

**City of Alexandria
City Council Legislative Meeting
Tuesday, June 26, 2018 6:00 PM
Meeting Minutes**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson, Members of Council Willie F. Bailey, Sr., John Taylor Chapman, Redella S. Pepper, and Paul C. Smedberg.

Absent: Councilmember Timothy B. Lovain.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Baker, Deputy City Manager; Ms. Triggs, Deputy City Manager; Ms. Anderson, Deputy City Attorney; Mr. Routt, Director, Office of Management and Budget (OMB); Ms. Henty, Assistant Director, OMB; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Fye, Division Chief, T&ES; Ms. Orr, Deputy Director, T&ES; Ms. Bevis-Carver, Civil Engineer, T&ES; Mr. Sharma, Division Chief, T&ES; Police Captain Andreas; Mr. Barre, Information Technology Services, and Mr. Lloyd.

Recorded by: Gloria A. Sitton, City Clerk and Clerk of Council.

1. Calling the Roll.

Mayor Silberberg called the meeting to order, and the City Clerk called the roll. All members of Council were present, except Councilmember Lovain, who was absent.

2. Consideration of a closed meeting for Discussion of the Performance of Specific City Council Appointees and for Consultation with legal counsel and staff regarding actual or probable litigation and for Consultation with legal counsel to discuss the disposition or publicly held real property.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 4-0, City Council convened in closed executive session at 6:02 p.m., to discuss with legal counsel actual or probable litigation and specific legal matters requiring the provision of legal advice; to discuss or consider the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position of the City; and to discuss the performance of specific appointees and constitutional officers; specifically, the proposed settlement of a personal injury claim against the City and one of its employees, the proposed sale price and conditions for two City owned real estate parcels, and the annual evaluations and salaries of City Council's three appointees and two constitutional officers; pursuant to Section 2.2-3711 (A)(1), (3), (7), and (8) of the Code of Virginia. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, and Councilman Smedberg; Opposed, none; Absent, Councilman Chapman, Councilmember

Lovain and Councilwoman Pepper.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council reconvened in open session at 7:25 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council approved the settlement of Albert Thomas Weadon v. City of Alexandria and Carol Layer, as recommended by City Attorney in closed executive session. In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

3. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence and recited the Pledge of Allegiance.

4. Reading and Acting Upon the Minutes of the Following Meetings of City Council:

The Regular Meeting Minutes of April 24, 2018; and the Regular Meeting Minutes of June 13, 2018.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council approved the minutes of the following meetings of City Council: the regular meeting minutes of April 24, 2018 and the regular meeting minutes of June 13, 2018. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

ORAL REPORTS FROM CITY COUNCIL ON BOARDS, COMMISSIONS, AND COMMITTEES

***City/Schools Subcommittee (Mayor Silberberg and Vice Mayor Wilson)**

Mayor Silberberg reported that the meeting held the previous evening was Dr. Berlin's last meeting before retiring as Acting Superintendent and she thanked her for serving the school district. Mayor Silberberg noted that Dr. Hutchings would start soon as the new Alexandria City Public Schools (ACPS). Mayor Silberberg reported that she toured the Ferdinand Day School in the West End and she noted that the school was undergoing massive renovations. Mayor Silberberg stated that the renovations are on target and the school should be ready to open in time for the new school session. Mayor Silberberg noted that there would be a ribbon cutting held in late August to celebrate the opening. Mayor Silberberg also reported that Patrick Henry Elementary School is on target to open in January, following its renovations. Mayor Silberberg stated that the Subcommittee reviewed the status update and flow chart of the Joint City/Schools Facilities Investment Task Force recommendations and once the City Manager and staff make a final review of the list, the report will be presented to the public for review and comment. Mayor Silberberg reported that there was some

discussion about afterschool time and activities and she highlighted a community survey from 2017, which pointed out there was concern about costs of programs and lack of knowledge about the types of programs available. Mayor Silberberg stated that there needs to be more communication so that parents are aware of the opportunities available to students in the City.

Vice Mayor Wilson also noted that the Subcommittee received a crosswalk of the recommendations from the Joint City/Schools Facilities Investment Task Force and he stated that work needed to continue to address those recommendations put forth by the Task Force and the document would be forthcoming soon for review. Vice Mayor Wilson reported that the Subcommittee received a set of policy recommendations, including the addition of a position to oversee the afterschool operations for the various programs. Vice Mayor Wilson noted that there was a discussion about the shared services between the schools and the City, including joint fleet services and the discussion would continue. Vice Mayor Wilson noted that the Council should have received a memo on the challenges of the parking around Chinquapin and T.C. Williams. Vice Mayor Wilson reviewed the issues that have led to the parking challenges and how school and City staff are working to adequately address the problem. Vice Mayor Wilson reported that there is a desire to have another joint work session with the School Board to discuss recommendations for the Joint Facilities Investment Task Force and the Visioning exercise in the fall. Vice Mayor Wilson also noted that there was a discussion about moving the CIP discussion to the fall.

***Visit Alexandria Board of Governors (Vice Mayor Wilson)**

Vice Mayor Wilson reported that the Board was experiencing transition with new members coming and old members leaving at the end of the month. Vice Mayor Wilson reported that occupancy levels and revenue per available room were down and room revenue was flat. Vice Mayor Wilson stated that the City was second in the region behind Fairfax County for room rentals, noting that the Carlyle area was the strongest and the West End area was the weakest.

***Washington Metropolitan Area Transit Authority (WMATA) (Councilman Smedberg)**

Councilman Smedberg reported that at the upcoming meeting there would be a discussion of the revision to the bylaws from the legislation from the Virginia assembly and he stated that there would be a vote the vote on the slate of officers for the upcoming year. Councilman Smedberg noted that there has been discussion about the upcoming shutdown and a work group has been established by WMATA in order to help the jurisdictions to manage the shutdown. Councilman Smedberg noted that he and Mr. Lambert, Director of Transportation and Environmental Services, met with officials at the State level about possibly assistance with funding for operational services during the upcoming shutdown.

City Manager Jinks noted that the Mr. Lambert has been asked to assemble an interdepartmental group of stakeholders to address the transportation concerns and transportation planning that will be associated with the upcoming shutdown. Mr. Jinks stated there should be a framework for discussion by October available for Council to review.

Mayor Silberberg noted that there was a tragic accident on the Woodrow Wilson Bridge that caused numerous transportation problems and gridlock throughout the City and how the

City will work to refine the communications when such events occur. Mayor Silberberg thanked the first responders and offered condolences to family of the deceased.

***Virginia Railway Express (VRE) (Councilman Smedberg)**

Councilman Smedberg reported VRE approved a project with Prince William County to expand a station in the City of Manassas to improve service in that area. Councilman Smedberg noted that the expansion would include improved parking and road improvements around the station. Councilman Smedberg stated that there was a capital planning meeting to discuss the funding that VRE will receive as part of the transit bill passed by the General Assembly and work group has been established to review the projects planned by the systems.

***Northern Virginia Transportation Commission (NVTC) (Councilman Smedberg)**

Councilman Smedberg reported that the NVTC held its strategic retreat with regional jurisdictions, state officials, and key jurisdictional staff to discuss many issues, including the changes with WMATA. Councilman Smedberg noted that there will be a WMATA working group established to continue the discussion about the responsibilities related to funding and oversight with system. Councilman Smedberg stated that the structure of NVTC's operations were reviewed as well. Councilman Smedberg noted that the changes to the WMATA compact would require greater regional cooperation and they are working on way for each jurisdiction to be able to represent the region going forward. Councilman Smedberg noted that there will a change to committee participation and the makeup of the Board and the work will continue over the summer.

ORAL REPORT FROM THE CITY MANAGER

City Manager Jinks reported that at about 4 p.m., a large tree fell across Beauregard Street, hitting a car and a bus. There were no injuries and the Dominion Power customer to lost power was the Hermitage. Mr. Jinks noted that the Hermitage has a backup generator and should have power restored between 8 p.m. and 11 p.m.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (5-7)

(Reports and Recommendations of the City Manager)

5. Consideration of Approval of a One Year Extension to the Existing Washington Metropolitan Area Transit Authority Capital Funding Agreement.

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 06/26/18, and is incorporated as part of this record by reference.)

6. Consideration of the Release of \$100,000 from FY 2019 Contingent Reserves to Create an Opioid and Other Drugs Recovery Coordinator Position.

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 06/26/18, and is incorporated as part of this record by reference.)

7. Consideration of a Grant Renewal to the United States Department of Agriculture (USDA) Child and Adult Food Program for At-Risk After School Snack Program for the FY 2019 School Year Snack Program Sponsored by the Department of Recreation, Parks and Cultural Activities.

