

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, June 18, 2016
9:30 A.M.
Council Chambers**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman, Timothy B. Lovain (who arrived at 2:44 p.m.), Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, Deputy City Attorney; Police Captain Andreas; Ms. Baker, Deputy City Manager; Ms. Collins, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Ms. North, Transportation and Environmental Services; Mr. Moritz, Director, Planning and Zoning; Mr. Dambach, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Ms. Brandt-Vorel, Planning and Zoning; Ms. Contreras, Planning and Zoning; Ms. Toyana, Planning and Zoning; Ms. Garvey, Director, Office of Community and Human Services; Mr. Coleman, Deputy Director, General Services; Ms. Jamison, General Services; Police Captain Lisle; Ms. Taylor, Director, Office of Finance; Mr. Browand, Recreation, Parks and Cultural Activities; Mr. Mallamo, Director, Office of Historic Alexandria; Ms. McIlvaine, Director, Office of Housing; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present, with the exception of Councilmember Lovain, who arrived at 2:44 p.m.)

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Peter Glaser, 827 Wolfe Street, spoke to the Alfred Street Baptist Church expansion project, and noted that his neighbors signed a letter indicating they oppose the expansion. He noted potential problems with the traffic, parking, the growing membership problems, and he asked that Council be actively involved with it now and find a solution that doesn't involve building an enormous facility in the Old and Historic District.

2. Janice Grenadier, 15 W. Spring Street, spoke of her dealings with attorneys, her

divorce, stolen properties, and fraud in the judicial system.

3. Pamela Zitron, 807 Wolfe Street, spoke to the 300,000 square foot expansion being proposed by Alfred Street Baptist Church, noting that the construction will take two years and what it will do for the major arteries going into and out of Alexandria. She asked what Alexandria will get out of the expansion, noting that people go to church, get in their cars and then leave the City.

4. Amy Slack, 2307 E. Randolph Avenue, said she was recently reappointed to the Towing Advisory Board, noting that she has enjoyed working with staff on rewriting sections of the City Code and she spoke to streamlining the Code. She said she has heartburn for why they are not looking at ways to make it easier for the public to complain about or make problems known to City staff. She suggested that while they are trying to make it easier for businesses, that the City make it easier in a different way than Call Click Connect for the citizens.

5. Jan Rivenburg, 606 S. Pitt Street, spoke to the Capital Bikeshare station that was installed in the Old and Historic District, particularly the station at S. Royal Street, noting that it is not public transportation like Metro or DASH, it will not help the elderly, and she spoke to the process by which it was put in place and other issues, noting that residents were not informed. She asked that the station be removed.

Mr. Lambert, Director, Transportation and Environmental Services, responded to questions of City Council concerning the addition of the bikeshare stations in the City, the process for installing the stations and outreach to the community.

6. Dino Drudi, 315 N. West Street, spoke to his participation in the bicycle and pedestrian master plan discussions and he noted that bikeshare is a private company, subsidized by the City, and the core issue is the public's responsibility relative to a private entity, noting that all the bikeshare stations should go through the Traffic and Parking Board, which would create a public process. He suggested that the City Attorney inquire of the Attorney General or State Transportation Department to pin down the status of skateboards, roller skates, three and four wheel bicycles and motorized bicycles in terms of the law, so they can proceed with implementing the bicycle and pedestrian master plan provisions that address these forms of transportation.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

Planning Commission

ACTION CONSENT CALENDAR (3-7)

3. Street Name Case #2016-0001
Trice-Barr Alley

Public Hearing and Consideration of a request to rename Trice Alley to Trice-Barr Alley; zoned: CD/Commercial Downtown and RM/Townhouse. Applicant: Phillip S. Perry, Alexandria Fire Department

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of

the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/18/16, and is incorporated as part of this record by reference.)

4. Special Use Permit #2016-0027

805 King Street - Apartment Hotel

Public Hearing and Consideration of a request to operate an apartment hotel; zoned: KR/King Street Retail. Applicant: PMA Properties, 805, LLC

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/18/16, and is incorporated as part of this record by reference.)

5. Development Special Use Permit #2016-0007

5000 and 5001 Echols Avenue - Fillmore/Saint James

Public Hearing and Consideration of a request for an amendment and update to standard conditions of previously-approved Development Special Use Permit #2014-0003 to allow the construction of two multifamily residential buildings and associated improvements to proceed in separate phases; zoned CRMU-M/Commercial Residential Mixed Use-Medium. Applicant: AHC, Inc. represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/18/16, and is incorporated as part of this record by reference.)

6. Text Amendment #2016-0006

Amendment to CDD #4

Public Hearing and Consideration of a request for an amendment to the CDD table in Section 5-600 of the Zoning Ordinance to amend CDD #4 to add public school use. Staff: Department of Planning and Zoning

Planning Commission Action: Initiate Text Amendment and Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/18/16, and is incorporated as part of this record by reference.)

7. Text Amendment #2016-0005

Classroom Trailers with an Administrative Special Use Permit

(A) Initiation of a Text Amendment; and (B) Public Hearing and Consideration of a Text Amendment to allow public school classroom trailers by administrative special use permit in all zones where public schools are permitted. Staff: Department of Planning and Zoning

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 6/18/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council adopted the consent calendar, with the removal of item #3 and 5, which were considered under separate motion, as follows:

4. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.

The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

3. Street Name Case #2016-0001

Trice-Barr Alley

Public Hearing and Consideration of a request to rename Trice Alley to Trice-Barr Alley; zoned: CD/Commercial Downtown and RM/Townhouse. Applicant: Phillip S. Perry, Alexandria Fire Department

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/18/16, and is incorporated as part of this record by reference.)

This item was deferred at the request of the applicant.

5. Development Special Use Permit #2016-0007

5000 and 5001 Echols Avenue - Fillmore/Saint James

Public Hearing and Consideration of a request for an amendment and update to standard conditions of previously-approved Development Special Use Permit #2014-0003 to allow the construction of two multifamily residential buildings and associated improvements to proceed in separate phases; zoned CRMU-M/Commercial Residential Mixed Use-Medium. Applicant: AHC, Inc. represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/18/16, and is incorporated as part of this record by reference.)

Ms. Contreras, Planning and Zoning, and Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council concerning the pedestrian and site use and improvements.

Mr. Blair, Land Clark Carroll, 524 King Street, attorney representing the applicant, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice

Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7.1 Public Hearing on the Consideration of a Lease with the Northern Virginia Regional Park Authority for Cameron Run Regional Park.

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7.1; 6/18/16, and is incorporated as part of this record by reference.)

Ms. Baker, Deputy City Manager, along with Mr. Mallamo, Director, Office of Historic Alexandria, made opening remarks on the item and they, along with Mr. Gilbert, Executive Director, NOVA Parks, Mr. Jinks, City Manager, and Ms. Anderson, Deputy City Attorney, responded to questions of City Council about the lease and the properties.

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

1. Gina Baum, 203 S. Fairfax Street, a member of the Park and Recreation Commission and the Waterfront Commission, spoke in opposition to the item.

2. Jennifer Atkins, 2503 Dewitt Avenue, chair, Park and Recreation Commission, spoke in opposition to the item.

3. Judith Coleman, 4908 Kilburn Street, vice chair of the Park and Recreation Commission, spoke in opposition to the item.

4. Bert Ely, 200 S. Pitt Street, spoke to the leasing and purchase of 517 Prince Street and the potential for the types of events that can be held in the house.

5. Paul Gilbert, Executive Director, NOVA Parks, spoke to the mission of NOVA Parks and the vision for Cameron Run and the option for Murray's Livery.

6. Thomas Stimson, 312 Mansion Drive, spoke in opposition to the item.

7. Catherine Poulin, 102 Gibbon Street, a member of the Park and Recreation Commission, spoke in support of her colleagues on the Park and Recreation Commission.

8. Elizabeth Wright, 113 S. Ingram Street, spoke in opposition to the item and asked Council to not vote on this today.

9. Judy Noritake, 1119 Wythe Street, spoke in opposition to the item.

10. Daniel Beason, 3855 Watkins Mill Drive, spoke to this not being the most wise use of the area and noted that his development, the Towns at Cameron Park, has not yet had a board meeting to discuss it.

11. Jesse O'Connell, 525 N. Fayette Street, #323, a member of the Park and Recreation Commission and speaking as a citizen, spoke in opposition to the item.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council closed the public hearing. The motion carried by a vote of 6-0 and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

There was discussion among City Council, City staff and Mr. Gilbert about the lease and the request.

WHEREUPON, a motion was made by Councilman Chapman, and seconded by Councilman Bailey, to defer action on the item until the June 28, 2016 City Council meeting, with the intent that if the NOVA Parks Board wants action on the lease in the short term, they need to get together to talk about the changes that need to be made.

WHEREUPON, a substitute motion was made by Councilman Smedberg and seconded by Councilwoman Pepper, to defer action on the item until mid- to late-Fall so that staff, the Park and Recreation Commission and various parties could come back with a proposed process on how to move forward and consider the item.

The voting on the motion to have the substitute motion carried by a vote of 6-0 and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

The substitute motion is now the main motion.

The main motion carried by a vote of 6-0 and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Special Use Permit #2016-0029
4149 Taney Avenue - Taney Avenue Park
Public Hearing and Consideration of a request to install children's play apparatus areas at Taney Avenue Park; zoned: POS/Public Open Space. Applicant: City of Alexandria Department of Recreation, Parks and Cultural Activities
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson and carried 5-0, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and

Councilman Smedberg; Opposed, none. (Councilman Chapman and Councilmember Lovain were absent.)

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City Council took a break for lunch at 1:24 and reconvened the meeting at 2:00 p.m.

