finding that the sign meets the following criteria:
    - ~~a) Only one sign per building is permitted;~~
    - ~~b) The building may not be located within, or on the borders of, the Old and Historic Alexandria or Parker-Gray Districts;~~
    - ~~c) The sign must meet any applicable design guidelines and follow any additional applicable process for approval;~~
    - ~~d) The sign must be appropriate in scale, design and color and compatible with the building;~~
    - ~~e) The sign may not be a neon sign;~~
    - ~~f) The sign shall be subject to such conditions as the SUP may impose to ensure that the sign functions without glare or disturbance with nearby uses, including those rules which may alter, modify or supersede the rule stated in section 9-105(A)(2) with regard to the lighting not operating between 10:30 p.m. and 6:30 a.m.; and~~
    - ~~g) No sign may face the George Washington Memorial Parkway, and only minimum facade lighting facing the Parkway is allowed.~~
    - ~~h) The sign shall be wall mounted.~~~~
  - ~~(11) Portable signs. This subsection does not apply to A frame signs allowed herein.~~
  - ~~(12) Billboards.~~
  - ~~(13) Internally illuminated translucent rectangular panel signs. Signs that use a lightbox configuration where a light fixture is inside a rectangular box with the front surface consisting of a translucent panel on which information is displayed. This prohibition does not apply to channel lettering signs that use individual light boxes shaped like discrete letters or symbols.~~
- ~~(C) Prohibitions based on location.~~
- ~~(1) Signs erected on public land other than 1) those approved by the city manager or his or her designee in writing, 2) those where an ordinance authorizing such encroachment has been enacted by city council, 3) those authorized by law without such approval, or 4) those permitted under Virginia Code § 24.2-310E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the~~

~~sign under this provision does not preclude prosecution of the person responsible for the sign.~~

~~(2) Roof signs.~~

~~(3) Any sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.~~

~~(4) Signs affixed to certain property. No temporary sign may be painted, marked, written, posted or displayed on, or otherwise affixed to, any private street sign, bus stop sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards.~~

~~9-105 Standards and removal.~~

~~(A) Standards.~~

~~(1) Maintenance.~~

~~(a) All signs, marquees and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint.~~

~~(b) The building official may find cause to have signs removed or repaired immediately without written notice any sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the Uniform Statewide Building Code.~~

~~(2) Illumination.~~

~~(a) Lighted signs facing and in close proximity to a residential zone shall not be illuminated between 10:30 p.m. and 6:30 a.m.~~

~~(b) Such signs shall be constructed so that the lighting elements are shielded from view of the residential zone by nontransparent or translucent material or other means designed to eliminate glare.~~

~~(c) Illumination is prohibited for all temporary signs.~~

~~(d) Internal illumination is prohibited for rectangular panel signs, in accordance with section 9-104(B)(13).~~

~~(e) Illuminated signs higher than 35 feet are subject to section 9-104(B)(10).~~

~~(3) Reflection. No sign shall contain any reflective device.~~

~~(4) Non-commercial sign substitution. Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.~~

~~(5) All free standing signs must comply with all applicable vision clearance requirements in 7-801 of the zoning ordinance.~~

~~(B) Removal.~~



- ~~(1) Whenever the use of a building or structure or real property is discontinued, all sign faces signs pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use.~~
- ~~(2) Irrespective of any continued use or any discontinuance in use of a building or structure, a supporting standard or structure for a sign shall be removed if the standard or structure is not occupied by a sign permitted by this ordinance for a continuous period of one year.~~
- ~~(3) It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner from the director, such signs or supporting standards or structures are not removed within ten days of the notice, the city manager shall cause the removal and charge the cost to the owner.~~

~~9-106—Calculation of sign area.~~

~~The area of a sign is the sum of the areas within rectangular lines inscribed around each separate word, symbol or pictorial element on the face of a sign, and the height of a sign shall be measured to include the sign and supporting apparatus for any freestanding sign; provided that:~~

- ~~(A) The area of a sign, or any portion thereof, having a distinctive or ornamental border shall include both the area enclosed by the border, and the area enclosed within the border.~~
- ~~(B) The area of a sign, or any portion thereof, having a distinctive or ornamental background, which sets the background apart from a larger surface so that it forms an integral part or element of the sign, shall include the area of the background.~~
- ~~(C) The area of a freestanding sign, or any portion thereof, having a background which extends beyond the words, symbols or pictorial elements thereof shall include the area of the background including the base for monument signs.~~
- ~~(D) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background or has no border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it.~~
- ~~(E) The area of a marquee, or any panel thereof, which specifically provides a background for a sign shall be included in the area of the sign.~~
- ~~(F) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed.~~
- ~~(G) The area of a double face sign shall be considered to be the area of the one face having the larger area.~~

9-200 –Signs regulations and limitations by zoning district.

9-201- Sign regulations.

Signs are permitted on any lot, in any zone, and in any required yard subject to all other applicable requirements of this Article.

(A)Sign regulations for a lot containing a single-unit, two-unit, townhouse, and multi-unit up to four unit use.

<u>Sign type</u>		<u>Maximum number of signs</u>	<u>Maximum sign area</u>	<u>Maximum height</u>
<u>Flags</u>		<u>3</u>	<u>16 square feet</u>	<u>25 feet</u>
<u>Freestanding, minor</u>		<u>2</u>	<u>1 square foot (each sign)</u>	<u>3 feet</u>
<u>Wall</u>		<u>2</u>	<u>1 square foot (each sign)</u>	<u>No limit</u>
<u>Temporary</u>	<u>On a lot with an active building permit or that is actively marketed for sale or rent</u>	<u>No limit</u>	<u>7 square feet</u>	<u>6 feet (freestanding only)</u>
	<u>Signs posted for no more than 120 days with a 30 day interruption between postings</u>		<u>7 square feet (each sign)</u>	

(B)Sign regulations for a lot containing a non-residential, multi-unit with more than four units, and mixed uses Freestanding monument and wall signs may be illuminated subject to the limitations established by section 9-202.

<u>Sign type</u>		<u>Maximum number</u>	<u>Maximum sign area</u>	<u>Maximum height</u>
<u>Flags</u>		<u>3</u>	<u>24 square feet</u>	<u>35 feet (freestanding only)</u>
<u>Freestanding monument</u>	<u>Lots 100 feet wide or less</u>	<u>Not permitted</u>		
	<u>Lots more than 100 feet wide but less 200 feet wide</u>	<u>1</u>	<u>32 square feet</u>	<u>6 feet</u>
	<u>Lots 200 feet wide and wider</u>	<u>2</u>	<u>40 square feet</u>	<u>6 feet</u>

<u>Freestanding, minor</u>	<u>Signs located 20 feet or less from any front lot line</u>	<u>5 per 100 feet of lot width</u>	<u>4 square feet</u>	
	<u>Signs located more than 20 feet from any front lot line</u>	<u>5 per 100 feet of lot width</u>	<u>8 square feet</u>	
<u>Wall</u>	<u>Signs located on buildings 40 feet tall or less</u>	<u>No limit</u>	<u>1:1.5 sign area ratio</u>	<u>No limit</u>
	<u>Signs located on buildings taller than 40 feet</u>		<u>1:2 sign area ratio</u>	
<u>Portable</u>		<u>1 per business</u>	<u>8 square feet</u>	<u>4 feet</u>
<u>Window</u>		<u>No limit</u>	<u>Cannot exceed more than 20% of the glazing area of the window where it is installed</u>	<u>No limit</u>
<u>Temporary</u>	<u>On a lot with an active building permit or that is actively marketed for sale or rent</u>	<u>1</u>	<u>1:1 sign area ratio</u>	<u>6 feet (freestanding only)</u>
	<u>Signs posted for no more than 120 days with a 30 day interruption between postings</u>	<u>No limit</u>	<u>1:1 sign area ratio</u>	

9-202 – Signs permitted with special use permit.

(A)Waiver of requirement by special use permit. A special use permit may be obtained pursuant to section 11-500, which authorizes the provision of signage otherwise not permitted by this Article IX, subject to the following:

(1)The special use permit applicant shall demonstrate that the proposed signage would correspond with the intent of this Article IX and

(2)City council finds that:

i.The proposed signage has an exceptional design or approach that cannot be accomplished within the existing regulations;

ii.The proposed signage will not have an adverse impact on the nearby neighborhood; and

iii.The signs comply with the applicable standards for approval of a special use permit set forth in section 11-504.

(B)Signs permitted with administrative special use permit. The following signs may be allowed with administrative approval, subject to section 11-513:

(A)Any signs that exceed the maximum permitted number, height, or sign area;

(B)Temporary signs that are posted for more than 120 days without interruption; and

(C)Digital signs.

9-203 – Prohibited signs.

The following signs are prohibited:

(A)Flashing signs;

(B) Illuminated wall signs located higher than 35 feet above grade within historic districts or facing the George Washington Memorial Parkway;

(C) Internally illuminated panel signs;

(D)Moving signs;

(E)Pole signs that exceed six feet in height;

(F)Roof signs;

(G) Signs erected on public land; other than 1) those approved by the city manager or his or her designee in writing, 2) those where an ordinance authorizing such encroachment has been enacted by city council those approved by the City under a right-of-way agreement, 3) those authorized by law without such approval, or 4) those permitted under Virginia Code § 24.2-310E;

(H) Signs that simulate traffic control signs or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized city official as a nuisance;

(I) Any sign that causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location;

(J) Signs that emit sound, smoke, flame, scent, mist, aerosol, bubbles, liquid, or gas; and

(K) Billboards.

9-204 – Sign limitations, removal, and maintenance requirements.

(A)Limitations for illuminated signs.

(1)Signs shall comply with the limitations established for lighting in City Code section 13-1-3 and

(2)Signs facing or located on a lot abutting a residential zone shall not be illuminated between 10:30 p.m. and 6:30 a.m..

(B)Limitations for portable signs.