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 06/26/18, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council approved the consent calendar. The City Manager's approvals were as follows:

5. City Council: (1) approved an one-year extension by approved a Third Amendment to the existing Washington Metropolitan Area Transit Authority (WMATA) Capital Funding Agreement. (CFA); (2) authorized the City Manager to sign and execute the FY 2019 WMATA CFA; and (3) approved the City opting out of up to \$11.2 million of WMATA debt issuance by utilizing City CIP funds to pay up to \$11.2 million, and thereby save over a 25-year period on future WMATA debt service charged to the City.

6. City Council: (1) authorized the release of \$100,000 in contingent reserves for the creation of an Opioid and Other Drugs Recovery Coordinator position (1.0 FTE Grade 22/Supervisory Program Analyst); and (2) that staff continue to seek out alternative funding sources to support this work.

7. City Council authorized the City Manager to: (1) submit the At-Risk After School grant renewal application to the United States Department of Agriculture for Fiscal Year 2019 (due date September 1, 2018); (2) affirm that there are no funds available in the City budget to continue these activities once the grant funds are expended; and (3) execute all documents that may be required.

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

ROLL-CALL CONSENT CALENDAR (8-12)

8. Consideration of a Resolution Approving the Issuance of Refunding Bonds by the Industrial Development Authority (IDA) of Fairfax County to assist Inova Health Systems (Inova) in refunding all or a portion of certain outstanding revenue bonds. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 20 2018, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 06/26/18, and is incorporated as part of this record by reference.)

9. Consideration of a Request to Approve a Resolution Designating the Bellefonte Apartments Site a Revitalization Area. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 06/26/18, and is incorporated as part of this record by reference.)

10. Consideration of a Resolution to Establish the 2018 Personal Property Tax Relief Rates. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 06/26/18, and is incorporated as part of this record by reference.)

11. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE), Section 2-174 (MEDICAL CARE FACILITY), Section 2-176 (MEDICAL OFFICE), of Article II (DEFINITIONS); Section 3-902 (PERMITTED USES), of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-102 (PERMITTED USES), Section 4-102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-107 (USE LIMITATIONS), 4-202 (PERMITTED USES), 4-202.1 (ADMINISTRATIVE SPECIAL USES), 4-207 (USE LIMITATIONS), Section 4-302 (PERMITTED USES), Section 4-302.1 (ADMINISTRATIVE SPECIAL USES), Section 4-307 (USE LIMITATIONS), Section 4-402 (PERMITTED USES), Section 4-402.1 (ADMINISTRATIVE SPECIAL USES), Section 4-407 (USE LIMITATIONS), Section 4-502 (PERMITTED USES), Section 4-502.1 (ADMINISTRATIVE SPECIAL USES), Section 4-507 (USE LIMITATIONS), Section 4-602 (PERMITTED USES), Section 4-602.1 (ADMINISTRATIVE SPECIAL USES), Section 4-607 (USE LIMITATIONS), Section 4-702.1 (ADMINISTRATIVE SPECIAL USES), Section 4-802 (PERMITTED USES), Section 4-802.1 (ADMINISTRATIVE SPECIAL USES), Section 4-807 (USE LIMITATIONS), Section 4-902 (PERMITTED USES), Section 4-902.1 (ADMINISTRATIVE SPECIAL USES), Section 4-906 (USE LIMITATIONS), Section 4-1002 (PERMITTED USES), Section 4-1002.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1006 (USE LIMITATIONS), Section 4-1102 (PERMITTED USES), Section 4-1102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1106 (USE LIMITATIONS), Section 4-1202 (PERMITTED USES), Section 4-1202.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1403 (PERMITTED USES), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1404 (SPECIAL USES), Section 4-1413 (USE LIMITATIONS), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-102 (PERMITTED USES), Section 5-102.1 (ADMINISTRATIVE SPECIAL USES), Section 5-110 (USE LIMITATIONS), Section 5-202 (PERMITTED USES), Section 5-202.1 (ADMINISTRATIVE SPECIAL USES), Section 5-210 (USE LIMITATIONS), Section 5-302 (PERMITTED USES), Section 5-302.1 (ADMINISTRATIVE SPECIAL USES), Section 5-310 (USE LIMITATIONS), Section 5-402 (PERMITTED USES), Section 5-402.1 (ADMINISTRATIVE SPECIAL USES), Section 5-403 (SPECIAL USES), Section 5-511 (USE LIMITATIONS), of Article V

(MIXED USE ZONES); Section 6-603 (USES), Section 6-702 (USES), Section 6-707 (USE LIMITATIONS), of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS), of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), of Division B (DEVELOPMENT APPROVALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and add new Section 2-153.2 (HEALTH PROFESSION OFFICE) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2018-0005 (Implementation Ordinance for Text Amendment associated with massage update approved by City Council on June 23, 2018).[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. 11; 06/26/18, 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. 11; 06/26/18, and is incorporated as part of this record by reference.)

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to the Potomac Yard/Potomac Greens chapter of such master plan as Master Plan Amendment No. 2018-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment related to National Institutes for the Blind approved by City Council on June 23, 2018). [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. 12; 06/26/18, 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. 12; 06/26/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council approved the roll-call consent calendar, the exception of items 11 and 12, which were considered under a separate motion. The approval was as follows:

8. City Council adopted a resolution approved the issuance of refunding bonds by the Industrial Development Authority (IDA) of Fairfax County to assist Inova Health Systems in refunding all or a portion of certain outstanding revenue bonds.

The resolution reads as follows:

RESOLUTION NO. 2831

WHEREAS, the Industrial Development Authority of the City of Alexandria (the “Alexandria Authority”) has considered a request of Inova Alexandria Hospital (the “Hospital”) and certain affiliated entities (collectively, “Inova”), which are organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), requesting the Alexandria Authority and the City Council of the City of Alexandria, Virginia (the “City Council”) approve the issuance by the Industrial Development Authority of Fairfax County, Virginia (the “Fairfax Authority”) of the Fairfax Authority’s revenue bonds in an amount not to exceed \$500,000,000 (the “Bonds”) to assist Inova in financing or refinancing all or part of the following plan of financing (collectively, the “Plan of Financing”) to: (a) refund all or any portion of the Virginia Small Business Financing Authority’s Health Care Revenue Bonds (Inova Health System Project), Series 2017, the Fairfax Authority’s outstanding Health Care Revenue Bonds (Inova Health System Project), Series 2005C-1 and Series 2005C-2 and the Fairfax Authority’s outstanding Variable Rate Demand Health Care Revenue Bonds (collectively, the “Refunded Bonds”); (b) fund a debt service reserve fund for the Bonds, if any, (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; and has held a public hearing with respect to the Plan of Financing on June 19, 2018;

WHEREAS, a portion of the proceeds of the Refunded Bonds were applied to the refunding of bonds previously issued by the Fairfax Authority, the proceeds of which were applied to refund a prior issue, the proceeds of which prior issue were applied to refund bonds issued for the benefit of the Hospital located in the City of Alexandria, Virginia;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), sets forth the procedure for such approval;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted in connection with such financing by the second locality;

WHEREAS, certain of the facilities to be financed with the proceeds of the Bonds are located in the City of Alexandria and the City Council constitutes the highest elected governmental unit of the City of Alexandria;

WHEREAS, the Fairfax Authority adopted a resolution (the “Fairfax Resolution”) with respect to the Bonds on June 22, 2018 and the Alexandria Authority has recommended that the City Council concur in the Fairfax Resolution and approve the issuance of the Bonds by the Fairfax Authority in order to comply with Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act;

WHEREAS, a copy of the Fairfax Resolution, a certificate evidencing conduct of the public hearing and the action taken by the Alexandria Authority, and a Fiscal Impact Statement have been filed with the City Council; and

WHEREAS, the Alexandria Authority has recommended that the City Council concur in the Fairfax Resolution and approve the issuance of the Bonds.

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

The City Council concurs in the Fairfax Resolution and approves the issuance of the Bonds by the Fairfax Authority as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act in order to permit the Alexandria Authority to assist Inova in the financing. The City Council’s approval of the issuance of the Bonds by the Fairfax Authority does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of Inova. The issuance of revenue bonds as requested by Inova will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Alexandria, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds. Neither the City of Alexandria nor the Alexandria Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto.

This resolution shall take effect immediately upon its adoption.

9. City Council: (a) approved a resolution designating the Bellefonte Apartments site a Revitalization Area pursuant to Section 36-55.30:2A of the Virginia Code; and (b) authorized the City Manager to execute documents related to the tax credit application and the refinancing plan, including a letter of support.

The resolution reads as follows:

RESOLUTION NO. 2832

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of the Virginia of 1950, as amended, the City Council of the City of Alexandria, Virginia, desires to designate the Site which include the Bellefonte Apartments as the area (the “Area”) described on Exhibit A attached hereto, as a revitalization area.