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9. Special Use Permit #2016-0030
1504 B Mount Vernon Avenue (Parcel Address: 1502 Mount Vernon Ave) - Sicilian Pizza
Public Hearing and Consideration of a request to operate a restaurant with delivery service;
zoned: CL/Commercial Low. Applicant: Kenan Yavuz
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/18/16, and is incorporated as part of this record by reference.)

Ms. Brandt-Vorel, Planning and Zoning, made a presentation of the staff report and she responded to questions of City Council.

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

1. Amy Slack, 2307 E. Randolph Avenue, spoke to the hours of operation, parking and screening of equipment on the roof and what happened at the Del Ray Citizens Association.
2. David Chamowitz, 118 N. Alfred Street, attorney representing the applicant, spoke in support of the request, noting that they are agreeable to the closing hour of 12:00 midnight and to the screening.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

Ms. North, Transportation and Environmental Services, responded to questions of City Council concerning the parking.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council approved the Planning Commission recommendation, with an amendment to condition 2 to change that the delivery service shall be allowed to operate until to 12:00 midnight. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent.)

10. Special Use Permit #2016-0028
5261 Eisenhower Avenue - Police Firearms Training Range
Public Hearing and Consideration of a request to expand the legal non-complying use of the City of Alexandria Police Department firearms training range; zoned: OCM(100)/Office

Commercial Medium. Applicant: City of Alexandria Department of General Services
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/18/16, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Moritz, Director, Planning and Zoning, Captain Lisle, Police Department, and Ms. Jamison, General Services, responded to questions of City Council about the use of the training range.

The following person participated in the public hearing on this item:

1. Dak Hardwick, 5181 Brawner Place, spoke in support of the request.

* * * * *

(Councilmember Lovain arrived at this time – 2:44 p.m.)

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WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson and seconded by Councilwoman Pepper, City Council moved to approve the Planning Commission recommendation, with an amendment to condition 8 to add the following language at the end of the sentence: The Director of Planning and Zoning shall docket the SUP for reaffirmation/discussion every five years.

Councilman Chapman offered a friendly amendment to docket the SUP for reaffirmation/discussion every three years. The amendment was accepted by the maker and seconder of the motion and becomes part of the motion.

The motion reads: City Council approved the Planning Commission recommendation, with an amendment to condition 8 to add the following language at the end of the sentence: The Director of Planning and Zoning shall docket the SUP for reaffirmation/discussion every 3 years.

The motion carried unanimously and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

11. Text Amendment #2016-0004
Small Business Zoning

(A) Initiation of a Text Amendment; and (B) Public Hearing and Consideration of a Text Amendment to various sections of the Zoning Ordinance to: allow administrative review of

Special Use Permits for certain uses requiring a hearing; allow certain uses requiring a Special Use Permit to be permitted by-right; update various use categories and definitions to clarify and identify certain uses; amend the criteria for Minor Amendment and Outdoor Dining administrative review of Special Use Permits; and various technical corrections. Staff: Department of Planning and Zoning
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 18, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/18/16, and is incorporated as part of this record by reference.)

Ms. Toyana, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Moritz, Director, Planning and Zoning, Mr. Dambach, Planning and Zoning, Ms. Horowitz, Planning and Zoning, and Ms. Anderson, Deputy City Attorney, responded to questions of City Council.

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

1. Jack Sullivan, 4300 Ivanhoe Place, speaking on behalf of the Seminary Hill Civic Association, spoke in opposition to the request, noting that there needs to be a citizen appeal process to City Council.

2. Maria Ciarrocchi, 2834 Duke Street, representing the Alexandria Chamber of Commerce, spoke in support of the request.

3. Amy Slack, 2307 E. Randolph Avenue, spoke about the SUP process and consideration of a potential charter change.

4. Michael Hobbs, 419 Cameron Street, spoke about the SUP process and civic engagement and noted that taking City Council out of the process would be a message that Alexandria's citizens should be seen and not heard.

5. Stephanie Landrum, 625 N. Washington Street, CEO, Alexandria Economic Partnership, spoke in support of the request.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson and seconded by Councilwoman Pepper, City Council approved the Planning Commission recommendation, with an amendment to Section 11-513(b) Appeals, to add language for civic and business associations in addition to people.

There was discussion among City Council about having a possible Charter amendment related to this item in the future.

The motion carried by a vote of 6-1 and was as follows: In favor, Vice Mayor Wilson,

Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Mayor Silberberg.

Mayor Silberberg noted for staff that for the Charter change, she, Councilman Smedberg, Councilwoman Pepper, Councilman Chapman and Councilmember Lovain were not in favor of the Charter change moving forward.

ORDINANCES AND RESOLUTIONS

Items 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 were heard by one motion.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish T.C. Williams High School as a Temporary Replacement for the Chinquapin Recreation Center Polling Place for the November 8, 2016 Presidential Election. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/18/16, 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 Exhibit No. 2 of Item No. 12; 6/18/16, 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 Exhibit No. 3 of Item No. 12; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to establish T.C. Williams High School as a temporary replacement polling place. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5019

AN ORDINANCE to amend and reordain Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES) by establishing T.C. Williams High School as a temporary replacement for the Chinquapin Recreation Center polling place for the November 8, 2016 Presidential Election.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia has established that polling places are to be located in public buildings whenever practical. Va. Code § 24.2-310.1 (1950 as amended).

Section 2. The Alexandria Electoral Board, which is comprised of three bipartisan members who are appointed by the Alexandria Circuit Court for staggered three year terms, is responsible for making recommendations to City Council concerning changes in precinct boundaries and for establishing new precincts. City Council has the authority to make these changes. The Electoral Board is required to provide polling places that are accessible to all voters and the Board continually strives to provide voters with the most accessible facilities that will provide the most suitable space for voting.

Section 3. In light of the requirement of the General Assembly of the Commonwealth of Virginia as expressed in Va. Code § 24.2-310.1, the Electoral Board has determined that the space currently used for voting in the Chinquapin Recreation Center is not large enough to accommodate the estimated turnout of 2,000 voters in the Presidential Election on November 8, 2016.

Section 4. That Section 2-2-10(o) of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby adopted to read as follows:

(o) The Chinquapin Park Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district. The voting place within the Chinquapin Park Recreation Center Election District shall be at the Chinquapin Park Recreation Center, located at 3210 King Street. However, the temporary voting place for the district for the November 8, 2016 election shall be T.C. Williams High School, located at 3330 King Street.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage and the adjustments contained herein will be utilized for the November 8, 2016 election.

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Division 1 (Parking Meter Zones) of Article G (Parking Meters) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/18/16, 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 Exhibit No. 2 of Item No. 13; 6/18/16, 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 Exhibit No. 3 of Item No. 13; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance on parking meter zones and parking and traffic regulations. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman,

Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5020

AN ORDINANCE to amend and reordain Division 1 (PARKING METER ZONES) of Article G (PARKING METERS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1 of Article G of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

ARTICLE G - Parking Meters

DIVISION 1 - Parking Meter Zones

Sec. 5-8-91 - Definitions.

(a) The word "vehicle," as used in this division shall mean any device in, upon or by which any person or property is or may be transported upon a street, except those operated upon rails or tracks.

(b) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner. (Code 1963, Sec. 22-122)

Sec. 5-8-92 - Parking meter zones established.

(a) The following described parts of the streets of the city are hereby established as parking meter zone 1:

(1) both sides of the 100, 200, 300, 400, 500, 600, and 800 blocks of King Street.

(2) both sides of the 100 block north and the 100 block south of Pitt Street, and Columbus Street.

(3) both sides of the 100, 200 and 300 blocks of North Washington Street and the 100, 200 and 300 blocks of South Washington Street.

(4) both sides of the 300, 400 and 600 blocks of Cameron Street, both sides of Cameron Street between Columbus and Alfred Streets, the south side of the 100 and 200 blocks and the north side of the 100 block of Cameron Street.

(5) both sides of the 600 and 700 blocks of Prince Street, as well as both sides of Prince Street ~~west~~ east of Union Street.

(6) east side of the 200 block of South Columbus Street.

(7) both sides of the 700 block of Duke Street.

(8) both sides of the 100 block of South Saint Asaph Street and both sides of the 100 block of North Saint Asaph Street.

(9) both sides of the 100 block of South Royal Street and both sides of the 100 block of North Royal Street.

(10) both sides of the 100 block of South Fairfax Street and ~~the east side~~ both sides of the 100 and 900 blocks of North Fairfax Street.

(11) both sides of the 100 block of North Union Street, the east side of the 100 block of South Union Street, ~~the west side~~ both sides of the 200 block of South Union Street, and the east side of the 200 block of North Union Street and the east side of the 500 block of North Union Street.

(12) west side of the 100 block of North Lee Street and the west side of the 100 block of South Lee Street.

(13) both sides of the 700 block of Queen Street.

(14) Reserved.

(15) Reserved.

(16) east side of the 100 block of The Strand for a distance of 275 feet north of the north curb line of Prince Street.

(17) both sides of the 700 and 800 blocks of Princess Street.

(18) both sides of Duke Street ~~west~~ east of Union Street.

(b) The following described parts of the streets of the city are hereby established as parking meter zone 2:

(1) ~~the north side of the 900 block of King Street and~~ both sides of the 900, 1100, 1200, 1300, 1400, 1500, 1600, 1700, and 1800 blocks of King Street.

(2) both sides of the 100, 800 and 900 blocks of North Fayette Street ~~and the east side of North West Street.~~ The east side of the 600 and 700 blocks of North Fayette Street. The east side of South Fayette Street for a distance of 120 feet south of the south curb line of King Street and the west side of the 100 block of South Fayette Street for a distance of 215 feet south of the south curb line of King Street. Both sides of the 100 block of North Payne Street, except the portion between Cameron Street and the alley which is 100 feet north of King Street.