- (1) Signs shall be located on the property of the sign owner, outside a minimum lateral walkway clearance of five feet for pedestrian travel, within 15 feet of the front building wall, and a minimum of 15 feet from any driveway or intersection; and
- (2) Signs shall only be displayed during operating hours of the business.
- (C) Removal and maintenance requirements.
  - (1) Whenever the use of a building or structure or real property is discontinued, all sign faces pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use.
  - (2) Irrespective of any continued use or any discontinuance in use of a building or structure, a supporting standard or structure for a sign shall be removed if the standard or structure is not occupied by a sign permitted by this ordinance for a continuous period of one year.
  - (3) It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner from the director, such signs or supporting standards or structures are not removed within ten days of the notice, the director shall cause the removal and charge the cost to the owner.
  - (4) Any sign erected on public land is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude liability of the person responsible for the sign.
  - (5) All signs shall be maintained at all times in a safe structural condition and in a neat and clean condition and shall be kept free from defective or missing parts or peeling paint.
  - (6) The building official may find cause to have signs removed or repaired immediately without written notice any sign which, in their opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the Uniform Statewide Building Code.

**9-201 – Residential district signs.**

- (A) ~~Except as otherwise prohibited in this article, the following signs are permitted as accessory to residential or non-residential uses in the following residential districts.~~
- (1) ~~In the R-20, R-12, R-8, R-5, R-2-5, RB, RM, RS, RT, POS, and WPR zones the following regulations shall apply:~~
    - a. ~~On property used for residential purposes only the following signs are permitted:~~
      - i. ~~Flags:~~
        1. ~~Number and size limits:~~ One flag per 20 feet (or portion thereof) of lot width to a maximum of three flags per property with a maximum size of 16 square feet for each flag.
        2. ~~Mounting and installation regulations:~~ Freestanding flags may only be less than 25 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.
      - ii. ~~Temporary signs:~~



- ~~1. Number, size and time limits for each dwelling unit on a lot:~~
  - ~~a. Signage with a total area of no more than ten square feet; however no single sign is permitted to be larger than four square feet.~~
  - ~~b. One sign or combination of signs with a total area of no more than seven square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent.~~
- ~~2. Mounting and installation regulations: Signs may be ground mounted, wall mounted, or displayed within a window provided that it does not cover more than 20 percent of the glazing area of the window where it is installed. Freestanding signs may only be less than 42 inches in height, but for properties that are actively marketed and advertised for sale or rent, the sign permitted in subsection 1.b above can have a height that shall not exceed six feet.~~
- ~~iii. Permanent signs:~~
  - ~~1. Minor signs:~~
    - ~~a. Number and size limits: Maximum of two signs per property per street frontage with a maximum size of one square foot for each sign.~~
    - ~~b. Mounting and installation regulations: Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.~~
  - ~~2. Signs at the entrance to a neighborhood:~~
    - ~~a. Number and size limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.~~
    - ~~b. Mounting and installation regulations: Such signs may only be installed as a monument sign that shall not exceed six feet in height.~~
  - ~~3. Signs painted on the curb:~~
    - ~~a. Number and size limits: One permanent sign is permitted per property with a maximum size of 0.5 square foot.~~
    - ~~b. Mounting and installation regulations: Such signs may only be painted directly on the face of a curb on private property.~~
  - ~~4. Additional signs at a multifamily property in the RB zone:~~
    - ~~a. Number and size limits: One permanent sign is permitted per multi-family property to be located at each of the property's street frontages with a maximum size of 40 square feet for each sign if wall mounted or 32 square feet if free standing.~~
    - ~~b. Mounting and installation regulations: Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off street parking is provided, leaving a distance between the building and a side lot line~~

of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

b. ~~On property used for non-residential purposes:~~

i. ~~Flags:~~

1. ~~Number and size limits:~~ One flag per 20 feet (or portion thereof) of lot width to a maximum of maximum of five flags per property with a maximum size of 24 square feet for each flag. Freestanding flags may only be attached to a pole less than 35 feet in height.
2. ~~Mounting and installation regulations:~~ Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.

ii. ~~Temporary signs:~~

1. ~~Number, size and time limits:~~

- a. ~~Signage with a total area of no more than 30 square feet, however no single sign is permitted to be larger than 24 square feet.~~
- b. ~~One signor combination of signs with no more than seven square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent. Such sign, if freestanding, shall not exceed six feet in height.~~

2. ~~Mounting and installation regulations:~~ Unless otherwise specified, freestanding temporary signs may only be less than five feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than 20 percent of the glazing area of the window where it is installed.

iii. ~~Permanent signs:~~

1. ~~Minor signs:~~

- a. ~~Number and size limits:~~ A maximum of five signs per property for each street frontage per 100 feet of lot width with a maximum size of one square foot for each sign.
- b. ~~Mounting and installation regulations:~~ Freestanding minor signs may only be less than 36 inches in height. Wall mounted minor signs may only be mounted flat against the wall.

2. ~~Signs at locations within ten feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:~~

- ~~a. *Number and size limits:* A maximum of one sign is permitted facing each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.~~
    - ~~b. *Mounting and installation regulations:* These signs may only be freestanding and less than 42 inches in height.~~
  - ~~3. Signs along property's street frontage:~~
    - ~~a. *Number and size limits:* A maximum of one sign with a maximum size of 40 square feet for each sign is permitted if wall mounted or 32 square feet if free standing at each property street frontage.~~
    - ~~b. *Mounting and installation regulations:* Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.~~
  - ~~4. Signs painted on the curb:~~
    - ~~a. *Number and size limits:* One permanent sign is permitted with a maximum size of 0.5 square foot.~~
    - ~~b. *Mounting and installation regulations:* Such signs may only be painted directly on the face of a curb.~~
  - ~~5. Signs at the entrance to a neighborhood:~~
    - ~~a. *Number and size limits:* One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.~~
    - ~~b. *Mounting and installation regulations:* Such signs may only be installed as a monument sign with less than six feet in height.~~
- ~~(2) In the RA, RC, RCX, and RD zones the following regulations shall apply:~~
  - ~~a. On property used for residential purposes only the following signs are permitted:~~
    - ~~i. *Flags:*~~
      - ~~1. *Number and size limits:* One flag per 20 feet (or portion thereof) of lot width with a maximum size of 18 square feet per flag.~~
      - ~~2. *Mounting and installation regulations:* Freestanding flags may only be less than 35 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a~~

~~projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.~~

~~ii. Temporary signs:~~

- ~~1. Number, size and time limits: Signage with a total area of no more than 40 square feet, however no single sign is permitted to be larger than 24 square feet.~~
- ~~2. Mounting and installation regulations: Unless otherwise specified, freestanding temporary signs shall not exceed six feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than 20 percent of the glazing area of the window where it is installed.~~

~~iii. Permanent signs:~~

- ~~1. Minor signs:~~
  - ~~a. Number and size limits: Maximum of five signs per lot with a maximum size of one square foot per sign.~~
  - ~~b. Mounting and installation regulations: Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.~~
- ~~2. Signs at the entrance to a neighborhood:~~
  - ~~a. Number and size limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.~~
  - ~~b. Mounting and installation regulations: Such signs may only be installed as a monument sign with less than six feet in height.~~
- ~~3. Signs painted on the curb:~~
  - ~~a. Number and size limits: One permanent sign is permitted with a maximum size of 0.5 square foot.~~
  - ~~b. Mounting and installation regulations: Such signs may only be painted directly on the face of a curb on private property.~~
- ~~4. Signs at locations within ten feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:~~
  - ~~a. Number and size limits: A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.~~
  - ~~b. Mounting and installation regulations: These signs may only be freestanding and less than 42 inches in height.~~
- ~~5. Signs along a multi-family property's street frontage:~~
  - ~~a. Number and size limits: Signage with a total area of no more than 60 square feet per property frontage, however no single wall mounted sign is permitted to be larger than 40 square feet, and no freestanding sign is permitted to be larger than 32 square feet.~~

~~b. *Mounting and installation regulations:* Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign that shall not exceed six feet in height, and shall be setback at least ten feet from the front lot line.~~

~~b. *On property used for mixed use or non residential purposes:*~~

~~i. *Flags:*~~

~~1. *Number and size limits:* One flag per foot (or portion thereof) of lot width with a maximum size of 18 square feet per flag. The area used for flags shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-201.A(2)b.iii.6.~~

~~2. *Mounting and installation regulations:* Freestanding flags may only be attached to a pole less than 35 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.~~

~~ii. *Temporary signs:*~~

~~1. *Number, size and time limits:* Signage with a total area of no more than 40 square feet, however no single sign is permitted to be larger than 24 square feet.~~

~~2. *Mounting and installation regulations:* Unless otherwise specified, freestanding temporary signs may only be less than five feet in height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than 20 percent of the glazing area of the window where it is installed.~~

~~iii. *Permanent signs:*~~

~~1. *Minor signs:*~~

~~a. *Number and size limits:* Maximum of five signs per property for each street frontage per 100 feet of lot width with a maximum size of one square foot for each sign.~~

~~b. *Mounting and installation regulations:* Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.~~

~~2. *Signs at the entrance to a neighborhood:*~~

~~a. *Number and size limits:* One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.~~



- ~~b. *Mounting and installation regulations:* Such signs may only be installed as a monument sign that shall not exceed six feet in height.~~
- ~~3. Signs painted on the curb:~~
  - ~~a. *Number and size limits:* One permanent sign is permitted with a maximum size of 0.5 square foot.~~
  - ~~b. *Mounting and installation regulations:* Such signs may only be painted directly on the face of a curb on private property.~~
- ~~4. Signs at locations within ten feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:~~
  - ~~a. *Number and size limits:* A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.~~
  - ~~b. *Mounting and installation regulations:* These signs may only be freestanding and less than 42 inches in height.~~
- ~~5. Signs along a multi family or non residential property's street frontage:~~
  - ~~a. *Number and size limits:* Signage with a total area of no more than 60 square feet per property frontage, however no single wall mounted sign is permitted to be larger than 40 square feet, and no freestanding sign is permitted to be larger than 32 square feet.~~
  - ~~b. *Mounting and installation regulations:* Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign that shall not exceed six feet in height, and shall be setback at least ten feet from the front lot line.~~
- ~~6. Wall signs at the entrance to a non residential building or part of a building:~~
  - ~~a. *Number and size limits:* A maximum of one sign with a maximum size of one square foot for each linear foot of building width for the wall on which the sign is mounted.~~
  - ~~b. *Mounting and installation regulations:* Such sign shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign. Such signs may also be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right of way if permitted by an~~