WHEREAS, the proposed Area will include a project to refinance and rehabilitate a multifamily building containing approximately 12 rental units affordable to households at very low through moderate incomes, from 0 to 10% of the Area Median Income (AMI) through 60% AMI, and with various abilities and needs, subsidized by federal rental assistance contracts, thereby creating a mixed-income community within a larger neighborhood that is likely to continue to experience a significant amount of commercial and market rate residential redevelopment in the next decade.

WHEREAS, the Area, if not redeveloped, is likely to deteriorate by reason that the existing building is subject to obsolescence due to the property’s age and condition, and

private enterprise and investment are not reasonably expected, without assistance, to preserve and rehabilitate decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons, with special needs, in such area and induce other persons to live within such area and thereby create a desirable economic mix of residents in such area, as well as a mix of persons of different abilities.

WHEREAS, the affordable housing preservation and rehabilitation proposed in this Area would not be economically feasible without the provision of federal low-income housing tax credits and City investment, including provision of staffing support and other services, as needed; and

WHEREAS, the proposed development will provide a critical source of affordable housing for current and future low-and-moderate income residents whose tenancy and local employment supports the Area's future economic development and sustainability, as well as the City's strategic plan goal of maintaining neighborhoods that are diverse, inclusive and true mixed-income communities;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

(1) the Area is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions – dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or otherwise inadequate design, quality or condition, including inadequate accessibility to enable current residents to age in place; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low-and-moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia 1950, as amended, the Area is hereby designated as a revitalization area.

10. City Council adopted a resolution to establish the personal property tax relief rates for calendar year 2018.

The resolution reads as follows:

RESOLUTION NO. 2833

**RESOLUTION TO SET THE RELIEF RATES UNDER THE
PERSONAL PROPERTY TAX RELIEF ACT**

WHEREAS, pursuant to Section 58.1-3524 of the Code of Virginia and Section 3-2-224 of the City Code, City Council has the authority to establish the relief rates assessed for vehicles; and

WHEREAS, pursuant to Section 3-2-224(e)(v) of the City Code, the City is required to set the relief rates annually by resolution; and

WHEREAS, City Council has now determined that it is necessary and desirable to set the relief rates as follows.

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

1. That the relief rate for vehicles under City Code Section 3-2-224(e)(v)(A) is 56%; and
2. That the relief rate for vehicles under City Code Section 3-2-224(e)(v)(B) is 46%; and
3. That the relief rate for vehicles under City Code Section 3-2-224(e)(v)(C) is 36%; and
4. That the rates set forth above may vary due to changes related to the vehicles subject to the tax that occur before the tax bills are issued; and
5. That this Resolution shall be effective for Calendar Year 2018.

The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilman Smedberg.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council closed the public hearings and approved items 11 and 12 of the roll-call consent calendar. The approval was as follows:

11. City Council closed the public hearing and adopted an ordinance by roll-call vote to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE), Section 2-174 (MEDICAL CARE FACILITY), Section 2-176 (MEDICAL OFFICE), of Article II (DEFINITIONS); Section 3-902 (PERMITTED USES), of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-102 (PERMITTED USES), Section 4-102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-107 (USE LIMITATIONS), 4-202 (PERMITTED USES), 4-202.1 (ADMINISTRATIVE SPECIAL USES), 4-207 (USE LIMITATIONS), Section 4-302 (PERMITTED USES), Section 4-302.1 (ADMINISTRATIVE SPECIAL USES), Section 4-307 (USE LIMITATIONS), Section 4-402 (PERMITTED USES), Section 4-402.1 (ADMINISTRATIVE SPECIAL USES), Section 4-407 (USE LIMITATIONS), Section 4-502 (PERMITTED USES), Section 4-502.1 (ADMINISTRATIVE SPECIAL USES), Section 4-507 (USE LIMITATIONS), Section 4-602 (PERMITTED USES), Section 4-602.1 (ADMINISTRATIVE SPECIAL USES), Section 4-607 (USE LIMITATIONS), Section 4-702.1 (ADMINISTRATIVE SPECIAL USES), Section 4-802 (PERMITTED USES), Section 4-802.1 (ADMINISTRATIVE SPECIAL USES), Section 4-807 (USE LIMITATIONS), Section 4-902 (PERMITTED USES), Section 4-902.1 (ADMINISTRATIVE SPECIAL USES), Section 4-906 (USE LIMITATIONS), Section 4-1002 (PERMITTED USES), Section 4-1002.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1006 (USE LIMITATIONS), Section 4-1102 (PERMITTED USES), Section 4-1102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1106 (USE LIMITATIONS), Section 4-1202 (PERMITTED USES), Section 4-1202.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1403

(PERMITTED USES), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1404 (SPECIAL USES), Section 4-1413 (USE LIMITATIONS), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-102 (PERMITTED USES), Section 5-102.1 (ADMINISTRATIVE SPECIAL USES), Section 5-110 (USE LIMITATIONS), Section 5-202 (PERMITTED USES), Section 5-202.1 (ADMINISTRATIVE SPECIAL USES), Section 5-210 (USE LIMITATIONS), Section 5-302 (PERMITTED USES), Section 5-302.1 (ADMINISTRATIVE SPECIAL USES), Section 5-310 (USE LIMITATIONS), Section 5-402 (PERMITTED USES), Section 5-402.1 (ADMINISTRATIVE SPECIAL USES), Section 5-403 (SPECIAL USES), Section 5-511 (USE LIMITATIONS), of Article V (MIXED USE ZONES); Section 6-603 (USES), Section 6-702 (USES), Section 6-707 (USE LIMITATIONS), of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS), of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), of Division B (DEVELOPMENT APPROVALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and add new Section 2-153.2 (HEALTH PROFESSION OFFICE) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2018-0005.

The ordinance reads as follows:

ORDINANCE NO. 5155

AN ORDINANCE to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE), Section 2-174 (MEDICAL CARE FACILITY), Section 2-176 (MEDICAL OFFICE), of Article II (DEFINITIONS); Section 3-902 (PERMITTED USES), of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-102 (PERMITTED USES), Section 4-102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-107 (USE LIMITATIONS), 4-202 (PERMITTED USES), 4-202.1 (ADMINISTRATIVE SPECIAL USES), 4-207 (USE LIMITATIONS), Section 4-302 (PERMITTED USES), Section 4-302.1 (ADMINISTRATIVE SPECIAL USES), Section 4-307 (USE LIMITATIONS), Section 4-402 (PERMITTED USES), Section 4-402.1 (ADMINISTRATIVE SPECIAL USES), Section 4-407 (USE LIMITATIONS), Section 4-502 (PERMITTED USES), Section 4-502.1 (ADMINISTRATIVE SPECIAL USES), Section 4-507 (USE LIMITATIONS), Section 4-602 (PERMITTED USES), Section 4-602.1 (ADMINISTRATIVE SPECIAL USES), Section 4-607 (USE LIMITATIONS), Section 4-702.1 (ADMINISTRATIVE SPECIAL USES), Section 4-802 (PERMITTED USES), Section 4-802.1 (ADMINISTRATIVE SPECIAL USES), Section 4-807 (USE LIMITATIONS), Section 4-902 (PERMITTED USES), Section 4-902.1 (ADMINISTRATIVE SPECIAL USES), Section 4-906 (USE LIMITATIONS), Section 4-1002 (PERMITTED USES), Section 4-1002.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1006 (USE LIMITATIONS), Section 4-1102 (PERMITTED USES), Section 4-1102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1106 (USE LIMITATIONS), Section 4-1202 (PERMITTED USES), Section 4-1202.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1403 (PERMITTED USES), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1404 (SPECIAL USES), Section 4-1413 (USE LIMITATIONS), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-102 (PERMITTED USES), Section 5-102.1 (ADMINISTRATIVE SPECIAL USES), Section 5-110 (USE LIMITATIONS), Section 5-202 (PERMITTED USES), Section 5-202.1 (ADMINISTRATIVE

SPECIAL USES), Section 5-210 (USE LIMITATIONS), Section 5-302 (PERMITTED USES), Section 5-302.1 (ADMINISTRATIVE SPECIAL USES), Section 5-310 (USE LIMITATIONS), Section 5-402 (PERMITTED USES), Section 5-402.1 (ADMINISTRATIVE SPECIAL USES), Section 5-403 (SPECIAL USES), Section 5-511 (USE LIMITATIONS), of Article V (MIXED USE ZONES); Section 6-603 (USES), Section 6-702 (USES), Section 6-707 (USE LIMITATIONS), of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS), of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), of Division B (DEVELOPMENT APPROVALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and add new Section 2-153.2 (HEALTH PROFESSION OFFICE) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0005.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0005, 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 June 5, 2018 of a text amendment to the Zoning Ordinance to add massage as a health profession office, which recommendation was approved by the City Council at public hearing on June 23, 2018
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-126 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-126 - Business and professional office.