(3) both sides of the 1400, 1500 and 1600 blocks of Prince Street.

(4) both sides of the 1100 block of Madison Street.

(5) the east side of the 100 block of South Payne Street for a distance of 135 feet south of the south curb line of King Street and the west side of the 100 block of South Payne Street for a distance of 75 feet south of the south curb line of King Street.

(6) west side of the 100 block of North Henry Street and the 100 block of South Henry Street.

(7) east side of the 100 block of North Patrick Street and the 100 block of South Patrick Street.

(8) both sides of the 100 block ~~of~~ North Alfred Street and the 100 block ~~of~~ South of Alfred Street.

(9) the east side of the 100 block of North West Street and both sides of the 100 block of South West Street

(10) both sides of the 100 and 200 blocks of Reinekers Lane

(11) both sides of the 100 and 200 blocks of Daingerfield Road

(12) both sides of the 1800 block of Diagonal Road

(c) The following described parts of the streets of the city are hereby established as parking meter zone 3:

- (1) both sides of the 300, 400, 500 ~~and~~ 600, 700 and 800 blocks of John Carlyle Drive.
- (2) both sides of the 300, 400 and 500 blocks of Dulany Street.
- (3) both sides of the 500 and 600 blocks of Elizabeth Lane.
- (4) both sides of the 300 block of Englehardt Lane.
- (5) both sides of the 2100, 2200 and 2300 blocks of Mill Road.
- (6) both sides of the 1400, 1500, 1600, 1700, 1800, 1900, 2000 and 2100 blocks of Jamieson Avenue.
- (7) both sides of the 1800, 1900, and 2000 blocks of Ballenger Avenue.
- (8) both sides of the 1800 block of Emerson Avenue.
- (9) both sides of the 300 block of West Street.
- (10) both sides of the 800 block of Bartholomew Street
- (11) both sides of the 800 block of Eisenhower Park Drive
- (12) both sides of the 1800 block of Savoy Street
- (13) both sides of the 1800 block of Limerick Street
- (14) the north side of the 2200 and 2300 blocks of Eisenhower Avenue
- (15) both sides of the 2200 and 2300 block of Dock Lane
- (16) both sides of the 700 and 800 blocks of Port Street

(d) The following described parts of the streets of the city are hereby established as parking meter zone 4:

- (1) both sides of the 2900 and 3000 blocks of Dogue Street.
- (2) both sides of the 2800, 2900, and 3000 blocks of Main Line Boulevard.
- (3) both sides of the 700 and 800 blocks of Seaton Avenue.
- (4) west side of the 2800, 2900, and 3000 blocks of Potomac Avenue.
- (5) both sides of the 600 and 700 blocks of Maskell Street.
- (6) both sides of the 600, 700, and 800 blocks of East Glebe Road.

(e) The number and locations of parking meters in the zones established above shall be determined by the city manager or the manager's designee; provided, that any proposal to locate new or remove existing meters shall be submitted by the manager or designee to the traffic and parking board for its review and recommendation; and provided further, that, in the event the manager or designee disagrees with the recommendation of the board, the proposal shall be submitted to city council which shall make the final decision on the proposal.

Sec. 5-8-93 - Parking meters; hours and days of operation; maximum time limits; rates.

(a)

(1)The parking meters in zones 1 and 2, established by**Error! Hyperlink reference not valid.** of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation and maximum time limit of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east

by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 9:00 p.m.

(2) The parking meters in zones 3 and 4, established by **Error! Hyperlink reference not valid.** of this code shall be operated every day of the week except Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space in ~~parking meter zones 1, 2, 3, and 4~~ shall be set forth on the meter for that space, and shall not exceed ~~be 20 minutes, two hours, three hours, or, in zones 1 and 3 only,~~ four hours, subject to the provisions of subsection (a) above.

(c) In all parking meter zones the rate shall be \$1.25 per hour at those meters that are coin only operated until such time as multi-space meters or single space meters that accept credit or debit cards are installed. In all parking meter zones, the rate shall be \$1.75 per hour at those spaces served by multi-space meters installed before November 13, 2010. Thereafter, when multi-space meters or single space meters that accept credit or debit cards are installed elsewhere in all parking meter zones, the rate will increase to \$1.75 per hour at those spaces. In all parking meter zones, the applicable rate shall be payable in such increments as provided at the applicable meter or pay station. The rates set forth above do not include any convenience fee that may be charged by the service provider in the event the City implements a "pay by phone" or other technology-based parking payment option.

(d) As used in this article, the phrase parking meter shall be deemed to include a parking pay station for multiple parking spaces, and all provisions applicable to parking meters shall apply to parking pay stations, *mutatis mutandis*.

Sec. 5-8-94 - City manager to provide for installation and maintenance.

The city manager, or any officers and employees of the city as he may select, shall provide for the installation, regulation, control, operation and use of parking meters in the parking meter zones hereby created, and shall maintain the meters in good workable condition.

Sec. 5-8-95 - Contracts for purchase and repair of meters.

The city manager is hereby vested with power and authority to enter into a contract in the manner as prescribed by law for the purchase and installation of parking meters, and to provide payment for the meters and installation exclusively from the receipts, funds and revenues obtained by the city from the operation of the parking meters without in anywise personally obligating the city to pay for them from any other source. The city manager is further authorized and empowered to enter into a contract for repairs and any parts of the parking meters as may be necessary to maintain them in good operating condition and to pay for the repairs and parts exclusively from the receipts, funds and revenues received from the operating of the parking meters.

Sec. 5-8-96 - How single space meters to be installed; operation generally.

(a) The parking meters shall be placed upon the curb alongside of or next to individual parking places, which parking places shall be either parallel to or diagonal with the curb and shall be marked with proper lines.

(b) Each parking meter shall be so set as to display a signal that the parking space alongside thereof is or is not in use.

(c) Each parking meter shall be so set as to display a signal showing legal parking in the adjoining space, upon the deposit of a coin or coins of the United States or other authorized payment, for a period of time conforming to the parking limits specified in this article.

(d) Each parking meter shall also be so arranged that upon the expiration of the parking limit it will indicate by appropriate signal that the parking period has expired.

(e) In the event the City implements a “pay by phone” or other technology-based parking payment option, each parking meter shall also display instructions setting forth the means through which a customer may pay the meter charge through such system.

Sec. 5-8-97 - How parking pay stations (multi-space meters) to be installed; operation generally.

(a) The parking pay stations shall be placed upon the curb alongside of or next to individual parking places within a block, which parking places shall be either parallel to or diagonal with the curb.

(b) Each parking pay station shall print a receipt that indicates legal parking in a parking space within the block, upon the deposit of a coin or coins of the United States or other authorized payment, for a period of time conforming to the parking limits specified in this article.

(c) The printed parking pay station receipt will indicate when the parking period expires.

(d) In the event the City implements a “pay by phone” or other technology-based parking payment option, each parking station shall also display instructions setting forth the means through which a customer may pay the meter charge through such system.

Secs. 5-8-98 through 5-8-110 - reserved.

Section 2. That Division 1 of Article G as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

14. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Division 2 (Metered Parking Lots) of Article G (Parking Meters) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/18/16, 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 Exhibit No. 2 of Item No. 14; 6/18/16, 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 Exhibit No. 3 of Item No. 14; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance on metered parking lots, parking meters and parking and traffic regulations. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5021

AN ORDINANCE to amend and reordain Division 2 (METERED PARKING LOTS) of Article G (PARKING METERS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 2 of Article G of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

ARTICLE G - Parking Meters

DIVISION 2 - Metered Parking Lots

Sec. 5-8-111 - Definition of "vehicle".

The word "vehicle," as used in this division, shall mean passenger automobiles only. (Code 1963, Sec. 22-138)

Sec. 5-8-112 - Establishment of metered parking lots.

The City Council may establish certain City owned parcels used for providing open air off street parking for vehicles as metered parking lots by adopting a resolution designating the location of the lot, the hours and rates to be used for the meters in the lot and any other necessary regulations for such meters. The traffic and parking board shall review the

proposed metered parking lot and provide a recommendation, including hours and rates, to the City Council prior to the adoption of such resolution.