~~enacted encroachment ordinance or which city council has expressly authorized installation.~~

~~7. Projecting signs at the entrance to a non-residential building or part of a building:-~~

~~a. *Number and size limits:* The total area of all signage on the building shall be 16 square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-201.A(2)b.iii.6.~~

~~b. *Mounting and installation regulations:* Such signs shall be wall mounted. Such sign shall not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is to be at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign to the top of the sign. Such signs are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized installation.~~

~~9-202 Commercial, special, overlay, and mixed use district signs.~~

~~(A) *Generally.* Except as provided otherwise in this article, the following signs are permitted as accessory uses in the CC, CD, CDX, CG, CL, CR, CSL, KR, NR, CRMU-L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM(50), OCM(100), CDD, and W-1 zones.~~

~~i. *Flags:-*~~

~~1. *Number and size limits:* One flag per 20 feet (or portion thereof) of lot width with a maximum size of 24 square feet for each flag. The area used for flags shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-202(A)ii.1.a or b or in sections 9-201(A)iii.6 or 9-201(A)iii.7.~~

~~2. *Mounting and installation regulations:* Freestanding flags may only be attached to a pole less than 35 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.~~

~~ii. *Temporary signs:-*~~

~~1. *Number, size and time limits:*~~

~~a. A maximum of one sign with a maximum size of one square feet for each linear foot of building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property where a building permit is active. Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as~~

~~permitted in section 9-202(A)ii.1.b or in sections 9-201(A)iii.6 or 9-201(A)iii.7.~~

~~b. A maximum of one sign with a maximum size of one square foot for each linear foot of building width for the wall on which the sign is mounted per frontage on a street, alley, or parking lot only when located on property is actively marketed and advertised for sale or actively marketed and advertised for rent. The area allowed for this temporary signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-202(A)ii.1.a or in sections 9-201(A)iii.6 or 9-201(A)iii.7.~~

~~c. One sign with a maximum size of the greater of 20 square feet or 0.5 square feet for each linear foot of building width for the wall on which the sign is mounted up to 100 square feet. The maximum period for this sign is 60 days per six-month period of a year.~~

~~2. Mounting and installation regulations: Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign to the top of the sign. On a vacant lot, such sign can be freestanding, but shall have a height no greater than six feet and an area no greater than 40 square feet.~~

~~iii. Permanent signs:~~

~~1. Minor Signs only permitted in the CC, CG, CR, CSL, CRMU/L, CRMU/M, CRMU/H, CRMU/X, OC, OCH, OCM(50), and OCM(100) zones, but not permitted in the CD, CDX, CL, KR, NR, or W-1 zones:~~

~~a. Number and size limits: Maximum of five signs per property for each street frontage per 100 feet of lot width with a maximum size of one square foot for each sign.~~

~~b. Mounting and installation regulations: Freestanding minor signs may only be less than 36 inches in height. Wall mounted signs may only be mounted flat against the wall.~~

~~2. Signs at the entrance to a neighborhood:~~

~~a. Number and size limits: One permanent sign is permitted per entrance to a distinguishable neighborhood with a maximum size of 24 square feet for each sign.~~

~~b. Mounting and installation regulations: Such signs may only be installed as a monument sign that shall not exceed six feet in height.~~

~~3. Signs painted on the curb:~~

~~a. Number and size limits: One permanent sign is permitted with a maximum size of 0.5 square foot.~~

~~b. Mounting and installation regulations: Such signs may only be painted directly on the face of a curb on private property.~~

~~4. Signs at locations within ten feet of the curb edge of a parking lot or driveway only at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:~~

~~a. Number and size limits: A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or~~

~~pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.~~

~~b. Mounting and installation regulations: These signs may only be freestanding and less than 42 inches in height.~~

~~5. Freestanding signs at a property's street frontage:~~

~~a. Number and size limits:~~

~~i. At a lot containing no more than two businesses, a maximum of one freestanding sign is permitted with a maximum area of 32 square feet and a maximum height of six feet above grade to the top of the sign.~~

~~ii. At a lot containing three or more businesses, a maximum of one freestanding sign is permitted with a maximum area of 40 square feet and a maximum height of six feet above grade to the top of the sign.~~

~~iii. A lot with a width of more than 200 feet at the front lot line may contain two freestanding signs in compliance with either (i) or (ii) above.~~

~~iv. When the street frontage of a lot is in excess of 300 feet, the number of signs and allowable sign area may be increased with a special use permit.~~

~~b. Mounting and installation regulations: Freestanding installation shall only be permitted on a lot with a width of at least 100 feet at the front lot line and only where drive-in service or off-street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If a freestanding, the sign shall be installed as a monument sign, and it shall be setback at least ten feet from the front lot line. A freestanding sign shall have no more than two faces and shall be double faced back to back only. No signs other than those indicated on the sign application shall be attached to a freestanding sign.~~

~~6. Wall signs:~~

~~a. Number and size limits: The total area of all signs displayed on a building wall which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.~~

~~b. Mounting and installation regulations: Such signs shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign. Such signs may be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right of way if permitted by an enacted encroachment ordinance or which city council has expressly authorized installation.~~

~~7. Wall signs higher than 20 feet above grade on a multi-story building:~~

~~a. Number and size limits: The total area of all signs displayed on a building wall higher than 20 feet above grade on a multi-story building which faces a street, alley or parking area shall not exceed~~

~~one square foot for each foot of building width facing the street, alley or parking area.~~

- ~~b. *Mounting and installation regulations:* Such sign shall be wall mounted and may only be mounted flat against the wall. No part of this sign is permitted to be lower than 20 feet above grade measured from the location immediately below the sign.~~

~~8. Projecting signs at the entrance to a non-residential building or non-residential part of a building:~~

- ~~a. *Number and size limits:* The total area of all signage on the building shall be 16 square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-202(A)ii.1.b or in sections 9-201(A)iii.6 or iii.7.~~

- ~~b. *Mounting and installation regulations:* Such signs shall be wall mounted. Such sign shall not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is to be at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign. Such signs are only permitted to encroach upon a public right of way if permitted by an enacted encroachment ordinance or which city council has expressly authorized installation.~~

~~9. Projecting signs higher than 20 feet above grade on a multi-story building:~~

- ~~a. *Number and size limits:* The total area of all signage on the building shall be 24 square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-202(A)ii.1.b or in sections 9-201(A)iii.6 or 9-201(A)iii.7.~~

- ~~b. *Mounting and installation regulations:* Such signs shall be wall mounted. Such sign shall not project more than four feet from the building wall or within one foot of an established curb line. Such signs are only permitted to encroach upon a public right of way if permitted by an enacted encroachment ordinance or which city council has expressly authorized installation. No part of this sign is permitted to be lower than 20 feet above grade measured from the location immediately below the sign.~~

- ~~iv. Any sign larger than 100 square feet in area shall have each letter or symbol installed as a separately mounted unit. No sign that measures 100 square feet or larger shall consist of an individual panel.~~

- ~~v. *Size and location limitations.* Signs permitted within a commercial zone under section 9-202(A) may be displayed on any building wall which faces a street, alley or parking area or may be freestanding signs, and shall comply with the provisions herein.~~

- ~~vi. *Marquees and awnings.* Marquees and awnings may be used as a sign background.~~

- ~~(B) *Window signs.* The total area of window signs, in any one window shall not exceed 20 percent of the glazing area of the window where it is installed. The total area of~~



~~window signs shall be included in determining the total area of signs erected or displayed on the wall that contains the window.~~

~~(C) A frame signs on the property of individual businesses. Notwithstanding any provision to the contrary in this ordinance, A frame signs are permitted on private property in commercial districts that are not within the Parker Gray District or the Old and Historic Alexandria District subject to compliance with the following standards:~~

~~(1) Location. An A frame sign shall only be located:~~

~~a. On the property of the owner of the sign;~~

~~b. Outside of a minimum lateral walkway clearance of five feet for pedestrian travel;~~

~~c. Within 15 feet of the front facade of the building;~~

~~d. Not encroaching in the line of vision clearance for motor vehicles; and~~

~~e. A minimum of 15 feet from any driveway or roadway intersection.~~

~~(2) Number. A maximum of one sign is permitted per business.~~

~~(3) Size. Signs may not exceed 42 inches in height and 24 inches in width.~~

~~(4) Pedestrian safety. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the walkways, crossing of streets or parking areas, entry and alighting from cars and buses, and access to curb ramps.~~

~~(5) Temporary. All signs, including installation materials, shall be temporary and shall be readily removable without any damage to the pavement or ground surface.~~

~~(6) Time limits. An A frame sign is permitted outdoors only during operating hours of the establishment where the sign is located.~~

~~(7) Materials and design.~~

~~a. Only high quality, durable materials shall be used, such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic or medium density overlay plywood painted with enamel paint.~~

~~b. Illumination is prohibited.~~

~~c. Braces are required to ensure that the sign legs remain adequately spread to prevent it from falling.~~

~~d. The sign shall be a minimum weight of 20 pounds properly balanced to ensure that it would not blow away in the wind.~~

~~(8) Compliance with law. All signs shall comply with all applicable city, state and federal laws and regulations.~~

#### ~~9-203 Industrial district signs.~~

~~(A) Generally. In the I and UT zones, any sign, marquee and awning permitted in a commercial zone under section 9-202 may be erected or displayed so long as it complies with all other applicable requirements of this Article IX; provided, that the total area of any signs in an industrial or utility zone which face real property in a commercial, industrial or utility zone may exceed the area allowed in section 9-202 by up to 50 percent.~~

~~(B) Window signs. Window signs are permitted up to 20 percent of the glazing area of a window and count toward the maximum square footage of wall signs permitted. Window signs are permitted only on the first floor of a building unless the applicant only has business operations located on an upper floor where the window sign is to be displayed.~~

#### ~~9-204 Signs permitted in all zones.~~

- ~~(A) Additional temporary signs no larger than the largest temporary sign allowed on the property pursuant to section 9-200 are permitted on any property with the permission of the property owner for no more than 90 days, and there shall be a 30-day interruption between posting periods for temporary signs in this section.~~

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9-402 – Nonconforming signs.