Any room, studio, clinic, ~~suite, clinic,~~ suite or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects but not including ~~offices for dentists, physicians or other medical practitioners,~~ or health professional offices or offices for day labor agencies.

Section 2. That Section 2-174 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-174 - Medical care facility.

Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons, or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled; including but not limited to intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical school, outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, substance abuse outpatient or day programs, and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a health profession office, ~~physician's or medical office~~, first aid station for emergency medical treatment, housing for the elderly, medical laboratory, hospital, nursing home or a facility which has as its primary purpose residential accommodation. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this article, wherever such use is allowed in the zones.

Section 3. That Section 2-153.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as follows:

2-153.2 Health profession office~~Medical office.~~

The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, osteopathy, dentistry, ~~chiropractic, podiatry,~~ psychiatry, clinical psychology, nursing, massage therapy, physical therapy or other health-related professions on an outpatient basis. ~~The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.~~

Section 4. That Section 2-176 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

~~2-176 Medical office.~~

~~The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, osteopathy, dentistry, chiropractic, podiatry, psychiatry, clinical psychology or other health-related professions on an outpatient basis. The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.~~ Reserved.

Section 5. That Section 3-902 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

- (A) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Accessory uses, as permitted by section 7-100;
- (D) Child or elder care home, as permitted by section 7-500;

- (E) Church;
- (F) Home occupation, as permitted by section 7-300;
- (G) Public park;
- (H) Public school;
- (I) The following commercial uses in a residential development of at least 2,000 dwelling units if limited to an area the size of the first floor or any floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:
 - (1) Bank, saving and loan bank or association, and similar financial institution;
 - (2) Barbershop or beauty parlor;
 - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
 - (4) Drugstore;
 - (5) Grocery store, where products are not prepared or consumed on the premises;
 - (6) Gift or florist shop;
 - (6.1) Health and athletic club;
 - (7) Professional, business and ~~medical~~health profession-office provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and
- (J) Utilities, as permitted by section 7-1200.

Section 6. That Section 4-102 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (J) Public school;
- (J.1) Restaurant located within a shopping center;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;

- (N) Accessory uses, as permitted by section 7-100.

Section 7. That Section 4-102.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-102.1 - Administrative special uses.

The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) Reserved; ~~Massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

Section 8. That Section 4-107 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-107 - Use limitations.

- (A) All operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) No more than one vehicle limited to one car or light truck shall be used on the premises as part of the operation of any business except that additional vehicles may be permitted with a special use permit.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) Parking for commercial uses may be located on a lot other than the one on which the commercial use is located if the other lot is zoned for commercial uses and is located within 500 feet of the use served.

- (G) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (H) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 9. That Section 4-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) Private school, commercial;
- (I) Public school;
- (I.1) Restaurant located within a shopping center or hotel;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (K) Seminary, convent or monastery;
- (L) Utilities, as permitted by section 7-100;
- (M) Accessory uses, as permitted by section 7-100.

Section 10. That Section 4-202.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-202.1 - Administrative special uses.

The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation, if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) ~~Reserved; massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

Section 11. That Section 4-207 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-207 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
 - (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.
- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 12. That Section 4-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

- (A) Single-family dwelling;
 - (A.1) Two-family dwelling;
 - (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
 - (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;

- (F) medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) Private school, commercial;
- (I) Public school;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Seminary, convent or monastery;
- (L) Utilities, as permitted by section 7-1200;
- (M) Accessory uses, as permitted by section 7-100.

Section 13. That Section 4-302.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-302.1 - Administrative special uses.

The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation, if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

Section 14. That Section 4-307 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-307 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
 - (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.
- (B) Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic.

- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) A day care center, or commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 15. That Section 4-402 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (H) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H.1) Private school, commercial;
- (I) Personal service establishment;
- (J) Public school;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

Section 16. That Section 4-402.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-402.1 - Administrative special uses.

The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Restaurant;
- (A.2) Health and athletic club, other than pursuant to section 4-402(E.3);
- (B) Reserved; ~~Massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

Section 17. That Section 4-407 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-407 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
 - (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.
- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center, or commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (F) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 18. That Section 4-502 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (F) City sponsored farmers' market;
- (F.1) Day care center;
- (G) Medical laboratory;
- (H) ~~Medical office~~ Health profession office;
- (H.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (I) Personal service establishment;
- (J) Private school, commercial;
- (K) Public school;
- (L) Radio or TV broadcasting office and studio;
- (L.1) Reserved;
- (M) Retail shopping establishment, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

Section 19. That Section 4-502.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-502.1 - Administrative special uses.

The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) ~~Reserved; Massage establishment;~~
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);
- (E) Restaurant;
- (F) Valet parking.

Section 20. That Section 4-507 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-507 - Use limitations.

- (A) All operations shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center, or commercial school ~~or message establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 21. That Section 4-602 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-602 - Permitted uses.

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Church;
- (D.1) Day care center;
- (E) Medical laboratory;
- (F) ~~Medical office~~ Health profession office;
- (F.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (G) Personal service establishment;
- (H) Private school, commercial;
- (I) Public school;
- (J) Radio or TV broadcasting facility;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

Section 22. That Section 4-602.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-602.1 - Administrative special uses.

The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) Reserved; ~~Massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

Section 23. That Section 4-607 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-607 - Use limitations.

- (A) All operations shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director which permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center, or commercial school ~~or message establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 24. That Section 4-702.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-702.1 - Administrative special uses.

The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (B) Reserved; ~~Massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;

- (G) Valet parking.

Section 25. That Section 4-802 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

Section 26. That Section 4-802.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-802.1 - Administrative special uses.

The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) ~~Reserved; Massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;

- (G) Valet parking.

Section 27. That Section 4-807 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-807 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (E) A day care center, or commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 28. That Section 4-902 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-902 - Permitted uses.

The following uses are permitted in the OCM(50) zone:

- (A) Single-family dwelling;
 - (A.1) Two-family dwelling;
 - (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;
 - (C.1) Business and professional office;
 - (C.2) Business offices with or without accessory indoor storage other than those listed in section 4-902(C.1);
- (D) Cemetery;

- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

Section 29. That Section 4-902.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-902.1 - Administrative special uses.

The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center;
- (I) Light assembly, service, and crafts in an industrial or flex space center.

Section 30. That Section 4-906 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-906 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use

- and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
 - (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
 - (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
 - (E) A day care center, or commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
 - (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
 - (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or

Section 31. That Section 4-1002 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1002 - Permitted uses.

The following uses are permitted in the OCM(100) zone:

- (A) Single-family dwelling, except as limited by section 4-1003(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1003(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1003(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1003 (A.1);
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (C.2) Business offices with or without accessory indoor storage other than those listed in section 4-1002(C.1);
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space center or office complex;
- (F) Medical laboratory;
- (G) ~~Medical office~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;

- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant, located within a shopping center, hotel or industrial or flex space center;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

Section 32. That Section 4-1002.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1002.1 - Administrative special uses.

The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) Reserved; ~~massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center;
- (H.1) Light assembly, service, and crafts in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

Section 33. That Section 4-1006 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1006 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

- (E) A day care center, or commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 34. That Section 4-1102 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

- (A) Single-family dwelling, except as limited by section 4-1103(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1103(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1103(A.1);
- (C) Animal care facility with no overnight accommodation;
- (C.1) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space building or office complex;
- (F) Hospital;
- (G) Medical care facility;
- (H) Medical laboratory;
- (I) ~~Medical office~~ Health profession office;
- (I.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (J) Personal service establishment, on the same lot as office use;
- (K) Private school, commercial;
- (K.1) Public school;
- (L) Radio or television broadcasting office and studio;
- (L.1) Restaurant located within a shopping center or hotel;
- (M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

Section 35. That Section 4-1102.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1102.1 - Administrative special uses.

The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;
- (A.1) Health and athletic club;
- (A.2) Restaurant;
- (B) Reserved; ~~massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

Section 36. That Section 4-1106 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1106 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (E) A day care center, or ~~commercial school or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 37. That Section 4-1202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

- (A) Ambulance service;
- (A.1) Animal care facility with overnight accommodation;
- (B) Animal shelter;
- (C) Automobile service station;
- (D) Bottling plant;
- (E) Building materials storage and sales;
- (F) Business or professional office;
- (G) Catering operations;
- (H) Drive through facility;
- (I) ~~Reserved~~ Health profession office;
- (J) Funeral home;
- (K) Glass shop;
- (L) Health and athletic club;
- (L.1) Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light assembly and crafts;
- (N.1) Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Personal service establishment;
- (T) Printing and publishing facilities;
- (T.1) Private school, commercial;
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;
- (V.1) Restaurant located within a shopping center or hotel;
- (V.2) Retail shopping establishment, up to 20,000 gross square feet;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100;
- (CC) Public recycling center.