~~The following described tracts of land in the city are hereby declared to be metered parking lots for the purpose of providing off-street parking for passenger vehicles only.~~

- ~~(1) All of that parcel of land in the city designated Municipal Parking Lot No. 2, located on the south side of King Street between Alfred and Patrick Streets.~~
- ~~(2) All of that parcel of land in the city designated Municipal Parking Lot No. 3 by the city manager, being a portion of Lot No. 1, Block 3, Map 149 of the City of Alexandria's Assessment Records, which Lot No. 1, Block 3, of the said Map 149 consists of 1.15 acres, more or less, and is bounded on the north by Queen Street, on the east by Union Street, on the south by Thompson's Alley and on the west by Lee Street.~~
- ~~(3) All of that parcel of land in the city designated Municipal Parking Lot No. 1, located south of King Street and east of Daingerfield Road, at the east end of Dechantal Street.~~
- ~~(4) All of that parcel of land in the city designated Municipal Parking Lot No. 4, located at the intersection of the west side of South Washington Street and the south side of Prince Street.~~
- ~~(5) All of that parcel of land in the city designated Municipal Parking Lot No. 5, located at the intersection of the north side of Cameron Street and the Potomac River bulkhead line.~~
- ~~(6) All of that parcel of land in the city designated Municipal Parking Lot No. 6, located at the intersection of the north side of Monroe Avenue and the east side of Leslie Avenue.~~
- ~~(7) All of that parcel of land in the city designated Municipal Parking Lot No. 7, located on the west side of Holland Lane between Duke Street and the Southern Railway.~~

~~Sec. 5-8-113 - How meters to be installed; operation generally.~~

~~Parking meters installed in metered parking lots shall be placed adjacent to the individual parking spaces hereinafter described. Each parking meter shall be placed or set in a manner as to show or display by signal that the parking space adjacent to the meter is or is not legally in use. Each parking meter shall be set to display upon deposit of proper coin or coins of the United States therein, a signal indicating legal parking for the period of time conforming to the limit of parking time which has been or may be established for the parking lot upon which the parking meter is installed, and shall continue to operate from the time of the deposit of such coin or coins therein until the expiration of the time fixed as a parking limit for the part of the parking lot which the parking meter is placed. Each parking meter installed shall indicate by proper legend the legal parking time established by the city, and when operated shall indicate on, or by its dial and pointer, duration of the period of legal parking, and on expiration of the period shall indicate illegal or overtime parking. (Code 1963, Sec. 22-141)~~

~~Sec. 5-8-114 - Designation of parking spaces; parking across lines.~~

~~The city manager shall have lines or markings painted or placed on the parking lot adjacent to each parking meter for the purpose of designating the parking space for which the meter is to be used. Each vehicle parked alongside of or next to any parking meter shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking, or to park any vehicle in such position that it shall not be entirely within the areas so designated by the lines or markings, and it shall be unlawful to park any vehicle in any place in the parking lot except within the spaces indicated for parking. (Code 1963, Sec. 22-142)~~

~~Sec. 5-8-115 - When meters to be in operation.~~

~~The parking meters in the metered parking lots provided for in this division shall be operated on any days; and between any hours as the city council may by motion establish; provided, that no charge for parking on the lots shall be made on Sundays and legal holidays of the State. (Code 1963, Sec. 22-148).~~

~~Sec. 5-8-116 - Time limits for use; rates.~~

~~The rate for a parking space in the metered parking lots established in~~**Error! Hyperlink reference not valid.** ~~of this code shall be five cents (one nickel) for any period of time up to five minutes. Provided, however, that the rate for a parking space in the metered parking lots established in~~**Error! Hyperlink reference not valid.** ~~of this code shall be \$0.15 for any period up to 12 minutes only in parking lots 2, 4 and 5. The time limit for parking in any such space shall be any period of time up to two hours in certain areas, four hours in certain areas and eight hours in other areas, said areas to be established by city council by resolution. When parking time exceeds five minutes, one or more nickels, dimes or quarters or combinations thereof shall be deposited, depending on the nature of the meter and the maximum time established. (Ord. No. 2805, 5/14/83, Sec. 1; Ord. No. 3129, 5/27/86, Sec. 6).~~

Section 2. That Division 2 of Article G as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Title 12 of the Code of the City of Alexandria in Response to a Change in the Virginia State Code, and to Update the Department Name Throughout Title 12. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/18/16, 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 Exhibit No. 2 of Item No. 15; 6/18/16, 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 Exhibit No. 3 of Item No. 15; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to update the department name throughout Title 12. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5022

AN ORDINANCE to amend and reordain Section 12-3-1 (DEFINITIONS), and Section 12-3-4 (CHILD CARE HOME REGULATIONS) of Article A (GENERAL PROVISIONS), Section 12-3-62 (REGISTRATION REQUIRED), and Section 12-3-63 (APPLICATION FOR REGISTRATION), and Section 12-3-64 (PROCESSING OF APPLICATION), and Section 12-3-65 (ACTION ON REGISTRATION), and Section 12-3-66 (DISPLAY OF REGISTRATION; PROVISION OF CHILD CARE INFORMATION), and Section 12-3-67 (CHANGE IN OPERATOR, ADDRESS OR PERSONNEL; AMENDMENTS TO REGISTRATION), and Section 12-3-69 (REVOCATION OF REGISTRATION), of Article B (CHILD CARE HOMES), all of Chapter 3 (CHILD CARE) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-3-1 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-1 Definitions.

For purposes of this chapter, the following terms shall have the meanings provided below:

(1) "Adult" means any natural person of at least 18 years of age.

(2) "Child" means any natural person under 18 years of age.

(3) "Child care services" means the regular provision, of care, protection and guidance to at least one, and up to and including ~~five~~ four children for compensation, while such children are separated from their parents, guardians or legal custodians, in a dwelling not the residence of one or more of the children, during a part of the day for at least four days of a calendar week. The provision of such care, protection and guidance by a grandparent solely to his or her grandchildren shall not constitute child-care services for the purposes of this chapter. Providers caring for ~~six~~ five or more children shall be licensed by the Virginia Department of Social Services. However, no provider shall care for or more than four children under the age of two unless the provider is licensed by the Virginia Department of Social Services or is voluntarily registered with the Virginia Department of Social Services. ~~shall be licensed by the Virginia Department of Social Services.~~ This exception does not apply to the City of Alexandria's locally registered child care homes.

(4) "~~Department of Human Services~~ Community & Human Services" or "Department" is the city department responsible for administering the provisions of article B of this Chapter.

(5) "Child care home" means any residential building, or portion thereof, which is used to provide child care services.

Section 2. That Section 12-3-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-4 Child care home regulations.

The department of ~~human services~~ community & human services shall issue regulations for child care homes which shall be designed to ensure that such homes are operated in a manner conducive to the health, safety and welfare of the children who receive their services; provided, that such regulations shall not be more extensive in scope than state regulations applicable to family day homes, as defined in section 63.2-100 of the Virginia Code (1950), as amended.

Section 3. That Section 12-3-62 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-62. Registration required.

It shall be unlawful for any person to operate a child care home in the city without a registration issued by the department of ~~human services~~ community & human services pursuant to this article or in a manner not expressly authorized by such registration.

Section 4. That Section 12-3-63 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-63 Application for registration.

(a) Any person desiring to operate a child care home shall apply for registration to the department of ~~human services~~ community & human services. In applying for registration, the applicant shall provide:

- (1) the applicant's name, birth date, address and phone number;
- (2) the name, birth date and address of every person who will provide or assist the applicant in the provision of child care services in the proposed child care home;
- (3) the name, birth date and relationship to the applicant (e.g., spouse, child) of every person living in the residence where the child care services are to be provided;
- (4) certification of a national criminal record check for the applicant, for all persons who will provide or assist in the provision of child care services in the proposed child care services in the proposed child care home and for all adults who live in the proposed child care home establishing that such persons have never been convicted of any barrier crime or offense as defined in sections 63.2-1719 of the Virginia Code (1950), as amended.
- (5) certification from the Virginia Department of Social Services for the applicant, for all persons who will provide or assist in the provision of child care services in the proposed child care home and for all persons, age 14 and older, who live in the proposed child care home establishing that such persons have never been the subject of a founded complaint of child abuse or neglect;
- (6) a completed self-certification form provided by the department of ~~human services~~ community & human services attesting that the proposed child care home complies with the regulations issued pursuant to section 12-3-4;

(7) such additional information required by the department of ~~human services~~ community & human services to enable it to determine whether the proposed child care home will comply with all requirements imposed by the regulations issued pursuant to section 12-3-4; and

(8) a registration fee of \$5.

Section 5. That Section 12-3-64 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-64 Processing of application.

After receipt of an application for registration the department of ~~human services~~ community & human services shall examine the information provided therein and seek clarification or explanation if necessary, and the city shall inspect the proposed child care home to ensure that it complies with fire and building code regulations. The department may also inspect and investigate the proposed child care home to determine whether it will comply with the regulations issued pursuant to section 12-3-4 and will adequately provide for the health, safety and welfare of the children for whom child care services will be provided.

Section 6. That Section 12-3-65 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-65 Action on registration.

(a) An application for registration under section 12-3-63 shall be denied if the department of ~~human services~~ community & human services find that the applicant, any person who will provide or assist in the provisions of child care services or any adult who lives in the proposed child care home has been convicted of any barrier crime or any of the offenses described in section 63.2-1719 of the Virginia Code (1950) as amended or has been the subject of a founded case of a child abuse or neglect. An application for registration under section 12-3-63 shall also be denied if the Department determines that the proposed child care home fails to comply with all requirements proposed by the regulations issued pursuant to section 12-3-4, or determines that the applicant will not adequately provide for the health, safety and welfare of the children for whom child care services are to be provided. If an application for registration is denied under this subsection because of any adverse information appearing on a record obtained by the department of ~~human services~~ community & human services from the Central Criminal Records Exchange or the Virginia Department of Social Services, the department shall provide the applicant a copy of the information upon which the denial was based.

(b) An application for registration under section 12-3-63 shall be granted if the department of ~~human services~~ community & human services makes no finding under subsection (a), determines that the proposed child care home complies with all requirements imposed by the regulation issued pursuant to section 12-3-4 and determines that the applicant will adequately provide for the health, safety and welfare of the children for whom child care services are to be provided. A registration issued under this section shall, at a minimum, contain the name of the applicant-operator of the registered child care home, the address of the home, the names of all persons authorized to provide or assist in the provision of child care

services at the home, the names of all persons who live in the home, and the maximum number of children to be served at any one time at the home.

Section 7. That Section 12-3-66 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-66 Display of registration; provision of child care information.

Any child care home registered under this chapter shall display its registration conspicuously. In addition, any such child care home shall provide to the parent, guardian or legal custodian of each child for whom child care services is provided a pamphlet on child care evaluation and standards prepared and provided by the department of ~~human services~~community & human services.

Section 8. That Section 12-3-67 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-67 Change in operator, address or personnel; amendments to registration.