- (A) Nonconforming sSigns means any sign that existed prior to the effective date of any change in the zoning regulations or restrictions but which thereafter, by reason of such change, is not in compliance with the zoning regulations or restrictions then in effect lawfully in existence on the effective date of this chapter or prior ordinances, which do not conform with the provisions of this article, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance. Nonconforming signs shall be permitted to continue indefinitely and shall be considered legal uses and structures subject to the following:
- (B) No nonconforming sign shall be modified or relocated unless such modification or relocation complies with this article enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (C) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign, other than a pole sign. If a nonconforming sign, other than a pole sign, is destroyed, demolished, or otherwise removed, it may be reconstructed provided that there is no increase in the degree of noncompliance which existed prior to such destruction, demolition, or removal. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. Nonconforming pole signs shall be removed within seven years of the date of adoption (June 18, 2016).
- (D) A pole sign which exceeds six feet in height shall be removed if:  
(1) The pole sign is destroyed, demolished, or otherwise removed or  
(2) The cost to repair a damaged sign is more than 50% of the replacement value of the sign.
- ~~(D) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.~~
- ~~(E) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding 50 percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.~~
- (F) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

Section 5. That Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-513 – Administrative special use permit.

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(W) Specific standards for signs.

- (1) All signs and sign structures shall comply with the height regulations of the zone in which they are located.
- (2) Signs must be located on a site that has one or more of the following:
  - (a) A lot size of 15,000 square feet or more;
  - (b) Three or more businesses;
  - (c) Frontage on more than one street; or
  - (d) Frontage exceeding 400 feet.
- (3) For temporary signs only, the administrative special use permit shall expire two years from the date of approval.
- (4) The wall sign area ratio, including temporary signs, shall not exceed 1:2.
- (5) The sign is not a prohibited sign pursuant to section 9-203.
- (6) The number of freestanding signs shall not exceed the maximum number permitted by more than 50 percent. If fewer than two freestanding monument signs are permitted pursuant to section 9-201, no more than one additional freestanding monument sign shall be permitted with administrative special use permit approval.
- (7) The freestanding sign shall not have a sign area or height of more than one-third larger than the maximum sign area and taller than the height otherwise permitted.
- (8) Digital signs shall comply with the following criteria:
  - (a) Signs shall comply with the illumination limitations in section 9-204(A);
  - (b) Text, graphics, and images shall not be animated, move, or flash;
  - (c) Signs shall have an automatic photocell dimmer; and
  - (d) The changing of text or graphics shall occur no more than two times per minute.

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

Section 7. That Section 2-106 (ADVERTISING STRUCTURE) of Article II (DEFINITIONS), Sections 4-1409 (PUBLIC ART) and 4-1410 (SIGNS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 6-605 (SIGNS) of Article VI (SPECIAL AND OVERLAY ZONES), Article IX (SIGNS), and Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES), 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 8. 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.

6. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 3-505 (Lot requirements), 3-907 (Certain structures, lots and uses inconsistent with these provisions), and 3-1201 (Purpose) of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 4-506 (Bulk regulations) and 4-1002 (Permitted uses) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-402 (Permitted uses) of Article V (MIXED USE ZONES); Section 6-705 (Building and development requirements) of Article VI (special and overlay zones); Sections 7-103 (building, use, and structure limitations) and 7-202 (Permitted obstructions) of Article VII (supplemental zone regulations); and Sections 11-404 (Development exempt from site plan requirement), 11-409 (Action on site plans), 11-410 (Site plan requirements), 11-414 (As built site plan required), 11-415 (AMENDMENT TO APPROVED SITE PLAN), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), 11-1402 (PROCEDURES FOR ZONE EXTENSION), 11-1712 (AMENDMENTS TO APPROVED PLAT) of Article XI (development approvals and procedures); and 12-302 (NONCOMPLYING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00001 (Implementation Ordinance for Text Amendment No. 2025-00001 approved by City Council on March 15, 2025). [ROLL-CALL VOTE]

The ordinance reads as follows:

#### **ORDINANCE NO. 5580**

AN ORDINANCE to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS); Sections 3-505 (LOT REQUIREMENTS), 3-907 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), and 3-1201 (PURPOSE) of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 4-506 (BULK REGULATIONS) and 4-1002 (PERMITTED USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-402 (PERMITTED USES) of Article V (MIXED USE ZONES); Section 6-705 (BUILDING AND DEVELOPMENT REQUIREMENTS) of Article VI (SPECIAL AND OVERLAY ZONES); Sections 7-103 (BUILDING, USE, AND STRUCTURE LIMITATIONS) and 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Sections 11-404 (DEVELOPMENT EXEMPT FROM SITE PLAN REQUIREMENT), 11-409 (ACTION ON SITE PLANS), 11-410 (SITE PLAN REQUIREMENTS), 11-414 (AS BUILT SITE PLAN REQUIRED), 11-415 (AMENDMENT TO APPROVED SITE PLAN), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), 11-1402 (PROCEDURES FOR ZONE EXTENSION), 11-1712 (AMENDMENTS TO APPROVED PLAT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and 12-302 (NONCOMPLYING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2025-00001, 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 March 4, 2025 of a text amendment to the Zoning Ordinance to adopt amendments to make various updates, which recommendation was approved by the City Council at public hearing on March 15, 2025;

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 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

\*\*\*

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).

Section 2. That Sections 3-505, 3-907, and 3-1201 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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.

\*\*\*

3-1201 - Purpose.

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.

\*\*\*

Section 3. That Sections 4-506 and 4-1002 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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.

\*\*\*

Sec. 4-1000 – 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);

\*\*\*

Section 4. That Section 5-402 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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;

\*\*\*

Section 5. That Section 6-705 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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.

Section 6. That Sections 7-103 and 7-202 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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 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.

\*\*\*

Section 7. That Sections 11-404, 11-409, 11-410, 11-414, 11-415, 11-1302, 11-1402, and 11-1712 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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 finds 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 finds 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. 11-1300 – Special exception.

\*\*\*

##### 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.

\*\*\*

Section 8. That Section 12-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

#### 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:

\*\*\*

- (F) 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.

\*\*\*

Section 9. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 10. That Sections 2-145, 3-505, 3-907, 3-1201, 4-506, 4-1002, 5-402, 6-705, 7-103, 7-202, 11-404, 11-409, 11-410, 11-414, 11-415, 11-1302, 11-1402, 11-1712, and 12-302 as amended pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. 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. Except that the deletion of the fee in Section 11-414 shall not become effective until adoption of the

Department of Planning and Zoning Fee Schedule.

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-602(A) (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00002 (Implementation Ordinance for Text Amendment No. 2025-00002 associated with CDD #21 Amendment approved by City Council on March 15, 2025).[ROLL-CALL VOTE]

The ordinance reads as follows:

**ORDINANCE NO. 5581**

AN ORDINANCE to amend and reordain Section 5-602(A) (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2025-00002, 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 March 4, 2025 of a text amendment to the Zoning Ordinance to adopt amendments to CDD #21 to align with the recent AlexWest small area plan amendments, which recommendation was approved by the City Council at public hearing on March 15, 2025;

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 5-602(A) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit
		Maximum FAR and/or Development Levels	Maximum Heights
21	Beauregard	The RA zone shall apply to the existing residential portion of the Garden District, and Greenway and Town Center neighborhoods. The CG zone regulations shall apply to the existing shopping center in the Town Center Garden neighborhood. In addition to the requirements herein, in the Greenway and. Garden District and Town Center neighborhoods, the following shall apply:	

- The FAR of the existing development shall not increase over the existing FAR.
- No building shall be constructed within 50 feet of curb of North Beauregard Street. Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.

AlexWest Small Area Plan dated December 14, 2024, Maximum heights shall be as depicted in the Beauregard Small Area Plan dated June 16, 2012,

AlexWest Small Area Plan dated December 14, 2024, as may be amended. Mixed-use development to include, office, residential, retail and personal service, hotel, parks and open spaces, public buildings and community facilities.

The OC zone regulations shall apply to the Adams Neighborhood.

The R-12 zone regulations shall apply to the Upland Park Neighborhood.

The RC zone regulations shall apply for the Southern Towers Crossroads Neighborhood.

The neighborhoods as referenced herein, shall be the boundaries depicted in the CDD Concept Plan.

\*\*\*

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-602(A), as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, 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.

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2025. [ROLL-CALL VOTE]

The ordinance reads as follows:

### **ORDINANCE NO. 5582**

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2025.