Section 38. That Section 4-1202.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1202.1 - Administrative special uses.

The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Automobile and trailer rental or sales area;
- (A.1) Restaurant;
- (A.2) Day care center;
- (B) Reserved; ~~massage establishment~~;
- (B.1) Motor vehicle parking or storage for more than 20 vehicles;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (F.1) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (G) Valet parking.

Section 39. That Section 4-1403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1403 - Permitted uses.

In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

- (A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:
 - (1) Retail establishment;
 - (2) Personal service establishment, except pawnshops, check cashing, payday loan and title loan businesses;
 - (3) Banks, business and professional offices, medical laboratory ~~or~~, health profession offices and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other;
 - (4) Restaurants, when located within a shopping center or hotel;
 - (5) Day care center;
 - (6) Private school, commercial, with a maximum of 20 students on the premises at any one time and with a frontage of less than 30 feet along Mount Vernon Avenue;
 - (7) Animal care facility with no overnight accommodation;
 - (8) Health and athletic club if located within a shopping center, hotel or office complex;
 - (9) Utilities, as permitted by section 7-1200.
- (B) Permitted uses above the ground floor:
 - (1) Uses listed under section 4-1403;
 - (2) Dwelling unit;
 - (3) Church;
 - (4) Private school, commercial with more than 20 students on the premises at any one time.

Section 40. That Section 4-1403.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1403.1 - Administrative special uses.

The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation located in a shopping center;
- (A.1) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Reserved;
- (E) Reserved; ~~Massage establishment~~;
- (F) Valet parking;
- (G) Outdoor dining;
- (H) Live theater;
- (I) Health and athletic club, other than pursuant to section 4-1403(A)(8);
- (J) Outdoor display of retail goods.

Section 41. That Section 4-1404 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1404 - Special uses.

The following uses may be allowed with a special use permit:

- (A) Amusement enterprise
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1(A);
- (B) Banks, business and professional offices, medical laboratories/~~offices~~, health profession offices and laundromats on the ground floor, other than pursuant section 4-1403(A) Banks, business and professional offices, medical laboratories , health profession office and laundromats, other than pursuant section 4-1403(A)(3);
- (C) Convenience store;
- (D) Public parking lot;
- (E) Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1(H);
- (H) Bus shelter on private property;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1(C);
- (K) Private school, academic, with more than 20 students on the premises at one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1);
- (N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the

development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.

- (O) Congregate housing facility;
- (P) Health and athletic club, other than pursuant to sections 4-1403(A)(8) or 4- 11 1403.1(I)
- (Q) Home for the elderly;
- (R) Outdoor garden center, other than pursuant to section 4-1403.1(B);
- (S) Public building;
- (U) Social service use.

Section 42. That Section 4-1413 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1413 - Use limitations.

- (A) All operations, except those administrative uses enumerated in sections 14-1103(B), (C) and (G) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 43. That Section 5-102 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-102 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;

- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) ~~Medical office~~ Health profession office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;
- (F.2) Public school;
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

Section 44. That Section 5-102.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-102.1 - Administrative special uses.

The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Health and athletic club;
- (A.1) Restaurant;
- (B) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

Section 45. That Section 5-110 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-110 - Use limitations.

- (A) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 46. That Section 5-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-202 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) ~~Medical office~~ Health profession office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;
- (F.2) Public school;
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

Section 47. That Section 5-202.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-202.1 - Administrative special uses.

The following uses may be allowed in the CRMU-M zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Health and athletic club;
- (A.1) Restaurant;
- (B) Reserved; ~~massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

Section 48. That Section 5-210 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-210 - Use limitations.

- (A) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 49. That Section 5-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-302 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) ~~Medical office~~ Health profession office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;
- (F.2) Public school;
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

Section 50. That Section 5-302.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-302.1 - Administrative special uses.

The following uses may be allowed in the CRMU-H zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Health and athletic club;
- (A.1) Restaurant;
- (B) ~~Reserved massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

Section 51. That Section 5-310 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-310 - Use limitations.

- (A) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Section 52. That Section 5-402 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-402- Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (A.3) Motor vehicle parking or storage for 20 vehicles or fewer;
- (A.4) Day care center;
- (A.5) Personal service establishment;
- (A.6) Private school, commercial;
- (A.7) Public school;
- (A.8) Retail shipping establishment, up to 20,000 gross square feet;
- (B) Utilities, subject to section 7-1200;
- (C) Accessory uses, as permitted by section 7-100.
- (D) Business and professional office, above the ground floor;
- (E) Health profession office, above the ground floor.

Section 53. That Section 5-402.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-402.1 - Administrative special uses.

The following uses may be allowed in the CRMU-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Health and athletic club;
- (A.1) Restaurant;
- (B) Reserved; ~~massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;

- (F) Valet parking.

Section 54. That Section 5-403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-403 - Special uses.

The following uses may be approved, subject to the procedures and regulations for special use permits and subject to the limitations of section 5-609 below:

- (A) Multifamily dwelling;
- (B) Amusement enterprise;
- (C) Animal care facility with no overnight accommodation;
- (C.1) Apartment hotel;
- (C.2) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Business and professional office, on the ground floor of buildings facing the sidewalk;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (I) Fraternal or private club;
- (J) Health and athletic club, other than pursuant to section 5-402.1(A);
- (K) Home for the elderly;
- (L) Hotel;
- (M) Medical care facility;
- (N) Medical laboratory;
- (O) ~~Medical office~~ Health profession office, on the ground floor of buildings facing the sidewalk;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Nursing or convalescent home or hospice;
- (P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;
- (P.2) Outdoor garden center, other than pursuant to section 5-402.1;
- (Q) Reserved;
- (R) Reserved;
- (S) Private school, academic, with more than 20 students on the premises at one time;
- (T) Public building;
- (U) Radio or television broadcasting office and studio;
- (V) Restaurant, other than pursuant to section 5-402.1;
- (W) Retail shopping establishment, larger than 20,000 gross square feet;
- (X) Social service use.

Section 55. That Section 5-511 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-511 - Use limitations.

Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; ~~provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

Section 56. That Section 6-603 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-603 - Uses.

- (A) *Permitted and special use restrictions.* The following uses, otherwise allowed either as permitted or special uses in the CL zone, are not permitted in the overlay zone area:
- (1) Seminary, convent or monastery;
 - (2) Medical laboratory;
 - (3) Public school;
 - (4) Funeral home;
 - (5) Rooming house;
 - (6) Check cashing business;
 - (7) Payday loan business;
 - (8) Pawnshop;
 - (9) Motor vehicle parking or storage, except that a public parking lot is allowed with a special use permit;
 - (10) Title loan business.
- (B) *Special use additions.* The following uses are allowed by special use permit, in addition to those listed in the CL zone:
- (1) Amusement enterprise, limited to live theater, music venues and similar entertainment opportunities.
- (C) *Retail focus uses.* Within the retail focus area, uses occupying first floor space of a building shall be limited to the following:
- (1) Retail shopping establishment.
 - (2) Restaurant.
 - (3) Amusement enterprise, as limited in section (B)(1) above.
 - (4) Personal service establishment, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.
 - (5) Arts and crafts studios, which are facilities where arts and crafts products are created on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue is devoted to retail display and sales, then the use is not considered a personal service establishment.
 - (6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.
 - (7) Private school, commercial, with a maximum of 20 students on the premises at one time and provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that more than 20 students on the premises at one time and additional frontage space may be permitted with a special use permit.

- (D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513.
- (1) Restaurants;
 - (2) Outdoor dining;
 - (3) Amusement enterprise, limited to live theater;
 - (4) Outdoor food and crafts markets;
 - (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet;
 - (6) Outdoor display of retail goods;
 - (7) Reserved; ~~massage establishment;~~
 - (8) Valet parking.
- (E) *Accessory apartments.* The regulation for accessory apartments in section 4-108 is modified to allow residential uses on the upper floors of a building to apply to up to eight apartments.
- (F) *Noncomplying uses.* Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, any use within the urban overlay zone that is legally existing on _____ (date of ordinance adoption) and inconsistent with these provisions shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.

Section 57. That Section 6-702 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-702 - Uses.

Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

Ground floor uses: Retail and other active uses are emphasized in the ground floor uses category. The ground floor uses category applies to uses to be located in the space within the first 50 feet of a building, measured from the front building wall, and in a building that is set back no further than 30 feet from a front property and with a first floor of the building within four feet above the sidewalk grade.

Upper floor uses: The second category of uses is all space that is not located within the ground floor of a building, as that is defined above. Upper floor uses may be located on floors above the ground floor, in the space on the ground floor beyond the 50 feet threshold for ground floor uses, and in buildings not considered retail appropriate because they are elevated above grade or set back an excessive distance from the street as expressed above.