(a) No change in the operator or address of a registered child care home may occur without the approval of the department of ~~human services~~community & human services. If, following the registration of a child care home, the person identified as the applicant-operator in the home's registration proposes to be replaced with another operator, or proposes to move the care home from the address stated in the home's registration, the original applicant-operator shall immediately notify the department of ~~human services~~community & human services of the proposal in writing on a form provided by the department. With respect to the proposed new operator, the original operator shall provide the information described in subsections (4), (5) and, if applicable, (7) of section 12-3-63. If the proposed new operator has not been convicted of any barrier crime or any of the offenses described in section 12-3-63(4) and has not been the subject of a founded case of child abuse or neglect, and the department determines that the child care home will continue under the proposed new operator to provide child care services consistent with the health, safety and welfare of the children it is serving, the department shall approve the proposed new operator and shall amend the registration of the home accordingly. With respect to the proposed new address, if the department determines that the new address meets the requirement of section 12-3-2, it shall approve the change in address and shall amend the registration of the home accordingly and issue a new certificate.

(b) An operator of a registered child care home may not, without the approval of the department of ~~human services~~community & human services, continue to provide child care services if a person not identified in the registration of the child care home provides or assists in the provision of child care services at the home, or if a person, age 14 and older, not identified in the registration lives in the home. If an operator proposes that one or more persons not identified in the registration provide or assist in the provision of child care services at a registered home, or that one or more persons, age 14 and older, not identified in the registration live in the home, the operator of the home shall immediately notify the department of ~~human services~~community & human services in writing on a form provided by the department. With respect to each such person, the operator shall provide the information described in subsections (4), (5) and, if applicable, (7) of section 12-3-63. If such persons have not been convicted of any barrier crime or any of the offenses described in section 12-3-63(4)

and have not been the subject of a founded case of child abuse or neglect, and the department determines that, with such persons, the child care home will continue to provide child care services consistent with the health, safety and welfare of the children it is serving, the division shall approve the continued operation of the child care home and shall amend the registration of the home accordingly.

Section 9. That Section 12-3-69 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-3-69 Revocation of registration.

- (a) The registration of a child care home may be revoked by the department of ~~human services~~community & human services if it is determined that the home is in violation of applicable fire or building codes, that any person providing or assisting in the provision of child care services or an adult living in the home has been convicted of a barrier crime or offense described in section 63.2-1719 of the Virginia Code (1950) as amended, or any person living in the home, age 14 or older, has been the subject of a founded case of child abuse or neglect, that the home has served more children than the maximum number listed in its registration, that permission to inspect the home during any time the home is scheduled to provide child care has been denied, that the home has represented its registration as constituting official city approval of the child care services it is providing, that the applicant has misrepresented or provided false information on or in conjunction with the application for the home, that the home is not complying with all requirements imposed by the regulations issued pursuant to section 12-3-4, or that the home is not being operated in a manner consistent with the health, safety and welfare of the children it is serving.

(b) No registration may be revoked without 10 days written notice to the operator, at the address listed on the registration, which shall contain a statement of the reasons why the registration is being revoked. Unless the health, safety and welfare of the children being served by the home is immediately threatened, the notice shall inform the applicant-operator that he or she has 10 days within which to remove the reasons for the revocation or to establish that such reasons either do not exist or do not warrant the revocation of the registration. The notice shall also inform the applicant-operator that, prior to the expiration of this 10-day period, he or she may meet with the director of the department of ~~human services~~community & human services, or a designee, in order to present reasons why the registration should not be revoked. In the event that the reasons for the revocation have not been removed or negated within the 10-day period, the department shall revoke the registration.

Section 10. That this ordinance shall become effective July 1, 2016.

16. Public Hearing, Second Reading and Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2016. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/18/16, 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 Exhibit No. 2 of Item No. 16; 6/18/16, 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 Exhibit No. 3 of Item No. 16; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance for supplemental appropriations for support of the City government for FY 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5023

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for fiscal year 2016

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 2016 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Fire	476,000
Community and Human Services	449,537
Economic Development Activities	<u>250,000</u>
Total Estimated Revenue	<u>\$ 1,175,537</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Fire	476,000
Community and Human Services	449,537
Economic Development Activities	<u>250,000</u>
Total Estimated Revenue	<u>\$ 1,175,537</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 2016, the source of such amount being Potomac Yard Special Revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2016, as follows:

POTOMAC YARD FUND

ESTIMATED REVENUE:

Transportation and Environmental Services	\$ 337,000
Total Estimated Revenue	<u>\$ 337,000</u>

APPROPRIATION:

Transportation and Environmental Services	\$ 337,000
Total Appropriation	<u>\$ 337,000</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2016 the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Spendable General Fund Balance	\$ 77,500
Total Estimated Revenue	<u>\$ 77,500</u>

APPROPRIATION:

Economic Development Activities	\$ 77,500
Total Appropriation	<u>\$ 77,500</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

Non-Departmental	\$ 2,125,000
City Attorney's Office	475,000
Finance	(1,000,000)
TES	(500,000)
Human Resources	(250,000)
Information Technology Services	(250,000)

Police Department	(200,000)
Emergency Communications	(100,000)
Project Implementation	(100,000)
Alexandria Health Department	(100,000)
Management and Budget	\$ (100,000)
Total Appropriation	<u>\$ 0</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 2016 the source of such amount being other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Planning and Zoning	\$ 150,000
Total Estimated Revenue	<u>\$ 150,000</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Planning and Zoning	\$ 150,000
Total Appropriation	<u>\$ 150,000</u>

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage.

17. Public Hearing, Second Reading and Passage on First Reading of an Ordinance to Make Appropriations for the Support of the City Government for Fiscal Year 2017. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/18/16, 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 Exhibit No. 2 of Item No. 17; 6/18/16, 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 Exhibit No. 3 of Item No. 17; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to make appropriations for the support of the City government for FY 2017. The voting was as follows:

In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5024

AN ORDINANCE making appropriations for the support of the government of the City of Alexandria, Virginia, for Fiscal Year 2017.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to Section 6.07 of the City Charter, the sum of 1,203,096,354 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017.

Section 2. That, pursuant to Section 6.07 of the City Charter, the sum of \$1,203,096,354 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 be, and the same hereby is, further appropriated to the following City departments, major operating units, component units, and major categories of expenditures in the amounts set forth below:

<u>Department/Unit/Component Unit/ Category of Expenditure</u>	<u>Appropriation</u>
18 th Circuit Court	\$1,662,220
18 th General District Court	148,677
18 th Juvenile Court	81,320
City Attorney	2,866,163
City Clerk and Clerk of Council	445,562
City Council	526,434
City Manager	2,464,732
Clerk of the Court	1,728,647
Code Administration	7,773,419
Commonwealth's Attorney	3,484,078
Contingent Reserves	1,034,791
Court Service Unit	1,734,367
Economic Development Activities	5,490,493
Emergency Communications	7,158,590
Finance	13,863,466
Fire	49,140,409
General Debt Service	68,845,983
General Services	14,213,050
Health	6,825,631

Human Resources	3,512,923
Human Rights	835,177
Human and Community Services	90,266,664
Information Technology Services	10,503,263
Internal Audit	315,991
Non-Departmental	10,042,738
Office of Communications	1,306,061
Office of Historic Alexandria	3,823,543
Office of Housing	4,142,217
Office of Management and Budget	1,301,434
Office of Project Implementation	3,222,466
Other Correctional Activities	4,348,211
Other Educational Activities	12,131
Other Health Activities	1,883,891
Performance and Accountability	622,641
Planning and Zoning	6,123,776
Police	61,211,944
Recreation, Parks and Cultural Activities	22,773,836
Registrar of Voters	1,413,610
Sheriff	31,772,096
Transit Subsidies	30,510,276
Transportation and Environmental Services	38,778,962
Capital Projects	394,604,052
Component Unit – Library	7,476,384
Component Unit – Schools	277,644,369
Internal Services	<u>5,159,666</u>
TOTAL APPROPRIATIONS	\$ 1,203,096,354

Section 3. That, pursuant to Section 6.07 of the City Charter, the sum of \$1,203,096,354 appropriated in Section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

Object of ExpendituresAppropriation

Personnel Service	\$ 290,202,321
Non-Personnel Services	141,685,750
Capital Outlay	588,525
Debt Service	68,845,983
Component Unit – Library	7,476,384
Component Unit – Schools	277,644,369
Component Unit – Alexandria Transit Company	16,889,304

Equipment Replacement	5,159,666
Capital Projects	<u>394,604,052</u>
TOTAL APPROPRIATIONS	\$ 1,203,096,354

Section 4. That the sum of \$1,203,096,354 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 is expected to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
General Property Taxes \$456,497,997	
Other Local Taxes	137,659,743
Permits, Privilege Fees and Licenses	11,849,331
Fines and Forfeitures	6,463,517
Intergovernmental Revenue	292,085,781
Charges for Services	52,939,807
Revenue from Use of Money and Property	6,527,677
Miscellaneous Revenue 5,467,982	
Bond Proceeds – Future Sale	220,612,113
Spendable Fund Balance – ACPS Operating Fund	5,062,340
Spendable Fund Balance – Sanitary Sewer Fund	415,999
Spendable Fund Balance – Capital Projects Fund	4,344,558
Spendable Fund Balance – Transportation	1,075,000
Spendable Fund Balance – Internal Services	44,600
Spendable Fund Balance – ACPS Other Funds	<u>2,049,909</u>
TOTAL ESTIMATE REVENUE	\$ 1,203,096,354

Section 5. That, pursuant to Section 6.14 of the City Charter, the sum of \$394,604,052 be, and the same hereby is, appropriated for Capital Improvement Project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017. This sum, which consists of the \$394,604,052 appropriated as Capital Projects in Section 3 of this ordinance, is appropriated as follows: (i) \$350,410,501 capital projects that are included in the City government Fiscal Year 2017 - 2026 Capital Improvement Program adopted by City Council on May 5, 2016; and (ii) \$44,193,551 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the School Board on May 26, 2016.