### **THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make

provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being external funds for which the proceeds were authorized and adjusted after July 1, 2024, but not appropriated, and further that the council does hereby allot the amount so appropriated to the city department for Fiscal Year 2025, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Housing Trust Fund	\$ 2,516,851
Total Estimated Revenue	<u>\$ 2,516,851</u>

APPROPRIATION:

Housing	\$ 2,516,851
Total Appropriation	<u>\$ 2,516,851</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being external funds for which the proceeds were authorized and adjusted after July 1, 2024, but not appropriated, and further that the council does hereby allot the amount so appropriated to the city department for Fiscal Year 2025, as follows:

SPECIAL REVENUE FUND – NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)

ESTIMATED REVENUE:

NVTA Fund	\$ 1,642,000
Total Estimated Revenue	<u>\$ 1,642,000</u>

APPROPRIATION:

Transportation & Environmental Services	\$ 1,642,000
Total Appropriation	<u>\$ 1,642,000</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2024 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2025, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Circuit Court	\$ 135,000
Commonwealth's Attorney	90
Fire Department	(44,497)
Police Department	325,000
Historic Alexandria	75,000
Recreation, Parks & Cultural Activities	187,532
Transportation and Environmental Services	600,000
Community & Human Services	3,833,999
Total Estimated Revenue	<u>\$ 5,112,124</u>

APPROPRIATION:

Circuit Court	\$ 135,000
Commonwealth's Attorney	90
Fire Department	(44,497)
Police Department	325,000
Historic Alexandria	75,000
Recreation, Parks & Cultural Activities	187,532
Transportation and Environmental Services	600,000
Community & Human Services	3,833,999
Total Estimated Revenue	<u>\$ 5,112,124</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2025 the source of such amount being the residual balances accumulated as of June 30, 2024, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2025, as follows:

DONATIONS AND OTHER SPECIAL REVENUE FUNDS

ESTIMATED REVENUE:

Code Administration	\$ 2,834,789
Transportation & Environmental Services	50,000
Community and Human Services	20,000
Historic Alexandria	46,500
Recreation, Parks & Cultural Activities	119,265
Total Estimated Revenue	<u>\$ 3,070,554</u>

APPROPRIATION:

Code Administration	\$ 2,834,789
Transportation & Environmental Services	50,000
Community and Human Services	20,000
Historic Alexandria	46,500
Recreation, Parks & Cultural Activities	119,265
Total Estimated Revenue	<u>\$ 3,070,554</u>



Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2025 the source of such amount being the residual balances accumulated as of June 30, 2024, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the city department for Fiscal Year 2025, as follows:

**OTHER SPECIAL REVENUE FUND – SEIZED ASSETS**

**ESTIMATED REVENUE:**

Police Department	\$ 493,200
Total Estimated Revenue	<u>\$ 493,200</u>

**APPROPRIATION:**

Police Department	\$ 493,200
Total Appropriation	<u>\$ 493,200</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being an Interfund Transfer from the Capital Projects Fund, and further, that the council does hereby allot the amount so appropriated, as follows:

**GENERAL FUND**

**ESTIMATED REVENUE:**

Interfund Transfer – Capital Projects Fund	\$ 5,387,146
Total Estimated Revenue	<u>\$ 5,387,146</u>

**APPROPRIATION:**

Non-Departmental	\$ 5,387,146
Total Appropriation	<u>\$ 5,387,146</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being General Fund Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

**GENERAL FUND**

**ESTIMATED REVENUE:**

General Fund Fund Balance	<u>\$ 1,851,724</u>
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Total Estimated Revenue

\$ 1,851,724

APPROPRIATION:

Internal Audit	\$ 25,000
Human Rights	150,000
Non-Departmental	1,376,724
City Attorney	300,000
Total Appropriation	<u>\$ 1,851,724</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer General Fund appropriations for Fiscal Year 2025 in the amounts hereafter stated, as follows:

GENERAL FUND

Housing	\$ ( 26,006)
Transportation & Environmental Services	( 624,193)
Planning & Zoning	650,199
Total Appropriation	<u>\$ 0</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2025, as follows:

CAPITAL PROJECTS FUND

ESTIMATED REVENUE:

Capital Projects – Cash Capital	\$ 500,000
Capital Projects – Bond Proceeds	14,095,233
Capital Projects – Code Fund Special Revenue	2,334,789
Capital Projects – Intergovernmental Revenue	<u>\$ (2,172,466)</u>
Total Estimated Revenue	<u>\$ 14,757,556</u>

APPROPRIATION:

Capital Projects – City Hall Renovation	\$ 2,334,789
Capital Projects – Landmark Mall Redevelopment	14,595,233
Capital Projects – Duke Street Transit Corridor Planning	550,000
Capital Projects – Broadband Communications Link	428,800
Capital Projects – East Glebe Road & Route 1	( 2,212,000)
Capital Projects – Traffic Adaption Signal Control	( 939,266)
Total Appropriation	<u>\$ 14,757,556</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the

source of such amount being external funds for which the proceeds were authorized and adjusted after July 1, 2024, but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2025, as follows:

**SPECIAL REVENUE FUND – STORMWATER FUND**

**ESTIMATED REVENUE:**

Stormwater Fund	\$ 24,953
Total Estimated Revenue	<u>\$ 24,943</u>

**APPROPRIATION:**

Transportation & Environmental Services	\$ 24,953
Total Appropriation	<u>\$ 24,953</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2025, the source of such amount being Equipment Replacement Fund Revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2025, as follows:

**EQUIPMENT REPLACEMENT RESERVE FUND**

Office of the Sheriff	\$ 20,000
General Services	60,000
Transportation and Environmental Services	783,892
Fire	599,071
Community and Human Services	221,000
Recreation, Parks & Cultural Affairs	83,870
Criminal Justice Services	(30,000)
Finance	(27,868)
Planning & Zoning	(40,000)
Historic Alexandria	(38,038)
Total Equipment Replacement Reserve Fund	<u>\$ 1,631,927</u>

Section 12. That this ordinance shall be effective upon the date and at the time of its final passage.

The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

**IV. Public Hearing Matters**

**9. Rezoning #2025-00001**

Development Special Use Permit #2024-10010

126 Longview Drive & 2921 Nob Hill Court - Westridge Towns

Public Hearing and consideration of requests for (A) an amendment to the official Zoning Map to change the zoning designation for a portion of the site from R-8/Residential zone to the RA/Multi-unit zone, and (B) a Development Special Use Permit with a Site Plan and modifications to construct one single-unit dwelling and three multi-unit dwelling buildings, and Special Use Permit requests for additional density pursuant to Section 7-700 of the Zoning Ordinance and a parking reduction to allow compact parking spaces; zoned R-8/Residential. Applicant: Old Creek Homes LLC, represented by Duncan Blair, Attorney Planning Commission Action: Recommend Approval 6-1

(The Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 04/26/25, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Greene, seconded by Councilman Elnoubi and carried unanimously, City Council defer the public hearing to Saturday, May 17, 2025. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

**10. Rezoning #2024-00004**

Development Special Use Permit #2024-10017

Encroachment #2024-00008

802 and 808 N. Washington Street - The Whitley Phase 2

Public Hearing and consideration of requests for (A) amendment to the official Zoning Map to change the zoning designation for the site from CD-X/Commercial Downtown zone (Old Town North) to CRMU-X/Commercial Residential Mixed Use (Old Town North) zone; (B) a Development Special Use Permit with a Site Plan and modifications to construct a multi-unit dwelling, including Special Use Permits to increase the floor area ratio to 2.5 in the CRMU-X zone, for the utilization of Section 7-700 of the Zoning Ordinance for bonus density for the provision of affordable housing, and a parking reduction; and (C) an Encroachment into the public right-of-way for a portion of the front façade of the existing building at 802 N Washington St. and balconies along North Washington Street; zoned CD-X/Commercial Downtown (Old Town North). Applicant: 808 Washington LLC by Kenneth W. Wire & Megan C. Rappolt, Attorneys Planning Commission Action: Recommend Approval 7-0

(The Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 04/26/25, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Dino Drudi, Alexandria, spoke in opposition of the proposed development.
2. Melissa Kuennen, Alexandria, spoke in support of the proposed development.
3. Kenneth Wire, Attorney, provided details on the development and responded to

concerns from speakers.

**WHEREUPON**, upon motion by Vice Mayor Bagley, seconded by Councilwoman Greene and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

11. Development Special Use Permit #2024-10011  
Encroachment #2024-00007  
1900 N. Beauregard Street - Adams Neighborhood  
Public Hearing and consideration of requests for (A) a Development Special Use Permit with a Site Plan and modifications to construct a multi-unit dwelling, including a Special Use Permit request for a parking reduction, and (B) a request for an Encroachment into the public right-of-way for a portion of a wall; zoned CDD #21/Coordinated Development District #21. Applicant: 1900 Beauregard Property Owner, LLC, represented by Ken Wire, Attorney Planning Commission Action: Recommend Approval 7-0

(The Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 04/26/25, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Dan Dose, Alexandria, spoke in opposition to the proposed development.
2. Mary Dose, Alexandria, spoke in opposition to the proposed development.
3. Richard Jones, Alexandra, spoke in opposition to the proposed development.
4. Kenneth Wire, Attorney, provided details on the development and responded to concerns from speakers.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilman Aguirre and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilman Elnoubi and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

## **V. ORDINANCES AND RESOLUTIONS**

12. Public Hearing, Second Reading and Final Passage of Proposed Changes to the Ordinances for the Independent Policing Auditor as well as the Independent Community



Policing Review Board. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 04/26/25, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 4/26/25, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 4/26/25, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Elnoubi and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman McPike and carried 5-2, City Council approved the ordinance. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, and Councilman McPike; Opposed, Councilman Elnoubi and Councilwoman Greene.

**ORDINANCE NO. 5583**

AN ORDINANCE to amend and reordain Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) and Article AA (INDEPENDENT COMMUNITY POLICING REVIEW BOARD) and to amend Article A (GENERAL PROVISIONS) of Chapter 1 (POLICE PROTECTION) of Title 4 (PUBLIC SAFETY) of Sections 4-1-5 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR) and 4-1-6 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR DUTIES AND RESPONSIBILITIES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows:

**Sec. 2-4-220 Independent community policing review board.**

There is hereby established a commission to be known as the independent community policing review board ("board"). The operation of the board established pursuant to this article shall be consistent with Virginia law and regulations.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-221 Board purpose and scope.**