(A) *Ground floor uses*

(1) *Permitted uses.*

- (a) Animal care facility with no overnight accommodations;

- (a.1) Building lobby, with a frontage of less than 30 feet along King Street;
- (b) City sponsored farmers' market;
- (c) Personal service establishment, with a frontage of less than 30 feet along King Street;
- (d) Private school, commercial, with a maximum of 20 students on the premises at one time and with a frontage of less than 30 feet along King Street;
- (e) Retail shopping establishment, 10,000 square feet or less in size;
- (f) Utilities, as permitted by section 7-1200;
- (g) Accessory uses.

(2) *Special uses:*

- (a) Amusement enterprise;
- (b) Food and beverage production, exceeding 3,500 square feet, which includes a retail component;
- (c) Church;
- (d) Convenience store;
- (e) Health and athletic club;
- (f) Hotel;
- (g) Outdoor food and craft market;
- (h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.
- (i) Personal service establishment or building or hotel lobby, extending for more than 30 feet along King Street;
- (i.1) Private school, commercial, with a maximum of 20 students on the premises at one time and extending for more than 30 feet along King Street;
- (j) Public building;
- (k) Restaurant, other than pursuant to section 6-702(C);
- (l) Retail shopping establishment, over 10,000 square feet in size.

(B) *Upper floor uses.*

(1) *Permitted uses:*

- (a) Any use permitted as a ground floor use under section 6-702(A)(1);
- (b) Multifamily dwelling units or accessory apartments;
- (c) Business and professional office;
- (c.1) Day care center;
- (d) ~~Medical office~~ Health profession office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (f.1) Private school, commercial, with a maximum of 20 students on the premises at one time;
- (g) Radio or television broadcasting office and studio.

(2) *Special uses:*

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;

- (c) Catering operation;
- (d) Congregate housing;
- (e) Reserved;
- (f) Home for the elderly;
- (g) Fraternal or private club;
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;
- (k) Private school, commercial or academic, with more than 20 students on the premises at one time;
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513 of this ordinance:

- (1) Valet parking;
- (2) Reserved; ~~massage establishment~~;
- (3) Restaurant (ground floor only).

Section 58. That Section 6-707 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-707 - Use limitations.

- (A) All operations, except those administrative uses enumerated in section 6-702(C)(1) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, or commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.

Section 59. That Section 7-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-302 - Prohibited occupations.

Prohibited home occupations include but are not limited to the following:

- (A) Antique shop;
- (B) Barber shop or beauty salon;
- (C) Funeral home with or without chapel;
- (D) Gift shop;
- (E) Kennel or other boarding of animals;
- (F) ~~Medical or dental clinic,~~ Health profession office, hospital, or nursing home;
- (G) Motor vehicle repair or sales;
- (H) Nursery school;
- (I) Repair or testing of internal combustion engine;
- (J) Restaurant;
- (K) Veterinary clinic or animal hospital.

Section 60. That Section 7-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-303 - Use limitations.

Each home occupation shall be subject to the following use limitations each of which shall be applied equally and no one of which shall be interpreted as relaxing another:

- (A) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on site employment or use of labor from persons who are not bona fide residents of the dwelling.
- (B) No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or ~~medical~~ health profession office.

Section 61. That Section 8-200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec. 8-200 – General parking regulations

- (A) Schedule of requirements. The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in this section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of this section 8-200(A) may be reduced when special zoning allows parking reductions and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

(16) Specific Commercial uses:

- (a) Within the Enhanced Transit Area
 - i. Minimum requirement – 0.25 spaces per 1,000 square feet of floor area
 - ii. Maximum requirement – 3.0 spaces per 1,000 square feet of floor area
- (b) Outside the Enhanced Transit Area
 - i. Minimum requirement – 0.75 spaces per 1,000 square feet of floor area

- ii. Maximum requirement – 4.0 spaces per 1,000 square feet of floor area
- (c) The following uses are specific commercial for the purposes of determining parking requirements:
 - i. Animal care facility
 - ii. Convenience store
 - iii. Day care center
 - iv. Light assembly, service and crafts
 - v. ~~Reserved; massage establishment;~~
 - vi. Personal Service Establishment
 - vii. Private school, commercial
 - viii. Retail shopping establishment

- (19) Office uses, including governmental, ~~medical,~~ health profession and professional:
 - (a) Within the enhanced transit area:
 - i. Minimum requirement—0.25 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—1.5 spaces per 1,000 square feet of floor area.
 - (b) Outside the enhanced transit area:
 - i. Minimum requirement—0.75 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—2.25 spaces per 1,000 square feet of floor area.

Section 62. That Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-513 - Administrative special use permit.

- (O) *Application to certain development special use permits.* The provisions of this section 11-513 have no application to any CO planned residential/commercial development and shall not preempt any conditions in any DSUP or CDD concept plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:
 - (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this section 11-513(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:
 - (a) Business professional offices;
 - (b) Catering;
 - (c) Church;
 - (d) Convenience store;
 - (e) Day care center;
 - (f) Health and athletic club;
 - (g) ~~Reserved; massage establishment;~~
 - (h) Medical care facility;

- (i) Medical laboratory;
- (j) ~~Medical office~~ Health profession office;
- (k) Personal service establishments;
- (l) Pet supplies, grooming and training with no overnight accommodations;
- (m) Restaurant; and
- (n) Retail shopping establishments.

Section 63. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 64. That Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE), Section 2-174 (MEDICAL CARE FACILITY), Section 2-176 (MEDICAL OFFICE), of Article II (DEFINITIONS); Section 3-902 (PERMITTED USES), of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-102 (PERMITTED USES), Section 4-102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-107 (USE LIMITATIONS), 4-202 (PERMITTED USES), 4-202.1 (ADMINISTRATIVE SPECIAL USES), 4-207 (USE LIMITATIONS), Section 4-302 (PERMITTED USES), Section 4-302.1 (ADMINISTRATIVE SPECIAL USES), Section 4-307 (USE LIMITATIONS), Section 4-402 (PERMITTED USES), Section 4-402.1 (ADMINISTRATIVE SPECIAL USES), Section 4-407 (USE LIMITATIONS), Section 4-502 (PERMITTED USES), Section 4-502.1 (ADMINISTRATIVE SPECIAL USES), Section 4-507 (USE LIMITATIONS), Section 4-602 (PERMITTED USES), Section 4-602.1 (ADMINISTRATIVE SPECIAL USES), Section 4-607 (USE LIMITATIONS), Section 4-702.1 (ADMINISTRATIVE SPECIAL USES), Section 4-802 (PERMITTED USES), Section 4-802.1 (ADMINISTRATIVE SPECIAL USES), Section 4-807 (USE LIMITATIONS), Section 4-902 (PERMITTED USES), Section 4-902.1 (ADMINISTRATIVE SPECIAL USES), Section 4-906 (USE LIMITATIONS), Section 4-1002 (PERMITTED USES), Section 4-1002.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1006 (USE LIMITATIONS), Section 4-1102 (PERMITTED USES), Section 4-1102.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1106 (USE LIMITATIONS), Section 4-1202 (PERMITTED USES), Section 4-1202.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1403 (PERMITTED USES), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), Section 4-1404 (SPECIAL USES), Section 4-1413 (USE LIMITATIONS), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-102 (PERMITTED USES), Section 5-102.1 (ADMINISTRATIVE SPECIAL USES), Section 5-110 (USE LIMITATIONS), Section 5-202 (PERMITTED USES), Section 5-202.1 (ADMINISTRATIVE SPECIAL USES), Section 5-210 (USE LIMITATIONS), Section 5-302 (PERMITTED USES), Section 5-302.1 (ADMINISTRATIVE SPECIAL USES), Section 5-310 (USE LIMITATIONS), Section 5-402 (PERMITTED USES), Section 5-402.1 (ADMINISTRATIVE SPECIAL USES), Section 5-403 (SPECIAL USES), Section 5-511 (USE LIMITATIONS), of Article V (MIXED USE ZONES); Section 6-603 (USES), Section 6-702 (USES), Section 6-707 (USE LIMITATIONS), of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS), of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), of Division B (DEVELOPMENT APPROVALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and new Section 2-153.2 (HEALTH PROFESSION OFFICE) of Article II (DEFINITIONS), as amended or added pursuant to Sections 1 through 62 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 65. 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.