Section 6. That the sum of \$394,604,052 appropriated in Section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 is expected to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
Intergovernmental Revenue	\$ 130,093,000
Transfer In from Special Revenue – Potomac Yard	3,643,242
Transfer In from Special Revenue – Sewer	1,900,000

Transfer In from Transportation Improvement Program	1,425,000
Transfer in from General Fund (Cash Capital)	23,799,991
Transfer in from NVTa 3,900,000	
Prior Year General Fund Cash Capital and General Obligation Bonds	4,344,558
Prior Year Transportation Program Balances	1,075,000
Revenue from Use of Money and Property	1,814,711
Comcast Revenue	1,475,000
Miscellaneous Revenue 1,543,937	
Private/Developer Capital Contributions	305,000
Bond Proceeds – Future Sale – Including Sanitary Sewer	<u>220,612,113</u>
TOTAL ESTIMATED REVENUE	\$ 394,604,052

Section 7. That the sum of \$321,269,888 be, and the same hereby is, authorized to be transferred between the following funds maintained by the City, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
General Fund	\$37,219,988	Special Revenue Fund	\$ 37,219,988
Special Revenue Fund - Sewer	3,530,961	General Fund	3,530,961
Special Revenue Fund – Stormwater	113,000	General Fund	113,000
Internal Service Fund	507,500	General Fund	507,500
Special Revenue Fund – Code	843,300	General Fund	843,300
General Fund	1,296,599	Special Revenue Fund – Affordable Housing	1,296,599
Special Revenue Fund – Sewer	1,900,000	Capital Projects Fund	1,900,000
General Fund	23,799,991	Capital Projects Fund	23,799,991
General Fund – Transportation Improvement Program	1,425,000	Capital Projects Fund	1,425,000
Potomac Yard Fund	3,643,242	Capital Projects Fund	3,643,242
Potomac Yard Fund	5,419,716	General Fund	5,419,716
NVTa Fund	3,900,000	Capital Projects Fund	3,900,000
General Fund	12,085,304	NVTa Fund	12,085,304
General Fund	206,561,472	Component Unit – Schools	206,561,472
NVTa Fund	12,085,304	Component Unit – Alexandria Transit Company	12,085,304

General Fund	<u>6,938,510</u>	Component Unit – Library	<u>6,938,510</u>
TOTALS	<u>\$ 321,269,888</u>	TOTALS	<u>\$ 321,269,888</u>

Section 8. That the sum of \$1,203,096,354 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each City department, major operating unit, component unit, and major category of expenditure, to the funds maintained by the City as shown in Table I on the pages following this ordinance.

Section 9. That the sum of \$1,203,096,354 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2016 and ending on the thirtieth day of June 2017 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the City as shown in Table II on the pages following this ordinance.

Section 10. That the City Council of the City of Alexandria, Virginia does hereby make provision for and appropriation to the funds hereafter named in the amounts required to defray the expenditures and liabilities of the City for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2016 but which are payable in fiscal year 2017 and for which amounts were appropriated but not expended in fiscal year 2016 and further, that the City Council does hereby allot the amounts so appropriated to the several City departments for fiscal year 2017 as follows:

GENERAL FUND

18 th Circuit Court	\$ 67,000
City Attorney	4,000
City Manager's Office	5,000
Clerk of the Circuit Court	11,000
Code Administration	27,000
Communications	65,000
Community and Human Services	410,000
Court Service Unit	58,000
Economic Development	10,000
Emergency Communications	210,000
Finance	1,200,000
Fire	638,000
General Services	967,000
Health	36,000
Historic Alexandria	9,000
Housing	17,000
Human Resources	237,000
Information Technology Services	725,000
Internal Audit	35,000

Non-Departmental	297,000
Performance & Accountability	24,000
Planning and Zoning	85,000
Police	847,000
Project Implementation	45,000
Recreation, Parks and Cultural Activities	1,100,000
Registrar	2,000
Sheriff	800,000
Transit Subsidies	145,000
Transportation and Environmental Services	<u>2,700,000</u>
Total General Fund	\$10,776,000

Section 11. That this ordinance shall become effective upon the date and at the time of its final passage.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Repeal Ordinance Number 4625, Suspend the Formula Set Forth in City Code Section 3-3-31.1, and Increase the Hourly Wage Rate For Service Contracts (Living Wage) From \$13.13 Per Hour to \$14.13 Per Hour Beginning in FY 2017. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/18/16, 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 Exhibit No. 2 of Item No. 18; 6/18/16, 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 Exhibit No. 3 of Item No. 18; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to increase the hourly wage rate for service contracts (living wage) from \$13.13 per hour to \$14.13 per hour. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5025

AN ORDINANCE to set the hourly wage rate that contractors are required to pay their employees under public contracts for the provision of services to \$14.13 per hour beginning in FY 2017, pursuant to Code Section 3-3-31.1 (SERVICE CONTRACT

WAGES) of Division 1 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the City Council finds and determines that:

1. Due to the economic downturn, the City Council, by Ordinance Number 4625, froze the living wage rate at \$13.13 per hour;
2. It is now appropriate to increase the living wage rate from \$13.13 per hour to \$14.13 per hour.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance Number 4625 is repealed.

Section 2. That contractors, awarded public contracts for the provision of services, by competitive sealed bidding or competitive negotiation, shall be required to pay their employees, who are assigned to perform services under such public contract and while such employees are performing services on property owned or controlled by the City, a minimum hourly wage of \$14.13 per hour.

Section 3. That use of the formula set forth in Code Section 3-3-31.1 shall be suspended.

Section 4. That this ordinance shall preempt any contrary provision of law, general or special.

Section 2. That this ordinance shall become effective upon July 1, 2016.

19. Public Hearing, Second Reading and Final Passage of an ordinance authorizing the Tenant of the property located at 606 North Fayette Street (parcel address 620 North Fayette Street) to construct and maintain an encroachment onto the public sidewalk for outdoor dining for the Bastille Restaurant at that location (approved by City Council on May 14, 2016).
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 8, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/18/16, 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 Exhibit No. 2 of Item No. 19; 6/18/16, 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 Exhibit No. 3 of Item No. 19; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance authorizing the tenant of 606 N. Fayette Street to construct and maintain an encroachment onto the public sidewalk for outdoor dining at Bastille Restaurant. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5026

AN ORDINANCE authorizing the Tenant of the property located at 606 North Fayette Street (parcel address 620 North Fayette Street) to construct and maintain an encroachment onto the public sidewalk for outdoor dining for the Bastille Restaurant at that location.

WHEREAS, Le Coq, LLC is the Tenant ("Tenant") of the property located at 606 North Fayette Street (parcel address 620 North Fayette Street) in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to establish and maintain outdoor dining which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2016-0003 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on May 4, 2016 which recommendation was approved by the City Council at its public hearing on May 14, 2016 and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 606 North Fayette Street (parcel address 620 North Fayette Street) in the City of Alexandria, as shown on the Encroachment Plat prepared by RC Fields and Associates dated February 23, 2016 attached hereto and made a part hereof by this reference, said encroachment consisting of outdoor dining, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Tenant of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Tenant maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a

company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Tenant shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Tenant. Nothing in this section shall relieve Tenant of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Tenant's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Tenant shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Tenant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- (d) Maintain minimum clearances as shown on the Encroachment Plat.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Tenant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Tenant maintaining the area of the encroachment at all times

unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Tenant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Tenant without cost to the city. If Tenant cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Tenant, and shall not be liable to Tenant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The term "Tenant" shall be deemed to include Le Coq, LLC and its successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

20. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Sections 5-604 (Conceptual Design Approval), 5-605 (Preliminary Development Approval) and 5-606 (Final Development Approval) of Section 5-600 (CDD/Coordinated Development Districts) all of Article V (Mixed Use Zones) and Sections 11-351 (Definitions) of Section 11-350 (Required Disclosures), 11-406 (Contents of Preliminary Site Plan Applications) of Section 11-400 (Site Plans), Section 11-503 (Procedure) of Section 11-500 (Special Use Permits), Section 11-803 (Application for Map Amendment) of Section 11-800 (Zoning Amendment), Section 11-903 (Application for Map Amendment) of Section 11-900 (Master Plan Amendment) and Section 1706 (Contents of Preliminary Plat Application) of Section 11-1700 (Subdivisions) all of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on May 14, 2016 as Text Amendment No. 2016-0003. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 6/18/16, 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 Exhibit No. 2 of Item No. 20; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance for design approval, development approval and master plan amendments. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman

Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5027

AN ORDINANCE to amend and reordain Sections 5-604 (Conceptual Design Approval), 5-605 (Preliminary Development Approval) and 5-606 (Final Development Approval) of Section 5-600 (CDD/Coordinated Development Districts) all of Article V (Mixed Use Zones) and Sections 11-351 (Definitions) of Section 11-350 (Required Disclosures), 11-406 (Contents of Preliminary Site Plan Applications) of Section 11-400 (Site Plans), Section 11-503 (Procedure) of Section 11-500 (Special Use Permits), Section 11-803 (Application for Map Amendment) of Section 11-800 (Zoning Amendment), Section 11-903 (Application for Map Amendment) of Section 11-900 (Master Plan Amendment) and Section 1706 (Contents of Preliminary Plat Application) of Section 11-1700 (Subdivisions) all of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on May 14, 2016 as Text Amendment No. 2016-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2016-0003, 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 May 3, 2016 of a text amendment to the Zoning Ordinance to adopt revised floodplain regulations, which recommendation was approved by the City Council at public hearing on May 14, 2016;

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 Sections 5-604, 5-605 and 5-606 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

ARTICLE V. - MIXED USE ZONES

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

5-604 - Conceptual design plan approval.