- (a) *Purpose:* The purpose of the board is to enhance policing legitimacy and to increase and maintain trust between and among the police department, city council, city manager and the public. The board shall: provide timely, fair and objective review, ~~investigation~~ and evaluation of policing policies, practices, procedures, and outcomes in Alexandria; provide meaningful assessments and corrective recommendations intended to remedy discriminatory practices, including racial and social inequities, that it may find; ensure the protection of all communities through recommended actions and reform, including in the criminal justice system; and recommend strategies for effectively implementing these reforms in our community.
- (b) *Scope:* The board shall have the authority to ~~investigate the matters as assigned in section 2-4-227~~, review investigations completed by the Alexandria Police Department (APD) and the Alexandria Independent Policing Auditor (AIPA) for certain matters as assigned in section 2-4-227, request investigations pursuant to identified patterns and practices of potential discrimination, bias, unequal treatment or other abuses of police authority as identified in section 2-4-227(c)(3), and evaluate policing practices, policies, procedures, and outcomes in Alexandria, issue findings to the public, and provide actionable recommendations to the city council, the city manager, AIPA, the school board, the school superintendent, APD and other public agencies regarding appropriate discipline, policing practices, policies and procedures in Alexandria. ~~The board is hereby authorized to perform the following duties:~~
- (c) *Procedural memorandum of understanding:* In order to carry out its scope and authorized functions and to define in more detail the process and terms articulated in its scope, the board shall enter into a memorandum of understanding ("MOU") with the APD. The MOU shall be signed by the police chief and the city manager. The MOU shall define the terms of the relationships and mutual obligations between the board and APD. ~~Additionally, the board is authorized to enter into an MOU with any other agency in support of board investigatory authority.~~ The board is authorized to negotiate the provisions of ~~these~~ this MOUs, assisted by the city council appointed ~~independent policing auditor/investigator~~, AIPA, and the city attorney's office. If a provision of ~~these~~ this MOUs conflicts with a provision of this enabling ordinance, the provision of the enabling ordinance shall govern.
- (d) *Access to APD records:* The board and the ~~independent policing auditor/investigator~~ AIPA, shall be provided full access to all APD reports, files and records related to the board's ~~investigation or~~ review of complaints filed with the ~~board~~ AIPA or with APD. All records, documents and materials in the possession of APD or the cCity that are determined by the board to be necessary and requested by the board to carry out its scope and authorized functions shall be provided in unredacted form. ~~If such documents contain confidential information such as personally identifiable information, the information may be reviewed in a closed session of the board in order to maintain the confidentiality.~~ If the documents requested are part of a criminal investigative file for an active criminal investigation which could be compromised by the revelation of the process, evidence, methods, scope, or other factors in such investigation, APD shall provide such documents to the ~~independent policing auditor~~ AIPA who shall not provide it to the board or share with the public until such time as the investigation is completed or a determination is made that the criminal investigation will no longer be compromised.



- (e) ~~Budget: In order to carry out its duties the board and office of the independent policing auditor/investigator shall be provided an annual budget subject to appropriation by city council, and shall expend the funds provided consistent with:~~
- ~~(1) the purposes and scope of the board and of the office of the independent policing auditor/investigator;~~
  - ~~(2) the budget and appropriation approved by city council; and~~
  - ~~(3) city procurement and expenditure regulations and practices.~~

(f) (e) Board reports: The board shall produce public reports regarding the work of the board and disseminate such reports in hardcopy and online, including, but not limited to:

- (1) a written report to the city council by September 1 of each fiscal year of its activities for the prior fiscal year under the provisions of this chapter along with any comments and recommendations as it may choose to make; and
- (2) a written report after each investigation of each review conducted pursuant to [section 2-4-227\(d c\)](#) which shall not include any personally identifiable information, or criminal or juvenile information prohibited from being disclosed by Virginia State Code or federal law. The reports of each investigation shall be provided to the public with all narratives, findings, recommendations and any disciplinary actions. A summary of such reviews and inquiries shall be provided to city council quarterly and published on the Board's website.

(f) *Other duties:* Undertake any other duties as reasonably necessary for the board to effectuate its purpose as defined in this article.

(Ord. No. 5337, 4/17/21, Sec. 1)

#### **Sec. 2-4-222 Board member requirements and term of office.**

- (a) The board shall be composed of seven voting members appointed by the city council, which shall endeavor to create a fair, objective, independent, diverse, and representative body which shall reflect the demographic diversity of the city.
- (b) The seven voting members of the board shall be residents of the City of Alexandria and shall demonstrate fairness, integrity and objectivity and will be chosen on the basis of expertise and personal experience relevant to the performance of the duties of the board. City council shall appoint voting members who are representatives of the following groups (though one member may be representative of more than one group):
  - (1) at least three members who come from historically, racially or socially marginalized communities that have commonly experienced disparate policing in Alexandria or the Commonwealth of Virginia; and
  - (2) at least one member who represents an organization, office, or agency that seeks racial or social justice or that otherwise advocates on behalf of historically, racially or socially marginalized communities, particularly communities that may have experienced disparate policing;

(c) Ex-officio, non-voting members:

- (1) ~~at least one nonvoting, ex-officio member who shall have past experience in law enforcement, but shall not be a current employee of or an immediate family member of a current employee of a law enforcement agency and shall be at least three years honorably removed from service.~~
- (d) No voting or nonvoting member shall be a current or former city employee, a current or former city elected official, a current candidate for public office, a current employee of a law enforcement agency, or an immediate family member of any of the preceding of any former or current city employee, former city elected official, or a current candidate for public office. When used in this section, the definition of "former" means less than three years separated from service.
- (e) Except as to the inaugural board, members shall be appointed for terms of three years each. Board members' terms shall be staggered. To that end, the city council shall appoint three voting members of the inaugural board to 18-month terms and four voting members to three-year terms. A board member may be appointed to no more than two consecutive three-year terms.
- (f) Ethics: in addition to the requirements of section 2-4-7(g) of this code, board members shall have the following requirements:
- (1) Board members shall sign and comply with the terms of a Standards of Professional Conduct Statement which shall address the board members' ethical and professional obligations.
- (2) In addition to the reasons set out in section 2-4-7(i) of this code, board members may be removed by the city council for the following reasons:
- i. Failure to keep confidential privileged information to which they receive access as members of the board, including that information described in section 2-4-223(b) of this code;
- ii. Failure to complete initial and annual training requirements; and
- iii. Failure to sign or comply with the terms of the Standard of Professional Conduct Statement.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-223 Conflicts of interest and confidentiality.**

- (a) The board and each member shall comply with the Virginia State and Local Government Conflict of Interests Act under Virginia Code sections 2.2-3100 et seq.
- (b) Except as included in the board reports defined in [section 2-4-221\(f\)](#) and to the extent allowed under the Virginia Freedom of Information Act, each member shall maintain the confidentiality of all confidential or privileged information, including but not limited to:
- (1) disciplinary actions, memos, and reports, and any investigatory documents or information, including audio recordings or videotapes and footage, that the member receives during service on the board.

(2) statements of a police officer, or APD employee, who was required by APD to give a statement; and

(3) criminal investigative files.

(c) All original records provided to the board by APD shall remain official APD records.  
(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-224 Quorum, voting, and meetings.**

(a) The board shall comply with the procedures for board and commissions in article A of title 2, chapter 4, unless expressly amended in this article.

(b) The board, assisted by the ~~independent policing auditor/investigator AIPA~~, is authorized to develop and implement its own bylaws, administrative systems, and operating policies and procedures, consistent with existing federal and state law, state regulation, and this enabling article. Such bylaws shall be subject to public notice and public hearing before approval by city council and adoption by the board, ~~and would~~ The bylaws become effective upon adoption by city council.

(c) The board shall meet as often as necessary to conduct its business, but no less frequently than four times per calendar year.

(d) Meetings of the board shall comply in all respects with the meeting regulations of the Virginia Freedom of Information Act including being open to the public except under circumstances when the topic is authorized by the law to be discussed in closed session.

(e) Quorum:

(1) To take any action authorized by section 2-4-227 of this code, a quorum of at least five out of seven voting members must be present.

(2) To take any action except those referred to in subsection (1), above, a quorum of voting members must be present.

(f) The board shall keep minutes of its board meetings, and those minutes shall include:

(1) the date, time, and location of each meeting;

(2) the members present and absent;

(3) a summary of the discussion on matters proposed, deliberated, or decided; and

(4) a record of any votes taken.

(g) The board meeting minutes are public records and subject to inspection pursuant to the Virginia Freedom of Information Act.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-225 Support of board.**



(a) Board staff.

(1) ~~The city council shall appoint an independent policing auditor/investigator AIPA pursuant to sections 4-1-5 and 4-1-6 of this code who shall staff the board and coordinate the board's administrative functions.~~

~~(2) The independent policing auditor/investigator shall hire such investigators as shall be necessary to conduct the investigations assigned to the board. Such investigators may be consultants or full-time employees depending on the demand for the investigations.~~

(2) The city attorney, or its designee, shall serve as legal advisor to the board. As to a particular matter, and in the event the board or the city attorney determines that there is a conflict of interest that precludes effective representation by the city attorney's office, the board shall retain outside counsel to advise the board from a list of attorneys recommended by the city attorney. If the board disagrees with the city attorney's conflict-of-interest determination, it may request the determination from the Commonwealth's Attorney for the City of Alexandria, which will be controlling.

(b) Other support from the city.

(1) A website shall be established for the board hosted on the city's website. The board shall control what is posted on the board's website to the extent it complies with all applicable federal, state and local laws.

(2) All public meetings of the Board shall may be videotaped or audiotaped when there is an inability for video recording. All video or audio recordings of the board's public meetings shall be and made available to the public on the city's website.

(3) The city shall not interfere unreasonably with the board's decisions, assisted by the ~~independent policing auditor/investigator AIPA~~, to post materials to or remove materials from the board's website.

(4) Board members shall be provided with a city email address to be used exclusively for board-related matters.