12. City Council closed the public hearing and adopted an ordinance by roll-call vote to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting an incorporating therein the amendment heretofore approved by City Council to the Potomac Yard/Potomac Greens chapter of such master plan as Master Plan Amendment No. 2018-0001 and no the amendment, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

ORDINANCE NO. 5156

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Potomac Yard/Potomac Greens chapter of such master plan as Master Plan Amendment No. 2018-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2018-0001, 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 June 5, 2018 of an amendment to the Potomac Yard/Potomac Greens chapter of the Master Plan of the City of Alexandria to amend Map #24A/Potomac Yard CDD#10 Predominant Height Limits to allow a maximum height of 117 feet on Block A2, which recommendation was approved by the City Council at public hearing on June 23, 2018;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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 the Potomac Yard/Potomac Greens Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Map #24A/Potomac Yard CDD#10 Predominant Height Limits to allow a maximum height of 117 feet on Block A2, attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

13. Information Technology Commission Recommendation on Net Neutrality. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 06/26/18, and is incorporated as part of this record by reference.)

Ms. Catharine Rice, Chair, Commission for Information Technology, gave a summary of the discussion from the Commission on the Council's Net Neutrality resolution and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution as recommended by the Information Technology Commission supporting the principles of Net Neutrality. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

The resolution reads as follows:

RESOLUTION NO. 2839

WHEREAS, a free and open Internet has become a vital tool for communications, education, economic success, and general well-being; and

WHEREAS, the principle of Net Neutrality holds that Internet service providers should treat all data equally, without discriminating based on content; and

WHEREAS, Net Neutrality has guided the Internet as an informal rule since its creation, and the 2015 Open Internet Order was implemented in order to institutionalize Net Neutrality; and

WHEREAS, the repeal of the 2015 Open Internet Order by the Federal Communications Commission in 2017 removed enforceable rules that would have preserved and protected Net Neutrality; and

WHEREAS, violations of Net Neutrality could result in increased costs, blocking or slowing of traffic, or other restrictions on Internet access that would have an adverse economic impact and disproportionately harm the most vulnerable; and

WHEREAS, keeping the Internet free and open is in the best interest of our City and our residents.

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

1. That the City of Alexandria supports the principles of Net Neutrality;
 2. That the City of Alexandria aims to be a “Net Neutrality City” where Internet service providers treat all data equally;
 3. That the City urges the federal government to adopt a national policy to enforce Net Neutrality; and
 4. That this resolution shall be effective immediately.
14. Priority Based Budgeting Presentation.

Mr. Jinks, City Manager, gave introductory remarks about the budgeting processes for the City and Mr. Routt, Director, Office of Management and Budget, and Ms. Henty, Assistant Director, Office of Management and Budget, gave a presentation on priority based budgeting and how the City will move toward using this process for preparing the budget. Mr. Routt and Ms. Henty responded to questions from Council about priority based budgeting.

City Council received the priority based budgeting presentation.

15. Consideration of a Resolution for Modifications to the Potomac Yard Metrorail Implementation Work Group Membership. [ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 06/26/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 5-0 by roll-call vote, City Council adopted the resolution for modifications to the Potomac Yard Metrorail Implementation Work Group (PYMIG) membership. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, and Councilwoman Pepper; Opposed, none; Absent, Councilmember Lovain and Councilman Smedberg.

The resolution reads as follows:

RESOLUTION NO. 2834

WHEREAS, the implementation of the Potomac Yard Metrorail station is important to the economic and social health of Alexandria and to the immediately surrounding area, and

WHEREAS, City Council wishes to ensure a continued forum for community input as the Potomac Yard Metrorail station advances through design and construction, with full coordination with other City efforts,

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

1. There are hereby established modifications to the Potomac Yard Metrorail Station Implementation Work Group (PYMIG).
2. The PYMIG will include the following representatives (June 2018 additions in **bold**):
 - a. Two members of City Council;
 - b. One representative from the Planning Commission;
 - c. One representative from the Transportation Commission;
 - d. One representative from the Environmental Policy Commission;
 - e. One representative from the Park and Recreation Commission;
 - f. One community representative from the neighborhoods east of the CSX tracks within the Potomac Yard Small Area Plan area;
 - g. One community representative from west of the CSX tracks within the Potomac Yard Small Area Plan area;
 - h. One representative from the Potomac Yard Civic Association;**
 - i. One representative from the Potomac Greens Homeowners Association;**
 - j. One representative from the Old Town Greens Townhome/ Condominium Association;**
 - k. One at-large business representative with an interest in the project; and
 - l. Two at-large community members with an interest in the project.
3. The functions of the PYMIG shall be to:
 - a. Review and provide input on Environmental Impact Statement documents;
 - b. Provide input on project design;
 - c. Receive updates on funding issues related to the new Metrorail station;
 - d. Facilitate discussion of construction mitigation for community impacts during construction; and,

- e. Attend and participate fully in all Work Group meetings, in addition to attending work sessions and public hearings of the City Council as needed. If unable to attend, members are encouraged to notify staff in advance and provide comments on meeting materials in a timely manner
4. Staff technical support will be provided by the Department of Transportation and Environmental Services and the Department of Project Implementation, as well as additional staff from other departments.
5. The Council representatives and community members of the PYMIG shall be appointed by the Mayor based on a call for nominations publicized through the City's eNews service, notices to Civic, community and business associations and the City website, and the other PYMIG representatives shall be appointed by the chairs of those bodies to be represented. Representatives from civic and homeowners' associations will be appointed by the Chair of the respective associations.
6. Pursuant to City Code Section 2-4-8, the PYMIG shall meet on an ad hoc basis as needed for the period of 12 months. This term may be extended by council by ordinance or resolution for additional periods of up to 365 days each, not to exceed three years from the date of the initial meeting, if needed for completion of their stated tasks as defined herein, unless otherwise extended by City Council.
16. Consideration of an Amended and Restated Service Agreement with City of Alexandria, Virginia Sanitation Authority (d/b/a Alexandria Renew Enterprises) for it to Continue to Accept, Collect, and Treat Sewage Entering the Authority's System from the City's Separate and Combined Sewage Collection Systems.

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 06/26/18, and is incorporated as part of this record by reference.)

Deputy City Attorney Anderson gave a summary of the service agreement, and she, along with Deputy City Manager Baker and Ms. Pallansch, Chief Executive Officer of Alexandria Renew Enterprises, responded to questions from Council about the amended service agreement.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council: (1) approved the amended and restated service agreement (service agreement) with the City of Alexandria, Virginia Sanitation Authority d/b/a Alexandria Renew Enterprises (Alexandrian Renew); and (2) authorized the City Manager to enter into the proposed service agreement consistent with the terms and conditions of the service agreement. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

17. Consideration of a Resolution Establishing the Combined Sewer Outfall Project Review Team Workgroup as a City Council Subcommittee. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 06/26/18, and is incorporated as part of this record by reference.)

Deputy City Manager Baker gave a summary of the work group to be established and requested that Council appoint two members of City Council to serve on the work group and responded to questions from Council about expectations for the group.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council: (1) adopted the resolution to establish the Combined Sewer Outfall (CSO) Project Review Team Workgroup ("Workgroup") as a Subcommittee of City Council; and (2) Appoint two members of City Council to serve on the Workgroup. Councilman Chapman and Councilman Smedberg were selected as the two Council members to serve on the workgroup. The vote was follows: Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

The resolution reads as follows:

RESOLUTION NO. 2835

RESOLUTION TO ESTABLISH THE CITY COUNCIL/ALEXANDRIA RENEW CSO PROJECT REVIEW WORKGROUP SUBCOMMITTEE

WHEREAS, the City of Alexandria, Virginia Sanitation Authority d/b/a Alexandria Renew Enterprises ("Alexandria Renew") provides wastewater treatment and conveyance to City residents in accordance with the Sewerage Service Agreement between the City of Alexandria, Virginia Sanitation Authority and the City of Alexandria, Virginia dated 1st day of September, 1954 as amended June 25, 1974 and June 26, 2018;

WHEREAS, the City owns and operates both a combined sewer system and a separate sanitary sewer collection system. Combined Sewer Outfalls (CSO) 001, 002, 003 and 004, and associated control structures ("CSO Outfalls") are currently included in the City Collection System;

WHEREAS, During the 2017 General Assembly a law was enacted accelerating the schedule by which the City was required to construct improvements to its combined sewer system (2017 Va. Acts. Reg. Sess. Ch. 827 (uncodified)) ("2017 CSO Law"). The 2017 CSO Law requires 1) "By July 1, 2023, (the City shall) initiate construction activities necessary to bring the CSO outfalls into compliance; 2) "By July 1, 2025, (the City shall) bring the CSO outfall into compliance with Virginia law, the Federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL and 3) "The City shall report annually to VDEQ on progress". In addition, the General Assembly required VDEQ to determine what actions by the City are necessary to attain compliance no later than July 1, 2018 ("CSO Construction Project");

WHEREAS, the City and Alexandria Renew agree that a solution integrated into the Alexandria Renew facility is more efficient and that Alexandria Renew is better suited to finance, design, permit, construct, operate, own and maintain such a solution;

WHEREAS, the City Council approved a Long Term Control Plan Update on April 14, 2018 setting forth the technical approach for meeting the 2017 CSO Law; and

WHEREAS, the City and Alexandria Renew agree that Alexandria Renew needs to own the CSO Outfalls in order to implement the integrated solution and the City has approved an ordinance to effectuate such transfer of ownership on June 23, 2017;

WHEREAS, the City and Alexandria Renew agree that the project to implement the CSO solution will be a large undertaking that will take a partnership between the City and Alexandria Renew in order to accomplish; and

WHEREAS, in order to facilitate the partnership throughout the organizations and to provide a liaison for input and feedback from the City, Alexandria Renew and the City Council agree that a City Council/Alexandria Renew CSO Project Review Workgroup would be appropriate.