- (A) The application for conceptual design plan approval shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser,

lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-604(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the property which is the subject of the application.

5-605 - Preliminary development plan approval.

- (A) The application for preliminary development plan approval shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-605(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

5-606 - Final development plan approval.

- (A) The application shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of such person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-606(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Section 2. That Sections 11-351, 11-406, 11-503, 11-803, 11-903, and 11-1706 of the Zoning Ordinance be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as shown:

ARTICLE XI. - DEVELOPMENT APPROVALS AND PROCEDURES

Sec. 11-350 - Required application disclosures.

11-351 - Definitions.

As used in this section 11-350:

- (A) "Business or financial relationship" means a relationship that a member of a city approving body or any member of his immediate household has, or has had within the 12-month period prior to a hearing on an application, with the applicant in the case, or with a party with an ownership interest in the applicant or the property that is the subject of the application. This relationship may be:
- (1) A direct one;
 - (2) By way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
 - (3) Through a partner of the member or a member of his immediate household;
 - (4) Through a corporation in which any of them is an officer, director, employee, agent or attorney or holds ~~ten~~ three percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of ~~ten~~ three percent or more of the units in the condominium.
 - (5) Not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship.
 - (6) Created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100.00, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.
- (B) "City approving body" means city council, the planning commission, the board of zoning appeals, and the boards of architectural review.
- (C) "Application" means any application for any land use or land development approval submitted pursuant to this ordinance which will be considered by a city approving body.
- (D) "Ownership interest" in the applicant or the real estate that is the subject of the application means those parties required to be identified under section 11-406(A) of this ordinance.
- (E) "Immediate household" means (i) a spouse or life partner and (ii) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the member, or provides to the member, more than one-half of his financial support.

Sec. 11-400 - Site plan.

11-406 - Contents of preliminary site plan application.

- (A) An application for preliminary site plan approval shall be submitted by the owner, contract purchaser, lessee or other party having a legal interest in the subject property on such forms as the director shall prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-406(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Sec. 11-500 - Special use permits.

11-503 - Procedure.

- (A) Application. An application for a special use permit shall be submitted to the director on such forms as the director may prescribe and shall include the following:
- (1) A statement identifying the applicant, who shall be the owner, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-503(A)(1), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Sec. 11-800 - Zoning amendment.

11-803 Application for map amendment.

An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

- (A) A statement identifying the applicant, who shall be the owner, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-803(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Sec. 11-900 - Master plan amendment.

11-903 - Application for map amendment.

An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

- (A) A statement identifying the applicant, who shall be the owner, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ~~ten~~ three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-903, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

DIVISION E. - SUBDIVISION REGULATIONS

Sec. 11-1700 - Subdivisions.

11-1706 - Contents of preliminary plat application.

- (A) An application for preliminary plat approval shall be submitted by the owner or contract purchaser of the subject property on forms the director may prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of the ownership interest. If any of those entities is a corporation or a partnership, only those persons owning an interest in excess of ~~ten~~ three percent in that corporation or partnership need be

identified by name, address and extent of interest. For purposes of this section 11-1706(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Article V, as amended pursuant to Section 1 of this ordinance, and Article IX as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. 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.

21. Public Hearing, Second Reading and Final Passage of an ordinance to vacate portions of the existing public right-of-way known as Swann Avenue and Calvert Avenue and the entirety of the existing public right-of-way known as Oakville Street all on Tax Map #025.03 (VAC No. 2015-0002) approved on January 23, 2016. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/18/16, 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 Exhibit No. 2 of Item No. 21; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to vacate portions of the public right-of-way at Swann Avenue and Calvert Avenue, Oakville Street. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5028

AN ORDINANCE to vacate portions of the existing public right-of-way known as Swann Avenue and Calvert Avenue and the entirety of the existing public right-of-way known as Oakville Street all on Tax Map #025.03 (VAC No. 2015-0002) approved on January 23, 2016.

WHEREAS, BRE/DP Alexandria Property Owner, LLC (Owner) has applied for the vacation of portions of the public right-of-way known as Swann Avenue, Calvert Avenue and Oakville Street in the City of Alexandria, Virginia; and

In Vacation No 2015-0002 the planning commission recommended approval to the City Council on January 7, 2016 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 23, 2016 and

WHEREAS, viewers, Benjamin Klein, C.E. Palmer-Johnson and David Kaplan have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

Section 3. The term "Owner" shall be deemed to include the BRE/DP Alexandria Property Owner, LLC and their respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

22. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Section 4-1410 (Signs) of Section 4-1400 (NR/Neighborhood retail zone (Arlandria)) of Article IV (Commercial, Office and Industrial Zones) and Article IX (Signs, Marquees and Awnings) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council on May 14, 2016 as Text Amendment No. 2016-0002. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/18/16, 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 Exhibit No. 2 of Item No. 22; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance on signs, marquees and awnings. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5029

AN ORDINANCE to amend and reordain Section 4-1410 (Signs) of Section 4-1400 (NR/Neighborhood retail zone (Arlandria)) of Article IV (Commercial, Office and Industrial Zones) and Article IX (Signs, Marquees and Awnings) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on May 14, 2016 as Text Amendment No. 2016-0002

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2016-0002, 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 May 3, 2016 of a text amendment to the Zoning Ordinance to adopt revised sign regulations, which recommendation was approved by the City Council at public hearing on May 14, 2016.

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 4-1410 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown in underline as follows:

4-1410 - 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, ~~clearly identifying the business,~~ 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 ~~and shall indicate only the name and/or address of the establishment.~~
- (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 ~~may display only the name of the restaurant on the fabric of the umbrella. No other businesses or product names shall be displayed on the umbrella;~~
- (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.

Section 2. That Article IX of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

Article IX SIGNS

Sec. 9-100 General Provisions

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

- (A) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (B) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the governing body are prohibited.
- (C) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are

appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

- (D) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (E) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (F) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- (G) This 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.
- (H) All rights and privileges acquired under the provisions of this Article IX are mere licenses revocable at any time by the director upon a violation of any applicable provision of this Article IX.
- (I) The provisions contained in this Article IX shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this ordinance or other city ordinances. Nothing contained in this Article IX shall excuse any person from compliance with all other applicable provisions of this ordinance or the city code.
- (J) Wherever authority is to be exercised under this Article IX by the city manager or the director, the authority may also be exercised by his or her designee.
- (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.

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 (7) 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 6 feet that is mounted on one (1) 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 sign 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*. Any object, device, display, or 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 a wall 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 (4) 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 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:
 - 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:

(A) 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 pm 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 § 24.2-310 E. 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 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 - Computation 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.

Sec. 9-200 Sign Regulations by Zoning District

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 twenty (20) feet (or portion thereof) of lot width to a maximum of three (3) 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 (6) 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 (8) 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 (10) square feet, however no single sign is permitted to be larger than four (4) square feet.
 - b. One (1) sign or combination of signs with a total area of no more than seven (7) 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 twenty percent (20%) of the glazing area of the window where it is installed. Freestanding signs may only be less than forty two (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 (6) feet.

iii. Permanent Signs:

1. Minor Signs:

a. Number and Size Limits: Maximum of two (2) signs per property per street frontage with a maximum size of one (1) square foot for each sign.

b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (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 (6) 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 one-half (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 one hundred (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 twenty five (25) feet or more, or where a building is setback twenty five (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 (10) 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 twenty (20) feet (or portion thereof) of lot width to a maximum of maximum of five (5) flags per property with a maximum size of twenty four (24) square feet for each flag. Freestanding flags may only be attached to a pole less than thirty five (35) feet in height.
 2. Mounting and Installation Regulations: Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) 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 (8) 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 thirty (30) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.
 - b. One sign or combination of signs with no more than seven (7) 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 (6) feet in height.
 2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) 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 twenty percent (20%) 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 (5) signs per property for each street frontage per 100 feet of lot width with a maximum size of one (1) square foot for each sign.
 - b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (36) inches in height. Wall mounted minor signs may only be mounted flat against the wall.
 2. Signs at locations within ten (10) 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 (6) square feet for each sign.

- b.Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (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 one hundred (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 twenty five (25) feet or more, or where a building is setback twenty five (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 (10) 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 one-half (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 twenty four (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 twenty (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 thirty five (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 twenty percent (20%) 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 (8) 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 forty (40) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.
 - 2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs shall not exceed six (6) 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 twenty percent (20%) 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 twenty four (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 one-half (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 (10) 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 (6) square feet for each sign.
 - b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (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 sixty (60) square feet per property frontage, however no single wall mounted sign is

permitted to be larger than forty (40) square feet, and no freestanding sign is permitted to be larger than thirty-two (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 one hundred (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 twenty five (25) feet or more, or where a building is setback twenty (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 (6) feet in height, and shall be setback at least ten (10) 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 twenty (20) feet (or portion thereof) of lot width with a maximum size of eighteen (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 thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) 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 (8) 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 forty (40) square feet, however no single sign is permitted to be larger than twenty-four (24) square feet.
2. Mounting and Installation Regulations: Unless otherwise specified, freestanding temporary signs may only be less than five (5) 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 twenty percent (20%) 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 (5) signs per property for each street frontage per 100 feet of lot width with a maximum size of one (1) square foot for each sign.

- b.Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (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 twenty four (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 (6) feet in height.
- 3. Signs painted on the curb:
 - a.Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (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 (10) 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 (1) 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 (6) square feet for each sign.
 - b.Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (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 sixty (60) square feet per property frontage, however no single wall mounted sign is permitted to be larger than forty (40) square feet, and no freestanding sign is permitted to be larger than thirty-two (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 one hundred (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 twenty five (25) feet or more, or where a building is setback twenty (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 (6) feet in height, and shall be setback at least ten (10) 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 (1) sign with a maximum size of one (1) square feet 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 twenty (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 sixteen (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 (8) feet above a sidewalk or parking area and at least fourteen and a half (14.5) feet above an alley. Such sign cannot be higher than twenty (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.

Sec. 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 twenty (20) feet (or portion thereof) of lot width with a maximum size of twenty four (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 thirty five (35) feet in height. Wall mounted flags may only be on a projecting pole no longer than six (6) feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than twenty percent (20%) 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 (8) feet directly below the location where the flag is mounted.
- ii. Temporary Signs:
 1. Number, Size and Time Limits:
 - a. A maximum of one (1) sign with a maximum size of one (1) 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 (1) sign with a maximum size of one (1) 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 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 (1) sign with a maximum size of the greater of twenty (20) square feet or one-half square feet for each linear foot of building width for the wall on which the sign is mounted up to one hundred (100) square feet. The maximum period for this sign is sixty (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 twenty (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 (6) 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 (5) signs per property for each street frontage per 100 feet of lot width with a maximum size of one (1) square foot for each sign.
 - b. Mounting and Installation Regulations: Freestanding minor signs may only be less than thirty six (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 twenty four (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 (6) feet in height.
- 3. Signs painted on the curb:
 - a. Number and Size Limits: One permanent sign is permitted with a maximum size of one-half (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 (10) 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 (1) 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 (6) square feet for each sign.
 - b. Mounting and Installation Regulations: These signs may only be freestanding and less than forty two (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 thirty-two (32) square feet and a maximum height of six (6) 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 forty (40) square feet and a maximum height of six (6) feet above grade to the top of the sign.
 - iii. A lot with a width of more than two hundred (200) feet at the front lot line may contain two (2) freestanding signs in compliance with either (i) or (ii) above.
 - iv. When the street frontage of a lot is in excess of three hundred (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 one hundred (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 twenty five (25) feet or more, or where a building is setback twenty five (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 (10) 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 twenty (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 twenty (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 twenty (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 sixteen (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 (4) feet from the building wall or within one (1) 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

Fourteen and a half (14.5) feet above an alley. Such sign cannot be higher than twenty (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 twenty (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 twenty-four (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 (4) feet from the building wall or within one (1) 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 twenty (20) feet above grade measured from the location immediately below the sign.
- iv. Any sign larger than one hundred (100) square feet in area shall have each letter or symbol installed as a separately mounted unit. No sign that measures one hundred (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 twenty (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 (5) feet for pedestrian travel;
 - c. within fifteen (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 fifteen feet from any driveway or roadway intersection.
- (2) Number. A maximum of one (1) sign is permitted per business.

- (3) Size. Signs may not exceed forty two (42) inches in height and twenty four (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 twenty (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 **Error! Hyperlink reference not valid.** 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 **Error! Hyperlink reference not valid.** by up to 50 percent.
- (B) *Window signs*. Window signs are permitted up to twenty percent (20%) 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 ninety (90) days, and there shall be a 30-day interruption between posting periods for temporary signs in this section.

Sec. 9-300 Signs within the Old and Historic Alexandria, Parker-Gray and 100 Year Old Building Districts

9-301 - Review required.

- (A) Certificate of appropriateness. A certificate of appropriateness from the appropriate board of architectural review is required for the following signs when subject to view from a public street or place and affixed to a building or structure located in or otherwise displayed within the Old and Historic Alexandria District or the Parker-Gray

District or when affixed to or displayed on a 100-year-old building designated by city council under section 11-300:

- (1) Any sign, marquee or awning permanently affixed or displayed, subject to the exemptions in section 9-301(B).
- (B) Exemptions. The following signs shall not be subject to the requirement of section 9-301(A):
 - (1) Any non-illuminated window sign per building that is less than four feet in area;
 - (2) Signs for which administrative approval is available pursuant to sections 10-113 and 10-213;
 - (3) Temporary Signs as follows: One sign, no more than six (6) square feet. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than twenty percent (20%) of the glazing area of the window where it is installed. Freestanding temporary signs shall not exceed six (6) feet in height. If signs are being installed on a brick surface the installation should not damage the brick, and the sign should be anchored into the mortar joints.
- (C) Compliance required. Any sign, marquee or awning required to obtain a certificate of appropriateness under section 9-301(A) and any sign identified in section 9-301(B) may be erected or displayed only if authorized by and in compliance with all other applicable requirements of this Article IX.
- (D) Grandfathered signs. Any sign, marquee or awning legally erected or displayed within the Old and Historic Alexandria District on or before January 12, 1976, or within the Parker-Gray District on or before November 16, 1985, or on a lot or building listed under section 10-300 on or before the date of such listing may continue to be displayed and may be repainted with the same text, colors and design or repaired without a certificate of appropriateness; provided, that a certificate of appropriateness shall be required before any such sign, marquee or awning is altered, rebuilt or moved to a new location.
- (E) Freestanding signs. One freestanding sign may be permitted on any property zoned commercial if the area of the sign is no greater than six square feet and if the sign is approved by the board of architectural review.
- (F) Prohibited signs. Notwithstanding the provisions of section 9-301(E), no sign advertising a business, which sign is within 200 feet of and visible from Washington Street, shall be permitted unless it is attached to a building in which the business being advertised is conducted, or unless it is the minimum signage necessary to comply with section 9-7-7 of the city code.

Sec. 9-400 Administration and Enforcement

9-401 - Reserved

9-402 - Nonconforming signs.

- (A) Signs 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.
- (B) No nonconforming sign shall be 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. 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 (7) years of the [date of adoption].
- (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 fifty (50) percent of its area may be restored within two (2) 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 fifty (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 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Section 4-1410, as amended pursuant to Section 1 of this ordinance and Article IX, as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

23. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Section 9-7-7 (Display of prices on signs; enforcement; penalty) of Chapter 7 (Filling Stations) of Title 9 (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended. (concept approved by City Council with the Zoning Ordinance sign changes May 14, 2016) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/18/16, 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 Exhibit No. 2 of Item No. 23; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance on display of prices on signs. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5030

AN ORDINANCE to amend and reordain Section 9-7-7 (Display of prices on signs; enforcement; penalty) of Chapter 7 (Filling Stations) of Title 9 (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 9-7-7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 9-7-7 - Display of prices on signs; enforcement; penalty.

(a) Each gasoline supplier shall provide and each retail dealer shall maintain and display publicly ~~at least six feet above grade or eight feet above a sidewalk, on a post or pole on a~~ permitted monument sign that is less than 6 feet in height, located upon the premises under the control of the retail dealer, price signs that are seen easily from the street and that face both directions of traffic on the nearest public street or way. Such signs shall state the total price per gallon, including all taxes, of no less than two, but no more than three of the motor fuels available at the premises. All figures, including fractions, upon such signs shall be of the same size and shall be block type, and shall be a minimum of eight inches, and a maximum of 12 inches high, with a stroke width of two inches. The figures shall be in black print on a white or light colored background; provided, however, that the city manager, or the designee of the manager, may, on a case-by-case basis, grant a limited variation in such color requirements if he or she finds that the variation will meet the spirit and intent of this section and will provide the same degree of protection to consumers as is afforded by the color scheme specified above. The sign shall be no less than three feet in width and no less than four feet in height, shall be no greater than four feet in width and five feet in height, and shall be only square or rectangular in shape. Such sign shall be counted against the total free-standing sign allowance provided under current zoning ordinances.

Section 2. That Section 9-7-7 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

Items #24 and 25 were heard as one motion.

24. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend and reordain Section 7-1101 (Restriction on Parking Trailers in any zone) of Section 7-1100 (Parking trailers and recreational vehicles) of Article VII (Supplemental Zone Regulations) and Section 11-513 (Administrative Special Use Permits) of Section 11-500 (Special Use Permits) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2016-0005 if approved by City Council on June 18, 2016.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/18/16, 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 Exhibit No. 2 of Item No. 24; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried unanimously, City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on June 28, 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

25. Introduction and First Reading. Consideration. Passage on First Reading of an ordinance to amend and reordain Section 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Section 5-600 (CDD/Coordinated Development District) 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. 2016-0006 if approved by City Council on June 18, 2016.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/18/16, 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 Exhibit No. 2 of Item No. 25; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried unanimously, City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on June 28, 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman

Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

26. Introduction and First Reading. Consideration. Passage on First Reading of an ordinance to amend and reordain Article II (Definitions), Article III (residential Zone Regulations), Article IV (Commercial Zone Regulations), Article V(Mixed Use Zones), Article VI (Special and Overlay Zones), Article VII (Supplemental Zone Regulations), Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2016-0004 if approved by City Council on June 18, 2016.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/18/16, 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 Exhibit No. 2 of Item No. 26; 6/18/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-1, City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on June 28, 2016. The voting was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Mayor Silberberg.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

27. Special Use Permit #2015-0071
190 South Whiting Street - Sunoco Inc.

Public Hearing and Consideration of a request for an amendment to Special Use Permit #2006-0003 to expand an automobile service station and to add a convenience store to an existing automobile service station and for off-premises alcohol sales; zoned: OCM (50)/Office Commercial Medium (50). Applicant: Sunoco Inc. (R&M), represented by M. Catharine Puskar, attorney

Planning Commission Action: Deferred Without Objection

City Council noted the deferral.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of June 18, 2016, was adjourned at 4:31 p.m. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council