(5) The city, including all city departments, boards, commissions, and staff shall make good faith effort to cooperate with and assist the board, and shall comply with all reasonable board requests or expeditiously provide a reason for rejection.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-226 Board training.**

~~At least once every year, and within six months of appointment to the board, board members shall participate in the following training:~~

(a) Initial training: Before members may vote in board meetings, they shall complete the following training: at least eight hours of training, presented by the national-

~~association for criminal oversight of law enforcement or a comparable professional organization.~~

- ~~(1) at least 4-hours of ride-alongs with APD patrol operations;~~
  - ~~(2) an eight-hour training, approved by the AIPA and presented by the National Association for Civilian Oversight of Law Enforcement (NACOLE) or a comparable experienced professional; and~~
  - ~~(3) legal and ethical obligations of members of the board, to include relevant privacy rules and matters related to police operations.~~
- (b) Training that an appointee to the board undertakes within the three months prior to his/her swearing in as a board member counts towards that appointee's initial training requirements. Training by the applicable city staff addressing the following matters:
- ~~(1) legal and ethical obligations of members of a public board;~~
  - ~~(2) APD policies and training, including but not limited to defensive tactical training, crisis intervention training, and de-escalation training;~~
  - ~~(3) relevant privacy rules and city policies and procedures involving liability, employee discipline, and other matters related to police operations; and~~
  - ~~(4) APD and city administrative systems, processes, structures and operations.~~
- (c) Annual training: Once every year, board members shall participate in training consisting of: at least three ride-along sessions with APD patrol operations per calendar year.
- (1) At least 8-hours of ride-alongs with APD patrol operations;
  - (2) A four-hour civilian oversight of law enforcement training presented by NACOLE or a comparable experienced professional;
  - (3) Legal and ethical obligations of members of a public board; and
  - (4) APD policies, systems, processes, structure and operations, including but not limited to simulated training exercises, defensive tactical training, crisis intervention training, and de-escalation training and city Administrative Regulations related to liability, employee discipline and matters related to police operations.
- (d) The city and the independent policing auditor/investigator AIPA, shall provide board members with additional training, which shall include but not limited to relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and constitutional law, race and systemic racism, community organizing and outreach, mediation, investigation, and policing practices, policies, and administration.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-227 Board duties.**

*(a) Board readiness resolution.*

- (1) ~~Within 30 days after the initial board members are appointed by the city council, the board shall meet to establish its practices and procedures.~~ When the board has established its procedures for how to take in complaints inquiries (defined in subsection (b)(1), below), how investigations reviews will be conducted, and the memorandum of understanding required pursuant to section 2-4-221(c) has been executed by all parties, and ~~the board is sufficiently staffed~~, it shall pass a resolution indicating its readiness to take on the responsibilities designated to it in this article. No current processes for ~~complaint~~ an inquiry intake or investigations reviews of complaints shall be transferred to the board unless and until such resolution is adopted by the board.

*(b) Complaint Inquiry intake.*

- (1) The board will develop and administer a process for receiving community ~~complaints~~ questions, concerns, or comments regarding conduct of APD law enforcement officers and civilian employees ("inquiries") and referring ~~complaints~~ these inquiries to APD or the independent policing auditor/investigator AIPA depending on the nature of the complaint, for investigation. ~~This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified under Virginia Code section 9.1-600; Once in receipt of an inquiry, the APD and the AIPA shall determine whether to process the inquiry as a complaint that shall be investigated by the APD and monitored by the AIPA or investigated by the AIPA.~~
- (2) ~~Complaints filed with the board may be submitted using a form provided by the board or may be submitted orally by a complainant. Complaints filed orally shall capture the same information included in the complaint form developed by the board. Inquiries submitted to the board and formal complaints submitted to the AIPA may be submitted using a form provided by the board or may be submitted orally.~~
- (3) Information about the process for filing an inquiry ~~complaint~~ with the board, ~~complaint forms~~ the process for filing formal complaints with the AIPA, and general information about the board and its purpose and scope shall be made available online and at the office of the independent policing auditor/investigator AIPA, APD, the office of human rights, as well as other locations deemed effective for making such forms and information widely available. This information shall be made readily available in English, Spanish, Amharic and Arabic and in any additional language requested.
- (4) ~~Information about the process for filing a complaint with the board, complaint forms, and general information about the board and its purpose and scope shall be made readily available in English, Spanish, Amharic and Arabic and in any additional language as requested by an individual looking to submit a complaint to the board.~~

(4) ~~Complaints forms shall request information~~ made directly to the AIPA shall contain information regarding the incident including, but not limited to, the following:

- A. Name, address and contact information for the person filing the complaint;
- B. a statement describing the reasons for the complaint;
- C. the specific police behavior of concern;
- D. a description of the incident in which the behavior occurred; and
- E. information regarding witnesses to or persons with knowledge of the incident known to the complainant, including but not limited to names, addresses, and phone numbers, if known at the time the complaint is filed.

Failure to provide all information on the form by the complainant shall not render the complaint unreviewable.

(5) This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified under Virginia Code section 9.1-600;

(c) *Board review of APD and AIPA investigations.*

(1) ~~Except for matters identified in subsection (d) herein,~~ APD shall continue to investigate all complaints submitted to APD or to the ~~board~~ AIPA. The AIPA shall monitor APD investigations throughout the process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent. APD shall complete its investigation of the complaint and provide ~~an~~ its full investigation report to the ~~board~~ AIPA within 60 days. The ~~board~~ Chief of Police shall may extend the 60-day period ~~upon request of the police chief~~ to protect an ongoing criminal investigation, or for other good cause, with notice to the complainant and ~~city council~~ board and AIPA.

(2) The board may review all investigations conducted by APD ~~office of external affairs and professional responsibility (OEAPR)~~ and AIPA regarding conduct of APD law enforcement officers and civilian employees, whether the initiating complaint is received by the APD or the board AIPA. ~~to ensure their thoroughness, completeness, accuracy, objectivity, impartiality and the sufficiency of any discipline resulting from such investigations.~~ The board may consider reducing the review to only a selected number of investigations or investigations of a certain nature based on criteria to be articulated by the board and set forth in writing.

(3) APD and AIPA investigations of the following types of wrongdoing shall be reviewed by the board at its discretion. Those investigations the board decides to review shall be monitored by the AIPA throughout the investigative process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent:

A. Violations that fall under APD Directives Chapter 2 (Ethics and Conduct), Chapter 7 (Weapons) and Chapter 10.32 (Use of Force), as may be amended from time to time; and

B. "Severe misconduct" defined as dereliction of duty or unlawful or improper behavior which shall include the offenses listed in AR 6-20, Group III offenses, as the same may be amended from time to time;

1. Sexual conduct, even consensual conduct, on the job; and

2. Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age disability, sexual orientation, or gender identity and expression.

(4) At the conclusion and receipt of the investigation, the AIPA shall within 30 days forward a report with a summary of the investigation completed by APD to the board. All personal identifiable information shall be removed or redacted from the report. Within 30 days of receiving the AIPA review, the board shall hold at least one public hearing on the investigation. The review of the investigation can be extended for up to 60 days for good cause with notice to the complainant and APD. At the conclusion of the ~~After completing an investigation review including a public hearing,~~ the board may reach take one of the following findings actions:

A. concur with all or some of the findings and determinations detailed in the investigation report;

B. advise city council, the city manager, and the APD, and the AIPA that the findings are not supported by the information reasonably available to the APD and recommend further review, and consideration, and/or action by the police chief; or

C. advise city council, the city manager, and the APD, and the AIPA that, in the board's judgment, the investigation is incomplete and recommend additional investigation, by majority vote and final approval by city council; or

D. Recommend referral of the complaint to the commonwealth's attorney for the City of Alexandria.

(5) If the APD declines to implement the recommendation by the board, the chief of police or designee, shall, within 30 days of the board's recommendation, create a written record, which shall be made available to city council, the city manager, the board, the AIPA and the public, of its rationale for declining to implement the recommendation of the board.

(6) The board may also request investigations pursuant to identified patterns and practices of potential discrimination, bias, unequal treatment or other abuses of police authority as identified in section 2-4-227(c)3. Should the investigative request



be refused, the board may take action with a vote requesting city council compel an investigation be completed by the AIPA with a majority vote of the board members.

A. The Board Chair shall submit a petition in writing signed by the voting members requesting an investigation with the clerk of the city council, on or before 14 days after the decision of the board. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt of the clerk of such notice.

1. Public hearings held on appeals to city council require that the city provide newspaper notice of the hearing.

2. The city council may affirm, reverse or modify the decision of the board in whole or in part. The decision of council shall be final.

(7) If, after making a good faith effort to obtain, voluntarily, the production of books, papers, and other evidence necessary to perform its duties, the AIPA is unable to obtain production, the AIPA may apply to the Alexandria Circuit Court for a subpoena duces tecum compelling the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued.

~~(c) Board investigation of complaints and incidents.~~

~~(1) Investigations of the following incidents, whether they come in as a complaint or not, shall be conducted by the independent policing auditor/investigator on behalf of the board:~~

~~A. "Incidents resulting in death" including any incident which results in death of any person involved in the incident.~~

~~B. "Use of force" incidents, defined as the application of force sufficient to (i) create a reasonable risk of death, (ii) cause serious and protracted disfigurement, or (iii) result in impairment of the function of any bodily organ or limb. It includes incidents in which a police officer deploys a striking implement, Taser or similar device, oleoresin capicum (pepper) spray or other chemical irritant, less lethal weapon or a firearm or is applied using hands or any other part of the body.~~

~~C. "Severe misconduct" defined as dereliction of duty or unlawful or improper behavior which shall include the following offenses listed in AR 6-20, as the same may be amended from time to time:~~

~~1. Willfully or negligently damaging, defacing or destroying city records, city property, tools or equipment, or the property of another employee.~~

~~2. Theft, misappropriation or unauthorized removal of city records, or of public property or of property belonging to another city employee.~~

- ~~3. Violating safety rules or the Virginia Traffic Code where such a violation poses a threat to life.~~
  - ~~4. Threatening or intimidating subordinates, fellow employees, supervisors or members of the public.~~
  - ~~5. Willful or serious neglect in the performance of assigned duties or in the care, use, or custody of any city property.~~
  - ~~6. Criminal or other misconduct occurring on or off the job which is related to job performance or is of such a nature that to continue the employee in the assigned position or in any city employment capacity would constitute negligence in regard to the city's duties to the public or to other city employees.~~
  - ~~7. In any matter within the jurisdiction of any officer, department or agency of the city: (a) the knowing falsification, concealment or cover up of a material fact, and/or (b) the knowing making of any false, fictitious or fraudulent statement or representation, and/or (c) the making or using of any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry.~~
  - ~~8. Sexual conduct, even consensual conduct, on the job.~~
  - ~~9. Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression.~~
- (2) ~~If, after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties, the board is unable to obtain such attendance or production, the board by majority vote may direct the independent policing auditor/investigator, on behalf of the board, to apply to the Alexandria Circuit Court for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued.~~
- (3) ~~At the conclusion of the investigation, the independent policing auditor/investigator shall forward the file with a report of investigation to the board. The board shall hold at least one public hearing on the investigation. At the conclusion of the public hearing, the board may take one of the following actions:~~
- ~~A. Dismiss the complaint if, based on the file and report of investigation, it determines that the complaint lacks merit or the incident was justified;~~
  - ~~B. Refer the complaint to the commonwealth's attorney for the City of Alexandria; and~~
  - ~~C. Recommend disciplinary action to be taken by the chief of police.~~

(4) ~~If the APD declines to implement the discipline recommended by the board, the chief of police shall, within 30 days of the board's recommendation, create a written record, which shall be made available to city council, the city manager, and the public, of its rationale for declining to implement the recommendation of the board.~~

*(d) Board policy recommendations and duties.*

(1) The board shall have the following duties regarding review of police policy and procedure:

- A. review and evaluate existing ~~and proposed~~ APD administrative directives, including all rules, policies, and procedures which direct the operation of the APD ~~and its employees including the implementation of such directives, rules, policies and procedures;~~
- B. review and evaluate reports issued and data collected by the APD related to policing practices, policies, procedures, and outcomes;
- C. receive, review and evaluate the annual budget and expenditures of the APD and make budgetary recommendations;
- D. advise city council on the hiring and annual evaluation of the AIPA ~~independent policing auditor/investigator;~~
- E. recommend legislation, policy changes and other actions related to review and evaluation conducted by the board to the city council, city manager, APD, school board, school superintendent, and other public agencies;
- F. conduct community outreach in the city related to the review and reform of policing practices, policies and procedures in Alexandria and the work of the board;
- G. undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose to effectively review the policing agencies as authorized by the city; and
- H. review and evaluate periodic reports from the police chief regarding implementation of recommendations made by the board.

(2) The board may recommend policies or procedures to city council, the city manager and the APD concerning police practices, policies and procedures. The board shall present in writing its findings, and recommendations with supporting rationale to city council, the city manager and the APD within 30 days from the date the board adopted the recommendations.

- A. The board's recommendations shall be included in any public reports issued by the board, including hardcopy and online.

- B. If the APD declines to implement any changes recommended by the board, the chief of police shall, within 30 days of the board's recommendation, create a written record, which shall be made available to city council, the city manager, and the public, of its rationale for declining to implement the recommendation of the board.

(Ord. No. 5337, 4/17/21, Sec. 1)

**Sec. 2-4-229 Exclusions.**

(a) The board shall not consider claims or issues involving the following:

- (1) Complaints involving any incident that occurred more than two years before the filing of the complaint with the ~~community policing review board~~ AIPA or the APD;
- (2) Any financial management, or procurement decisions made by the APD, or any individual hiring, assignment and promotional decisions made by the APD;
- (3) If any agency having responsibility for criminal investigations or prosecutions has initiated a criminal investigation or proceeding against any police officer or officers who are the subject(s) of an incident or complaint that the board has responsibility for reviewing pursuant to this article, the board shall defer its preliminary inquiry and review until said criminal proceedings have been withdrawn or concluded; and
- (4) Any other claim outside the scope of the board's authority as determined by this article or applicable state law.

(Ord. No. 5337, 4/17/21, Sec. 1)

**~~Sec. 2-4-230 Review of community policing review ordinance.~~**

~~The city manager in consultation with the board, independent policing auditor/investigator, community stakeholders, APD and APD employees shall have conducted and submitted to city council by April 1, 2023 a review of this article, its effectiveness, including recommendations for improvements.~~

~~(Ord. No. 5337, 4/17/21, Sec. 1)~~

Section 2. That Article A of Chapter 1 of Title 4 of the Code of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended, and adding the text shown in underline as follows:

**Sec. 4-1-5 Independent policing auditor.**

City council shall appoint an independent policing auditor/~~investigator~~ AIPA with the terms and conditions of such appointment set forth in an employment agreement. The ~~independent policing auditor/investigator~~ AIPA shall serve at the pleasure of city council. The independent policing auditor/investigator AIPA shall have professional experience in

the investigation of allegations of police misconduct and be provided an annual budget and shall be provided secured office space by the city, but such office space shall not be housed in any Alexandria Police Department facility. The AIPA shall act independently consistent with its duties.

(Ord. No. 5337, 4/17/21, Sec. 2)

**Sec. 4-1-6 - Independent policing auditor/~~investigator~~ duties and responsibilities.**

The independent policing auditor/~~investigator~~ shall:

- (a) Budget: In order to carry out its duties, the AIPA shall be provided a sufficient annual budget subject to appropriation by city council, and shall expend th funds provided consistent with:
  - 1. The purposes and scope of the Independent Community Policing Review Board (ICPRB) and AIPA;
  - 2. the budget and appropriation approved by city council; and
  - 3. city procurement and expenditure regulations and practices.
- (b) provide the necessary administrative and policy support for the community policing review board, as well as assist the board with achieving its purpose and in carrying out its scope;
- (c) Be responsible for the day-to-day operations of the AIPA;
- (d) have authority to hire and supervise and make employment decisions regarding the independent policing auditor's /~~investigator's~~ staff within existing city human resources systems and city administrative regulations;
- (e) be responsible for the independent review of Alexandria Police Department current or proposed policing practices, rules, policies, procedures, directives, training, compliance, risk management tools and outcomes and present findings of such reviews and any resulting recommendations to the board;
- (f) perform a quality assurance function with the goal of identifying systematic changes that will improve police services to the community;
- (g) create and manage a community complaint and case tracking system;
- (h) participate in, organize, and/or attend community engagement activities in coordination with the ICPRB;
- (i) periodically issue reports and recommendation to the city manager, city council, police department, and board;



1. Reports related to investigations completed by AIPA shall contain information related to *Garrity v. New Jersey* protections afforded police officers. Information in the report shall identify if the officer voluntarily appeared before the AIPA or the officer was directed to appear by the Chief of Police.
- (j) conduct community engagement activities to enhance fair and equitable policing in the City of Alexandria;
- (k) receive both complaints of law enforcement misconduct and law enforcement commendations regarding the Alexandria Police Department
- (l) monitor and/or conduct investigations of incidents regarding the matters assigned by the section 2-4-227 of the City Code to the board for investigation;
- (m) review completed investigations by the APD. Alexandria Police Department Office of External Affairs and Professional Responsibility.
- (n) review of any disciplinary actions taken that may arise as a result of investigations conducted by the APD; and
- (o) Review the strategic planning/long range policy, practices and training of APD and police related activities impacting the community;
- (p) have full access to unredacted Alexandria Police Department APD reports, files and records, including disciplinary records, related to completed reviews of complaints filed with the board, the AIPA or with the department, as well as related to and completed reviews of uses of force reviews by the department.
  1. ~~except as included in the board reports defined in section 2-4-221(f), maintain the confidentiality of such disciplinary records and criminal investigative files as well as any statement of a police officer of APD employee who was required by APD to give a statement.~~
- (q) receive all records, documents and materials in the possession of APD or the city that are determined to be necessary and requested by AIPA to carry out its scope and authorized functions, in unredacted form;
- (r) except as included in the board reports in section 2-4-221(f), maintain the confidentiality of such disciplinary records and criminal investigative files as well as any statement of a police officer or APD employee who was required by APD to give a statement;
- (s) enter into a MOU with APD, executed by the Police Chief, the AIPA and the city manager, that defines the terms of the relationships and mutual obligations between AIPA and APD, including but not limited to, the timely exchange of information and the efficient coordination of APD and AIPA investigations and establishes the Police Chief's duty to direct APD employees to cooperate with AIPA investigations;

- (t) enter into a MOU with any other agency in support of the investigatory authority granted.
- (u) Complaints made directly to the AIPA, or referred by the board, shall contain information regarding the incident including, but not limited to, the following:
  - 1. Name, address and contact information for the person filing the complaint;
  - 2. a statement describing the reasons for the complaint;
  - 3. the specific police behavior of concern;
  - 4. a description of the incident in which the behavior occurred; and
  - 5. information regarding witnesses to or persons with knowledge of the incident known to the complainant, including but not limited to names, addresses and phone numbers, if known at the time the complaint is filed.

Failure to provide all information on the form by the complainant shall not render the complaint unreviewable.

- (v) This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified in Virginia Code section 9.1-600.

(Ord. No. 5337, 4/17/21, Sec. 2)

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

## **VI. OTHER BUSINESS**

### **13. Presentation of Proclamation Recognizing April as Autism Acceptance Month.**

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilman Elnoubi and carried unanimously, City Council endorsed the proclamation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

### **14. Presentation of a Proclamation Recognizing National Arab American Heritage Month.**

**WHEREUPON**, upon motion by Councilman Elnoubi, seconded by Councilman Chapman and carried unanimously, City Council endorsed the proclamation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

## **VII. Closed Session**

**15. Closed Session - Consideration of a closed executive session for consultation with legal counsel pertaining to actual litigation involving an employment matter, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. [ROLL-CALL VOTE]**

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilwoman Greene and carried unanimously, City Council convened in closed executive session at 1:31 p.m. for consultation with legal counsel pertaining to actual litigation involving an employment matter, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia. The vote was as follows: : In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Elnoubi and carried unanimously, City Council reconvened in open session at 2:01 p.m. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Elnoubi and carried unanimously, City Council adopted the resolution regarding the closed executive session previously circulated to Council. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

The resolution reads as follows:

#### **RESOLUTION NO. 3284**

**WHEREAS**, the Alexandria City Council has this 26 day of April, 2025 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

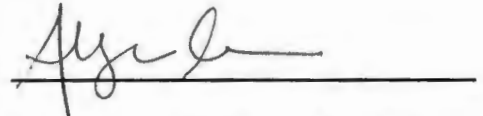
#### **VIII. ADJOURN.**

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Bagley, seconded by Councilwoman Greene and carried unanimously, City Council adjourned the public hearing meeting of April 26, 2025 at 2:03 p.m. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman,

Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

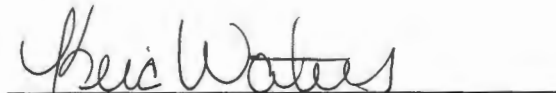
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**APPROVED BY:**

A handwritten signature in black ink, appearing to read 'Alyia Gaskins', is written over a solid horizontal line.

**ALYIA GASKINS, MAYOR**

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Keia Waters', is written over a solid horizontal line.  
Keia Waters, CMC, Deputy City Clerk

Adopted: June 10, 2025