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

1. The City Council shall establish a subcommittee of the City Council called the CSO Project Review Team Workgroup (“Workgroup”);
 2. Two (2) City Council Members to be appointed by the Mayor will serve on the Workgroup;
 3. Alexandria Renew is hereby invited to appoint two members of its Board to serve on the Workgroup;
 4. The purpose of the Workgroup will be to review and guide the plans, design, implementation, costs and financing of the CSO Construction Project with the intent of minimizing community impacts and maximizing overall community benefits.
 5. The City Manager for the City of Alexandria, or his designee and the Chief Executive Officer of Alexandria Renew or her designee shall serve as ex officio members of the subcommittee and the Workgroup shall be supported by designated core staff of each organization.
 6. The Workgroup will meet as determined necessary by the members of the Workgroup.
18. Consideration of a Resolution to Support Grant Applications to the Virginia Department of Transportation and Department of Rail and Public Transportation for FY 2024 to FY 2025 SMART SCALE Projects. [ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 06/26/18, and is incorporated as part of this record by reference.)

Mr. Lambert, Director, Transportation and Environmental Services, stated that the grants applications were for future funding for City and DASH projects. Mr. Fye, Division Chief, Transportation and Environmental Services, gave presentation and he, along with Mr. Lambert, responded to questions about the proposed applications.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council: (1) adopted a resolution to support grant applications to the Virginia Department of Transportation and Department of Rail and Public Transportation for FY 2024 to FY 2025 SMART SCALE projects in the amount of \$88.7 million; and (2) authorized the City Manager to execute all necessary documents that may be required. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

The resolution reads as follows:

RESOLUTION NO. 2836

RESOLUTION TO SUPPORT PROPOSED TRANSPORTATION PROJECT APPLICATIONS FOR THE REGIONAL TRANSPORTATION FUNDING “SMART SCALE” FOR FY 2024 to FY 2025

WHEREAS, in 2014, HB2 was signed into law, and in June 2016, the program was renamed SMART SCALE. SMART stands for System Management Allocation of Resources for Transportation and SCALE stands for Safety, Congestion mitigation, Accessibility, Land use, Environmental and economic development; and

WHEREAS, the purpose of SMART SCALE is to fund the right transportation projects through a prioritization process that evaluates each project’s merits using key factors, including: improvements to safety, congestion reduction, accessibility, land use, economic development and the environment. The evaluation focuses on the degree to which a project addresses a problem or need relative to the requested funding for the project; and

WHEREAS, projects are scored based on an objective and fair analysis applied statewide. SMART SCALE also requires that project benefits be analyzed relative to project cost. CTB policy requires the project benefits be analyzed relative to the amount of SMART SCALE funds requested, so the final SMART SCALE score is based on the project cost to the state; and

WHEREAS, the City Council of the City of Alexandria desires to submit applications for an allocation of funds of \$88.7 million for both City of Alexandria and Alexandria Transit Company (DASH) projects, through the VDOT SMART SCALE Program; and

WHEREAS, \$88.7 million is requested to fund the critical transportation needs in the City of Alexandria, Virginia; and

WHEREAS, the following project City of Alexandria applications include: 1) West End Transitway Corridor Investments - \$60,000,000; 2) Safety and Capacity Enhancement at

Duke/Taylor Run/Telegraph - \$4,500,000; 3) Access Improvements to Landmark Transit Hub - \$10,000,000; and

WHEREAS, the following project Alexandria Transit Company (DASH) applications include: 1) DASH Zero Emission Fleet Program - \$12,000,000; and 2) City TSP on Major Corridors - \$2,160,000; and

WHEREAS, the expected applications will be prioritized and based on the 2018 limit number of applications allowed per applicant, based on population thresholds; and

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

1. the City Council of the City of Alexandria hereby supports this application for an allocation of \$88.7 million through the Virginia Department of Transportation SMART SCALE Program; and
 2. the City Council of the City of Alexandria hereby grants authority for the City Manager to execute all necessary documents that may be required under this program.
19. Consideration of a Resolution to Support Proposed Grant Applications to the U.S. Department of Transportation and Office of the Secretary of Transportation for Transportation Projects Eligible Under Better Utilizing Investments to Leverage Development (BUILD). [ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 06/26/18, and is incorporated as part of this record by reference.)

Mr. Fye, Division Chief, Transportation and Environmental Services, gave a presentation on the BUILD grant applications and responded to questions from City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0 by roll-call vote, City Council: (1) adopted a resolution to authorized and approve an application for up to \$25 million in Better Utilizing Investments to Leverage Development (BUILD) funds to the United States Department of Transportation (DOT) for the West End Transitway Corridor Investments; and (2) authorize the City Manage to execute all necessary documents that may be required under this program. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

The resolution reads as follows:

RESOLUTION NO. 2837

RESOLUTION TO SUPPORT PROPOSED TRANSPORTATION PROJECT APPLICATIONS FOR THE FEDERAL TRANSPORTATION FUNDING “BUILD” FOR FY 2018

WHEREAS: The Consolidated Appropriations Act of 2018 appropriated \$1.5 billion to be awarded by the Department of Transportation (DOT) for National Infrastructure Investments; and

WHEREAS, this program was previously known as the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program and is now known as the Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant program; and

WHEREAS, for the FY 2018 round of BUILD Transportation Discretionary Grants, the maximum grant award for implementation is \$25 million; and

WHEREAS, the City Council of the City of Alexandria desires to submit applications for an appropriation of funds in the amount of \$25 million through the BUILD Discretionary Grant program; and

WHEREAS, \$25 million is requested to fund critical transportation needs in Alexandria, Virginia, specifically the West End Transitway Corridor Investments project; and

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

1. the City Council of the City of Alexandria hereby supports this application for an allocation of \$25 million through the US DOT BUILD Discretionary Grant program; and
 2. the City Council of the City of Alexandria hereby grants authority for the City Manager to execute all necessary documents that may be required under this program.
- 19b. Consideration of a Contingent Contract to Sell City-Owned Property at 912, 916, 920 King Street and 116 South Henry Street.

(A copy of the City Manager's memorandum dated June 21, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19b; 06/26/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson seconded by Councilman Smedberg and carried 6-0, City Council authorized the City Manager to enter into a contract with Galena Capital Partners to sell the City-owned surplus properties located at 912, 916, 920 King Street and 116 South Henry Street for \$5,300,000 contingent upon: (a) approval of a Development Special Use Permit (DSUP) and any needed related land use approvals for this project by the Planning Commission, the Board of Architectural Review, and City Council; and (b) approval of the sale by the Planning Commission per Section 9.06 of the City Code to confirm adherence to the City's Master Plan and City Council approval per Section 2.03(g) of the City Charter and Section 15.2-2100 of the Virginia State Code. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

ORAL REPORTS AND ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

1. Mayor Silberberg reported that a plaque dedication was held in the Market Square lobby on Saturday, June 23, honoring the late Patsy Ticer.

2. Mayor Silberberg reported that she, along with City Manager Jinks and other key City staff, will be traveling to New York City on Wednesday and Thursday, for renewal of the City's bond rating.

3. Mayor Silberberg reported that she will be attending Renaissance Weekend in Colorado from June 30 - July 4.

OTHER

20. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 06/26/18, and is on incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council: (1) received the updated City Council schedule for July 2018 to June 2019; and (2) approved the City Council schedule. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

Closed Meeting (if needed)

21. Consideration of a closed meeting for Discussion of the Performance of Specific City Council Appointees and for Consultation with legal counsel and staff regarding actual or probable litigation.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council reconvened in closed executive session at 10:00 p.m. to discuss the performance of specific appointees and constitutional officers, and the annual evaluations and salaries of City Council's three appointees and two constitutional officers; pursuant to Sections 2.2-3711 (A)(1), (3), (7), and (8) of the Code of Virginia. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council reconvened in open session at 12:02 a.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted the resolution regarding the

closed executive session previously circulated to Council. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg, Opposed, none; Absent, Councilmember Lovain.

The resolution reads as follows:

RESOLUTION NO. 2838

WHEREAS, the Alexandria City Council has this 26th day of June, 2018 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, the regular meeting of June 26, 2018 was adjourned at 12:03 a.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilmember Lovain.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk