

**City of Alexandria
City Council Public Hearing
Saturday, March 16, 2019 9:30 AM
Meeting Minutes**

Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: Councilman Canek Aguirre and Councilman John Taylor Chapman.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Triggs, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Dietz, Deputy Director, T&ES; Ms. North, Division Chief, T&ES; Ms. Oleynik, T&ES; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Smith, Urban Planner, P&Z; Mr. Randall, Urban Planner, P&Z; Mr. LaColla, Division Chief, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Christensen, Zoning Manager, P&Z; Ms. Horowitz, Urban Planner, P&Z; Mr. Shelby, Urban Planner, P&Z; Ms. McIlvaine, Director, Office of Housing; Ms. Contraras, Urban Planner, P&Z; Mr. Lacardi, Urban Planner, P&Z; Mr. Barre, Information Technology Services; Police Captain Andreas; and Mr. Lloyd.

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

1. OPENING.

2. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of Council were present, except Councilman Aguirre and Councilman Chapman, who had excused absences.

3. Public Discussion Period.

The following persons participated in the public discussion period:

1. Kathie Hoekstra, 1310 North Chambliss Street, thanked the City Manager and staff making the Eco-City Summit a successful event last Saturday. Ms. Hoekstra requested that the City Council consider supporting the Green New Deal with resolution, noting the Green New Deal was a platform of ideas to address climate change. Ms. Hoekstra requested help with receiving a reduction for installing solar panels on her

house.

2. Janice Grenadier, 15 West Spring Street, spoke about the injustices she was experiencing with the legal system.

3. Bob Wood, 711 Potomac Street, spoke about issues that the citizen Waterfront workgroup, particularly the needs from a commercial and residential perspective. Mr. Wood noted that the balance need to be addressed as the Waterfront continues to develop and build up. Mr. Wood suggested that balance between traffic and utility at the Waterfront needed to be examined closely. Mr. Wood spoke about parking and noted that the plan recommended that a Waterfront parking implementation plan be created, which would address some of the issue of balance between commercial and residential.

4. Poul Hertel, 3716 Carriage House Court, spoke about historic preservation in Old Town and the balance needs to maintained between the residential and commercial to retain the ambiance of Old Town.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (4-7)

Planning Commission

4. Special Use Permit #2018-0114
3000, 3006, 3012, & 3012A Duke Street - Yates Pizza
Public hearing and consideration of a request for a special use permit to operate a restaurant with outdoor dining, indoor and outdoor live entertainment, and a valet parking service; zoned: CG/ Commercial General. Applicant: Jeffery Lee Yates Trust, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

5. Special Use Permit #2018-0117
3225 Colvin Street - DC Poultry Market
Public hearing and consideration of a request for a special use permit to operate a retail shopping establishment and a butchery with live poultry; zoned: I/ Industrial. Applicant: DC Poultry Market Corporation

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

6. Special Use Permit #2018-0112
833 South Pickett Street (Parcel Address: 821 South Pickett Street) - Caliber Collision Public hearing and consideration of a request for a special use permit to operate a general automobile repair business; zoned: I/ Industrial. Applicant: Bret Flory

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

7. Special Use Permit #2018-0116
1400 Duke Street - Executive Diner
Public hearing and consideration of a request to amend a restaurant special use permit (SUP#2016-0041) to add indoor and outdoor seating and to increase hours of operation; zoned: OCM(50)/ Office Commercial Medium (50). Applicant: J&S Restaurant, LLC., represented by David L. Chamowitz, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried 5-0, City Council approved the consent calendar, with the exception of docket items 4 and 5, which were considered under separate motions. The approvals were as follows:

6. City Council approved the Planning Commission recommendation.

7. City Council approved the Planning Commission recommendation.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

4. Special Use Permit #2018-0114
3000, 3006, 3012, & 3012A Duke Street - Yates Pizza

Public hearing and consideration of a request for a special use permit to operate a restaurant with outdoor dining, indoor and outdoor live entertainment, and a valet parking service; zoned: CG/ Commercial General. Applicant: Jeffery Lee Yates Trust, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council close the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

5. Special Use Permit #2018-0117
3225 Colvin Street - DC Poultry Market
Public hearing and consideration of a request for a special use permit to operate a retail shopping establishment and a butchery with live poultry; zoned: I/ Industrial. Applicant: DC Poultry Market Corporation
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1; 03/16/19, and is incorporated as part of this record by reference.)

Mr. Smith, Urban Planner, Planning and Zoning, gave a presentation on the proposed project, and he, along with Ms. Horowitz, Urban Planner, Planning and Zoning, Mr. Moritz, Director, Planning and Zoning, responded to questions from Council about parking, noise and smell mitigation, deliveries

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

1. Mark Williams, 100 Cameron Station Blvd., spoke against the special use permit.
2. Kevin Gilliam, 3208 Colvin Street, spoke against the special use permit.
3. Diann Hohenthanner, 720 West View Terrace, spoke against the special use permit.
4. Greg Biero, 3220 Colvin Street, spoke against the special use permit.
5. Jeff Reid, 810 North Overlook Drive, spoke in support of the special use

permit.

6. Thomas Maresh, 342 Commerce Street, spoke against the special use permit.

7. Bruce Raiszadeh, 3120 Colvin Street, spoke in support of the special use permit.

8. Jennifer Smith, 2702 Central Avenue, spoke against the special use permit.

9. Anila Angjeli, 2503 Lisbon Lane, spoke in support of the special use permit.

10. Sandy Modell, 18 Roth Street, spoke against the special use permit.

11. Mohamed Alyamani, 3705 South George Mason Drive, Falls Church, spoke in support of the special use permit.

12. Amin Alwadey, 3713 South George Mason Drive, Falls Church, spoke in support of the special use permit.

13. Tahzib Bacchus, 3709 South George Mason Drive, Falls Church, spoke in support of the special use permit.

14. Ali Abjabyali, 4901 Seminary Road, spoke in support of the special use permit.

15. Omar Alyamani, 3701 King Street, spoke in support of the special use permit.

16. Ann Shack, Tobacco Quay, spoke against the special use permit.

17. Ellen Epstein, 1130 East Windsor Avenue, spoke against the special use permit.

18. Frank Fannon, 315 Vassar Road, spoke against the special use permit.

19. Abdulsalem Mused, 3225 Colvin Street, owner/applicant, spoke in support of the special use permit and responded to questions from Council.

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

City Council asked questions from staff about zoning definitions for industrial zone uses, parking requirements, special use permits criteria, health code regulations, hearing notifications for surrounding, trash disposal and trash pickup schedules, hours of the deliveries.

A motion was made by Councilman Seifeldein to approve the Planning Commission recommendation with amendments to condition #8 that states that deliveries shall be completed during the hours 11 p.m. to 6 a.m., and to amend condition #12 requiring trash pickup every other day of operation of the facility. The motion failed for lack of a second.

A motion was made by Councilman Seifeldein to approve the Planning Commission recommendation. The motion failed for lack of a second.

A motion was made by Councilman Seifeldein to approve the Planning Commission recommendation with amendments to condition #8 that states that deliveries shall be completed during the hours 11 p.m. to 6 a.m., and to amend condition #12 requiring trash pickup every other day of operation of the facility. Councilman Seifeldein withdrew the motion for lack of a second.

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried 4-1, City Council deferred consideration on the special use permit until Tuesday, March 26, 2019. The vote was as follows: In favor, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, Mayor Wilson; Absent, Councilman Aguirre and Councilman Chapman.

Following the clarification of rules for deliveries by City Attorney Anderson, Mayor Wilson requested a reconsideration of docket item #4.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council reconsidered docket item #4. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council approved the Planning Commission recommendation on docket item #4, with an amendment to the conditions by deleting condition #26. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing and Consideration of a Renewed Five-Year License Agreement with Cox Virginia Telcom, LLC to Permit Cox Virginia Telcom's Existing Conduits and Fiber Optic Cables to Remain in the City of Alexandria's Public Rights-of-Ways.

(A copy of the City Manager's memorandum dated March 11, 2019, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 03/12/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council closed the public hearing and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the agreement. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilwoman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued) **Planning Commission (continued)**

9. Text Amendment #2019-0001
Commercial to Residential Reversions (A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to the Zoning Ordinance to create a new section to allow properties that meet certain criteria to revert to residential use if the property was previously residential and is currently a commercial use. Staff: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 03/16/19, and is incorporated as part of this record by reference.)

Ms. Christensen, Zoning Manager, Planning and Zoning, gave presentation and responded to questions from Council.

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

1. Jeff Reid, 810 North Overlook Drive, stated that the text amendment might be limited in its application and maybe demolition should be allowed.
2. Stephen Milone, 907 Prince Street, representing Old Town Civic Association, spoke in support of the proposal and requested that one revision be added to the section stating that the property owner should work with staff to increase the degree of compliance.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker, and carried 5-0, City Council closed the public hearing. The vote was

as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried 5-0, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

10. Special Use Permit #2018-0093

600 Montgomery Street - Hank's Pasta Bar

Public hearing and consideration of a request to amend a restaurant special use permit (SUP #2015-0046) (1) to increase hours of operation, (2) to increase the number of indoor and outdoor seats, (3) for a parking reduction (4) to add outdoor speakers, and (5) for an increase in Floor Area Ratio (FAR) for the addition of rooftop outdoor dining; zoned: CDX/ Commercial Downtown (Old Town North) Applicant: Hank's Pasta Bar, LLC., represented by David L. Chamowitz, attorney

Planning Commission Action: Recommended Approval 7-0

Encroachment #2018-0012

600 Montgomery Street - Hank's Pasta Bar

Public hearing and consideration of a request for an encroachment into the public right-of-way for additional outdoor dining at a restaurant; zoned: CDX/ Commercial Downtown (Old Town North). Applicant: Hank's Pasta Bar, LLC., represented by David L. Chamowitz, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission reports dated March 5, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 03/16/19, and is incorporated as part of this record by reference.)

Mr. Shelby, Planner, Planning and Zoning, gave presentation of the proposed amendment and he, along with Ms. Horowitz, responded to questions from Council.

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

1. David Chamowitz, 118 North Alfred Street, attorney for the applicant, spoke in support of the special use permit and responded to questions from Council.

WHEREUPON, upon motion Councilwoman Pepper, seconded by Councilwoman Jackson and carried 5-0, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent,

Councilman Aguirre and Councilman Chapman.

City Council to a recess at 12:15 p.m. and resumed the 12:45 p.m.

11. Special Use Permit #2018-0056
3 Pioneer Mill Way (Parcel Address: 300 Strand Street) - Restaurant
Public hearing and consideration of a request to amend a restaurant special use permit (SUP2015-0014) to change the ownership and make minor seating adjustments; zoned: W-1/ Waterfront Mixed-Use. Applicant: Alexandria Restaurant Partners, LLC., represented by Jonathan P. Rak, attorney
Planning Commission Action: Recommended Approval 7-0

Special Use Permit #2018-0118
1 & 2 Pioneer Mill Way (Parcel Address: 300 Strand Street) - Café and Outdoor Seating
Public hearing and consideration of a request for a special use permit to establish a café/restaurant use with outdoor pier seating; zoned: W-1/ Waterfront Mixed-Use. Applicant: Alexandria Restaurant Partners, LLC., represented by Jonathan P. Rak, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission reports dated March 5, 2019, are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 03/16/19, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, gave presentation of the proposed project and he along with, Mr. Moritz, Director, Planning and Zoning, responded to questions from Council about parking,

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

1. Charlotte Hall, 9150 Union Farm Road, Alexandria, representing the Alexandria Chamber of Commerce, spoke in support of the proposal.
2. Stephen Milone, 907 Prince Street, representing Old Town Civic Association, spoke against the proposal citing lack of parking, size of the restaurant and outdoor seating.
3. Andrew Macdonald, 217 North Columbus Street, spoke against the proposal.
4. Hal Hardaway, 311 South Union Street, spoke against the proposal.
5. Robert Pringle, 216 Wolfe Street, spoke against the proposal.
6. Katy Cannady, 20 East Oak Street, spoke against the proposal.

7. Jonathan Rak, 1750 Tysons Blvd, McLean, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

8. Scott Shaw, 221 South Pitt Street, spoke in support of the proposal.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried 5-0, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

12. Master Plan Amendment #2018-0006

Text Amendment #2018-0012

Rezoning #2018-0005

Coordinated Development District Conceptual Design Plan #2018-0005

Development Special Use Permit #2018-0006

Transportation Management Plan Special Use Permit #2018-0077

880 and 890 South Pickett Street and 620 Burnside Place - Public Storage/BoatUS

Public hearing and consideration of requests for: (A) an amendment to the Eisenhower West Small Area Plan chapter of the Master Plan to amend the land use designation for the site to allow self-storage use and to clarify the definition of "PWR" uses to exclude storage/warehouse uses; (B) initiation of and a text amendment to the Zoning Ordinance to amend the provisions of Section 5-602(A) to establish CDD #26; (C) an amendment to the official zoning map to change the zone from I to CDD#26/Coordinated Development District #26; (D) a Coordinated Development District Conceptual Design Plan; (E) a Development Special Use Permit and site plan with modifications, to construct an interim surface parking lot and a self-storage building with ground-level commercial/production/wholesale/repair uses, including a Special Use Permit for a parking reduction; and (F) a Special Use Permit for a Transportation Management Plan; zoned: I / Industrial (Eisenhower West Small Area Plan). Applicant: City of Alexandria (Text Amendment and portion of Master Plan Amendment only) and PS Southeast One, Inc., represented by Mark Viani, attorney

Planning Commission Action: All motions carried on a vote of 5-2 with Vice Chair Wasowski and Commissioner Lyle voting against

(A copy of the Planning Commission report dated March 5, 2019, is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 03/16/19, and is incorporated as part of this record by reference.)

Mr. Randall, Planner, Planning and Zoning, gave a presentation and he, along with, Mr. Moritz, Director, Planning and Zoning, responded questions from Council.

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

1. Nick Fairbanks, 3229 Fowlers Lake Road, Williamsburg, Virginia, spoke in support of the project.

2. Mark Viani, 2311 Wilson Blvd, Arlington, attorney for the applicant, spoke in support of the project and responded to questions from Council.

3. Dan Matula, 4101 E. Evans Avenue, Denver, Colorado, representing PS Southeast One, Inc./Public Storage, spoke in support of the project and responded to questions from Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried 5-0, City Council closed the public hearing and approved the Planning Commission recommendation with the following amendments: (1) amend condition #27 (p.41) and condition #2 (p. 44) to state, "the interim parking SUP shall be reconsidered by City Council for a 5 year extension 10 years from approval"; and (2) accept the architectural changes as proposed by the applicant in the letter dated March 15, 2019 stating, "Condition 1 - The facade of the building shall be in substantial conformance with the elevations shown on the attached Exhibit A and Condition 2 - The interior tower lighting on floors 1-4 shall be turned off at 9 pm when the Public Storage facility closes. The top floor may remain illuminated." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

ORDINANCES AND RESOLUTIONS

13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 5-8-84: Pay by Phone Parking Fee within a Residential Permit Parking District and make Permanent this Residential Parking Preservation Program in Old Town. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 11, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 03/16/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 03/16/19, and is incorporated as part of this record by reference.)

Ms. North, Division Chief, Transportation and Environmental Services, Ms. Oleynik, Planner, Transportation and Environment Services, and Mr. Lambert, Director, Transportation and Environmental Services, responded to questions from Council about the proposed parking districts, alternative payment methods, and expansion of the district.

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

1. Barbara Beach, 614 South Royal Street, spoke against the parking districts.
2. Stephen Milone, 907 Prince Street, representing the Old Town Civic Association,
3. Bert Ely, 200 South Pitt Street, spoke against the parking districts.
4. Richard Rawson, 113 South Lee Street, spoke in support of the parking districts.
5. Hal Hardaway, 311 South Union Street, spoke against the parking districts.
6. Francis Ayer, 212 Wolfe Street, spoke in support of the parking districts.
7. Lisa Eskew, 207 West Masonic View Avenue, spoke about alternative for the parking districts to accommodate residents and uses with special circumstances.
8. Tim Foley, 310 Commerce Street, spoke in support of the additional parking districts.
9. Katy Cannady, 20 East Oak Street, spoke against the parking districts.
10. Israel Negron, 114 Duke Street, spoke in support of the additional parking districts.
11. Alan Levesque, 206 Wolfe Street, spoke in support of the additional parking districts.
12. Karen Tietjen, 223 South Pitt Street, spoke in support of the additional parking districts and noted there should not be accommodations for residents or uses

with special circumstances.

13. Traci Patina, 207 Wolfe Street, spoke in support of the additional parking districts.

14. Tiffany Pache, 203 Wolfe Street, spoke in support of the additional parking districts.

15. Cathleen Curtin, 501 Princess Street, spoke against the additional parking districts.

16. Ellen Mosher, 324 North St. Asaph Street, spoke against the additional parking districts.

17. Marjorie Scott, 114 Princes Street, spoke in support of the additional parking districts.

18. Scott Shaw, 221 South Pitt Street, spoke in support of the additional parking districts.

19. Yvonne Weight Callahan, 735 South Lee Street, spoke against the additional parking districts.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker, and carried 5-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Councilwoman Pepper and carried 5-0 by roll-call vote, City Council adopted an amended ordinance that reflects the new language from the alternative ordinance which restores the language to line 45 that states, "The block must be located within the Special Parking District Area." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

The ordinance reads as follows:

ORDINANCE NO. 5203

AN ORDINANCE to amend and reordain Article F (PERMIT PARKING DISTRICTS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended, by amending Section 5-8-84

(PAY BY PHONE PARKING FEE WITHIN A RESIDENTIAL PERMIT PARKING DISTRICT).THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 8, Article F, Section 5-8-84 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown as underlined as follows:

Sec. 5-8-84 –Pay By Phone Parking Fee within a Residential Permit Parking District.

(a) Purpose: On residential blocks adjacent to metered areas, which are often occupied by vehicles belonging to non-residents of the district, a pay by phone parking fee may be implemented that requires non-residents of the district to pay to park on the block during the posted times. ~~The provisions of this Section shall expire on March 1, 2019.~~

(b) Parking restrictions: Residential blocks with a pay by phone parking fee shall prohibit parking in designated areas by motor vehicles which do not display a valid parking permit for that district or have not submitted appropriate payment through either the pay by phone application referenced on the posted signage, ~~or~~ a City parking meter, or other authorized payment method.

(1) The hourly parking fee shall be consistent with the cost of a meter as established in
Section 5-8-93.

(2) The hours during which a parking fee is applicable shall be consistent with the existing posted hours of restriction. Changes to the posted hours shall be reviewed by the traffic and parking board pursuant to section 5-8-72(b).

(c) Establishment: A pay by phone parking fee may be added to certain designated residential permit parking district blocks in accordance with the following criteria and procedures:

(1) The area subject to parking fee must be on a block with existing metered spaces, adjacent to an existing metered block, or adjacent to a block where a residential pay by phone parking fee has also been approved. For the purposes of this subsection (1), an area that consists of multiple adjacent blocks may be considered simultaneously, so long as one block meets this locational requirement, and provided that all other requirements of this Section are met for each individual block.

(2) The block must be located within the Special Parking District Area.

(3) The area subject to parking fee must already be posted with residential parking restrictions.

(4) The request to add a pay by phone parking fee must be initiated by the residents of the block through a petition signed by an occupant of more than 50 percent of the residents of residential properties abutting the block and submitted to the city manager.

(5) Upon receipt of a petition for a block meeting the criteria established above, the city manager shall direct staff to conduct a survey of the parking conditions on the block. The survey shall be taken during the hours of the existing residential parking restrictions. If staff observes that 75% or more of the available parking spaces on the block are occupied, the city manager shall forward the request to the traffic and parking board for its review and recommendation at a public hearing.

(6) If less than 75% of the available spaces are occupied, additional surveys may be made at other times of the day. If the surveys do not so demonstrate, the petition shall be deemed denied and no further action will be taken.

(7) Following the board's recommendation, the manager shall decide the petition and cause his decision to be implemented; provided that in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, he shall forward the petition, along with the board's recommendation and the reasons for his decision to city council which shall make the final decision on the petition.

(8) Parking restrictions may be removed from a block face in accordance with Section 5-8-77(a).

Section 2. That Title 5, Chapter 8, Article F, Section 5-8-84, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

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

Please note this item (#14) is a duplicate of Item #20 and will be removed.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and add new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) 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. 2018-0015 (Implementation Ordinance for Text Amendment No. 2018-0015 entitled Zoning Ordinance Practical Updates approved by City Council on January 12, 2019).[ROLL-CALL VOTE]

This item was removed because it is a duplication.

City Council approved docket items 15 - 26, with exception of docket item 20 (separate motion), as a block.

15. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of the property located at 2410 and 2460 Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of-way on Stovall Street and Mandeville Lane and architectural features projecting into the public right-of-way on Mandeville Lane and at the corner of Mandeville Lane and Mill Road, in the City of Alexandria, Virginia (Implementation Ordinance for Encroachment No. 2018-0002 associated with Hoffman Blocks 4 & 5 approved by City Council on March 17, 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. 15; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 15; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance authorizing the owner of the property located at 2410 and 2460 Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of-way on Stovall Street and Mandeville Lane and architectural features projecting into the public right-of-way on Mandeville Lane and at the corner of Mandeville Lane and Mill Road, in the City of Alexandria, Virginia (Implementation Ordinance for Encroachment No. 2018-0002 associated with Hoffman Blocks 4 & 5 approved by City Council on March 17, 2018).

The ordinance reads as follows:

ORDINANCE NO. 5204

AN ORDINANCE authorizing the owner of the property located at 2410 and 2460 Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of-way on Stovall Street and Mandeville Lane and

architectural features projecting into the public right-of-way on Mandeville Lane and at the corner of Mandeville Lane and Mill Road.

WHEREAS, HTC 4/5 PROJECT OWNER, LLC, a Delaware limited liability company, is the Owner ("Owner") of the property located at 2410 and 2460 Mill Road, in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain residential balcony overhangs into the public right-of-way on Stovall Street and Mandeville Lane and architectural features projecting into the public right-of-way on Mandeville Lane and at the corner of Mandeville Lane and Mill Road at 2410 and 2460 Mill Road; and

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

WHEREAS, in Encroachment No. 2018-0002 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on March 6, 2018, which recommendation was approved by the City Council at its public hearing on March 17, 2018; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby are, authorized to establish and maintain encroachments into the public sidewalk right-of-way at 2410 and 2460 Mill Road as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of residential balcony overhangs into the public right-of-way on Stovall Street and Mandeville Lane and architectural features projecting into the public right-of-way on Mandeville Lane and at the corner of Mandeville Lane and Mill Road, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

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

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

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

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

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

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

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

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

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

Section 8. The terms "Owner" shall be deemed to include HTC 4/5 PROJECT OWNER, LLC, a Delaware limited liability company, and their respective successors in interest.

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

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 1-400 (Interpretation of ordinance) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/Residential multifamily zone) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013 (Implementation Ordinance for Text Amendment No. 2018-0013 associated with the RMF/Residential multifamily zone approved by City Council on February 23, 2019). [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. 16; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 16; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Section 1-400 (Interpretation of Ordinance) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 (COMMITTED AFFORDABLE

HOUSING) of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/RESIDENTIAL MULTIFAMILY ZONE) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013 (Implementation Ordinance for Text Amendment No. 2018-0013 associated with the RMF/Residential Multifamily Zone approved by City Council on February 23, 2019).

The ordinance reads as follows:

ORDINANCE NO. 5205

AN ORDINANCE to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/RESIDENTIAL MULTIFAMILY ZONE) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0013, 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 February 5, 2019 of a text amendment to the Zoning Ordinance to adopt the RMF/Residential multifamily zone, which recommendation was approved by the City Council at public hearing on February 23, 2019;

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 1-400 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language in subsection (B) shown in underline, as follows:

Sec. 1-400 - Interpretation of ordinance.

(B) *Interpretation of zone regulations.*

- (1) If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be interpreted to be allowed only where the narrowly defined use is listed.
- (2) Maximum height regulations shall be as specified in a given zone, except as may be qualified by section 6-400 regarding height districts.
- (3) Maximum floor area ratio and maximum density shall be calculated as follows:
 - (a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:
 - (1) Areas to be dedicated for street purposes that are in excess of:
 - (a) 30 feet from the centerline in the instance of property located in the R-20 through R-2-5 zones, inclusive.
 - (b) 33 feet from the centerline in the instance of property located in each of the other zones.
 - (2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.
 - (b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.
 - (c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone, RMF zone, or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.
 - (d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)(2).
 - (e) Single-family and two-family dwellings on lots which contain public or private streets, including alleys or driveways providing access to three or more dwelling units, and townhouse dwellings on lots which contain public or private streets, including alleys or driveways providing access to more than one dwelling unit, existing on March 1, 2000 or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of clause (d) of this paragraph, shall not be characterized as noncomplying structures or substandard lots, and shall be characterized as structures and lots grandfathered under prior law, pursuant to Section 12-500 of this ordinance.

- (f) When calculating the floor area of an office, multifamily or mixed-use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:
 - (1) A maximum of 10,000 square feet of floor area may be excluded under this provision;
 - (2) Space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.
- (4) In the case of a conflict among various zone requirements, such as density, lot size, height and floor area ratio, permitted development shall comply with the most restrictive of such requirements.
- (5) Where residential density is prescribed in a zone for single family, multifamily or townhouse dwellings, the same density limitation shall apply to alternative housing types allowed in such zone unless more than one residential density regulation is provided, in which case the density most appropriate to the specific form of alternative housing being provided shall apply.

Section 2. That Section 2-128.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Section 2-128.1 Committed Affordable Housing.

Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

Section 3. That Section 3-1400 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Section 3-1400 RMF/Residential multifamily zone.

3-1401 - Purpose.

The RMF zone is established to provide land areas for multifamily residential development and to enhance or preserve long-term affordability of housing. The zone would also permit limited neighborhood-serving commercial uses.

3-1402 - Permitted uses.

The following uses are permitted in the RMF zone:

- (A) Multifamily dwelling;
- (B) Accessory uses, permitted by section 7-100;

(C) The following uses shall be permitted within a multifamily building on the ground floor:

- (1) Arts and crafts studios or stores;
- (2) Appliance repair and rental;
- (3) Bicycle repair;
- (4) Barbershops and beauty shops;
- (5) Dressmakers and tailors;
- (6) Dry-cleaning and laundry pickup stations;
- (7) Laundromat;
- (8) Locksmiths;
- (9) Musical instrument repair;
- (10) Optical center;
- (11) Professional photographer's studios;
- (12) Shoe repair;
- (13) Furniture upholstery shops;
- (14) Watch repair;
- (15) Printing and photocopy service;
- (16) Business office;
- (17) Day care center;
- (18) Retail shopping establishment;
- (19) Private school, commercial;
- (20) Private school, academic (less than 20 students);
- (21) Health profession office;

(D) Utilities, as permitted by section 7-1200;

(E) Church;

(F) Public park;

(G) Public Building.

3-1403 - Special uses.

The following uses may be allowed in the RMF zone pursuant to a special use permit:

(A) Townhouse, up to 30% of the total number of units.

(B) Home for the elderly.

(C) The following uses shall be permitted with a special use permit within a multifamily building on the ground floor:

- (1) Restaurant;
- (2) Private school; academic with more than 20 students;
- (3) Health and athletic club;
- (4) Convenience store.

3-1404 – Prohibited uses.

Any use which is not a permitted, special, or accessory use pursuant to this section 3-1400 is prohibited.

3-1405 - Bulk and open space regulations.

(A) Yard Requirements

(1) *Front Yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 or the yard standards of the governing small area plan.

(2) *Side Yards.* Each end lot in a group of townhouses shall provide a side yard based on a minimum setback size of eight feet. Each other use shall provide two side yards setbacks of eight feet.

(3) *Rear Yards.* Each use shall provide a rear yard based on a setback minimum size of 8 feet.

(B) *Open Space.* The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space. Provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by city council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

3-1406 - Floor area ratio.

The permitted floor area ratio of a development in the RMF zone shall be as follows:

(A) Permitted. The maximum permitted FAR shall not exceed .75.

(B) Special use permit. The floor area ratio may be increased to an amount not to exceed 3.0 if the applicant commits to providing committed affordable housing in the building or project which is the subject of the permit application in compliance with the following requirements:

(1) The committed affordable housing shall be equivalent to at least one third of the increase in the floor area ratio above the maximum permitted in Section 3-1405(A).

(2) An Affordable Housing Plan and a Relocation Plan shall be submitted consistent with published City standards for such plans.

(3) Rents payable by households for the committed affordable units shall not, on average, exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 40 percent of the area median income for the Washington D.C. Metropolitan Statistical Area. Average rents payable by households for the committed affordable units may be increased up to the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at 50 percent of the area median income for the Washington D.C. Metropolitan Statistical Area subject to the submission of a revised Affordable Housing Plan. Any existing Housing Assistance Payment contract in effect as of <effective date of the ordinance> and any extension thereof or new contract which maintains the material aspects of the existing contract shall be deemed to be in compliance with this subsection.

3-1407 - Height.

The maximum permitted height of buildings shall be the height as depicted in the governing small area plan.

3-1408 - Special use permit standards.

In addition to the regulations listed in section 3-1400 and the procedures and criteria for special use permits listed in section 11-500, council shall consider the following in determining whether to approve a special use permit under section 3-1405(B):

(A) The inclusion of site amenities, open space and other similar features, supporting uses and community and cultural facilities in a manner which encourages pedestrian use and promotes internal compatibility of uses.

(B) The ability of the development to provide residents of all units access to all amenities within the development.

3-1409 - Use limitations.

(A) All commercial 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 in accordance with section 7-1500.

(B) 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.

(C) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

(D) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(E) 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. With the approval of a special use permit pursuant to section 11-500, the requirements of this provision may be modified.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Section 1-400 (Interpretation of ordinance) of Article I (GENERAL REGULATIONS) and add new Section 2-128.1 of Article II (DEFINITIONS) and a new Section 3-1400 (RMF/Residential multifamily zone) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) of Article III (RESIDENTIAL ZONE) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0013, as amended or added pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. 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.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-119 (average finished grade), Section 2-119.1 (average pre-construction grade), Section 2-154 (height of building), Section 2-193 (setback ratio), Section 2-204 (YARD), and Section 2-205 (yard, FRONT) of Article II (DEFINITIONS); Section 3-106 (BULK AND OPEN SPACE REGULATIONS), Section 3-206 (BULK AND OPEN SPACE REGULATIONS), Section 3-306 (BULK AND OPEN SPACE REGULATIONS), Section 3-406 (BULK AND OPEN SPACE REGULATIONS), and Section 3-506 (BULK AND OPEN SPACE REGULATIONS) of Division A (SINGLE-FAMILY AND TWO-FAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 3-606 (BULK AND OPEN SPACE REGULATIONS) and 3-706 (BULK AND OPEN SPACE REGULATIONS) of Division B (TOWNHOUSE AND

MULTIFAMILY ZONES) Article III (RESIDENTIAL ZONE REGULATIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); to add and ordain new Section 2-122.1 (BLOCK FACE, CONTEXTUAL), Section 2-154.1 (HEIGHT, THRESHOLD), Section 2-170.1 (LOT FRONTAGE), and 2-170.2 (LOT WIDTH) of Article II (DEFINITIONS); and delete Section 7-2502 (HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and 7-2503 (RESIDENTIAL FRONT SETBACK AND FRONT DOOR THRESHOLD IN LINE WITH EXISTING DEVELOPMENT) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0011 (Implementation Ordinance for Text Amendment No. 2018-0011 related to changes to height and front setback approved by City Council on February 23, 2019). [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. 17; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 17; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Section 2-119 (AVERAGE FINISHED GRADE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-154 (HEIGHT OF BUILDING), Section 2-193 (SETBACK RATIO), Section 2-204 (YARD), and Section 2-205 (YARD, FRONT) of Article II (DEFINITIONS); Section 3-106 (BULK AND OPEN SPACE REGULATIONS), Section 2-206 (BULK AND OPEN SPACE REGULATIONS), Section 3-306 (BULK AND OPEN SPACE REGULATIONS), Section 3-406 (BULK AND OPEN SPACE REGULATIONS), and Section 3-506 (BULK AND OPEN SPACE REGULATIONS) of Division A (SINGLE-FAMILY AND TWO-FAMILY ZONES) of Article II (RESIDENTIAL ZONE REGULATIONS); Section 3-606 (BULK AND OPEN SPACE REGULATIONS) and 3-706 (BULK AND OPEN SPACE REGULATIONS) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) Article II (RESIDENTIAL ZONE REGULATIONS) Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article IX (DEVELOPMENT APPROVALS AND PROCEDURES); to add and ordain new Section 2-122.1 (BLOCK, FACE, CONTEXTUAL) Section 2-154.1 (HEIGHT, THRESHOLD), Section 2-170.1 (LOT FRONTAGE), and 2-170.2 (LOT WIDTH) of Article II (DEFINITIONS); and delete Section 7-2502 (HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and 7-2503 (RESIDENTIAL FRONT SETBACK AND FRONT DOOR THRESHOLD IN LINE WITH EXISTING DEVELOPMENT) of Article VII

(SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0011 (Implementation Ordinance for Text Amendment No. 2018-0011 related to changes to height and front setback approved by City Council on February 23, 2019).

The ordinance reads as follows:

ORDINANCE NO. 5206

AN ORDINANCE to amend and reordain Section 2-119 (AVERAGE FINISHED GRADE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-154 (HEIGHT OF BUILDING), Section 2-193 (SETBACK RATIO), Section 2-204 (YARD), and Section 2-205 (YARD, FRONT) of Article II (DEFINITIONS); Section 3-106 (BULK AND OPEN SPACE REGULATIONS), Section 3-206 (BULK AND OPEN SPACE REGULATIONS), Section 3-306 (BULK AND OPEN SPACE REGULATIONS), Section 3-406 (BULK AND OPEN SPACE REGULATIONS), and Section 3-506 (BULK AND OPEN SPACE REGULATIONS) of Division A (SINGLE-FAMILY AND TWO-FAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 3-606 (BULK AND OPEN SPACE REGULATIONS) and 3-706 (BULK AND OPEN SPACE REGULATIONS) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) Article III (RESIDENTIAL ZONE REGULATIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); to add and ordain new Section 2-122.1 (BLOCK FACE, CONTEXTUAL), Section 2-154.1 (HEIGHT, THRESHOLD), Section 2-170.1 (LOT FRONTAGE), and 2-170.2 (LOT WIDTH) of Article II (DEFINITIONS); and delete Section 7-2502 (HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and 7-2503 (RESIDENTIAL FRONT SETBACK AND FRONT DOOE THRESHOLD IN LINE WITH EXISTING DEVELOPMENT) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0011.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0011, 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 February 5, 2019 of a text amendment to the Zoning Ordinance to adopt amendments to the height and front setback regulations, which recommendation was approved by the City Council at public hearing on February 23, 2019;

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;

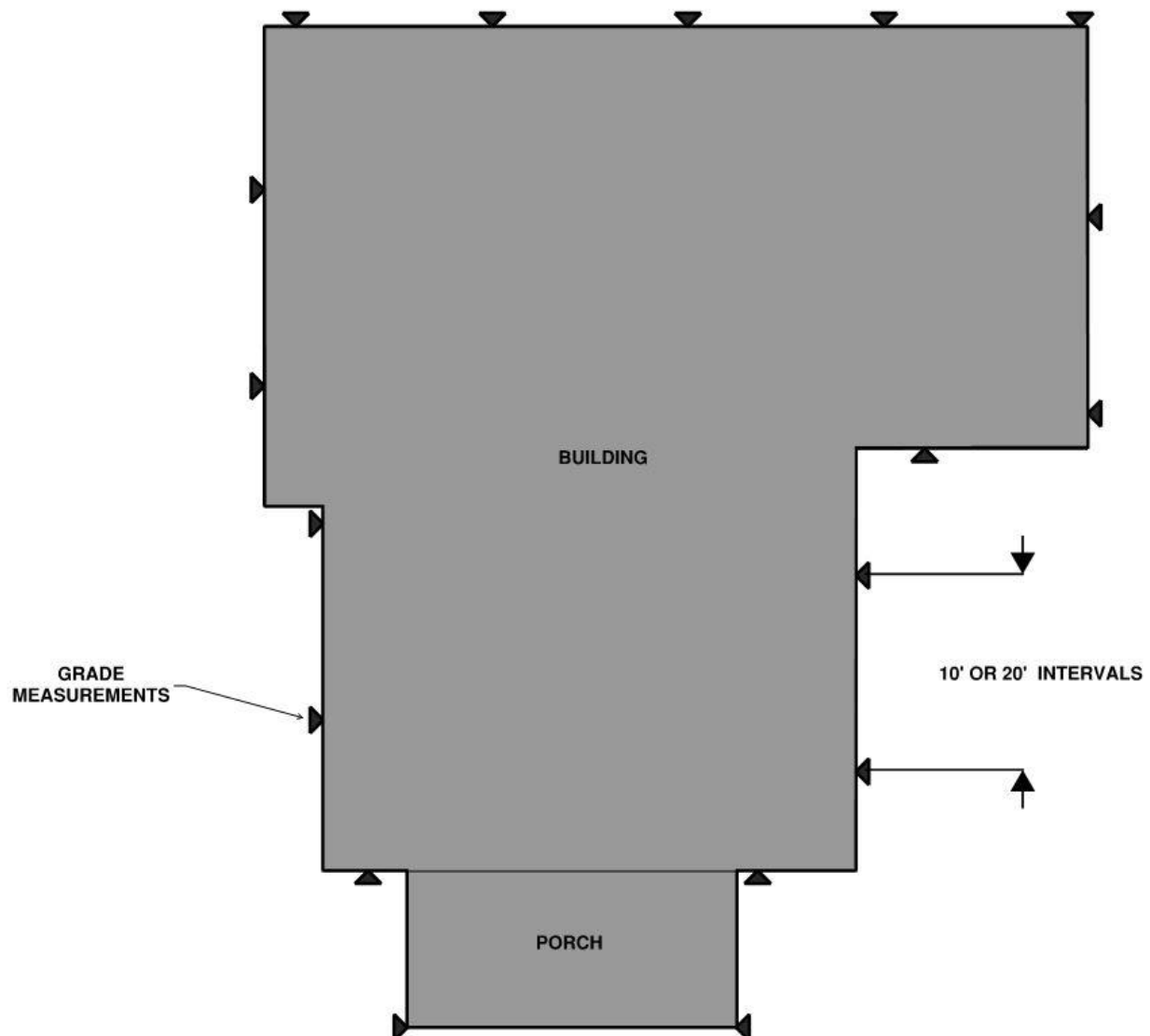
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-119 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, inserting new language shown in underline, and inserting the diagram, as follows:

2-119 - Average finished grade.

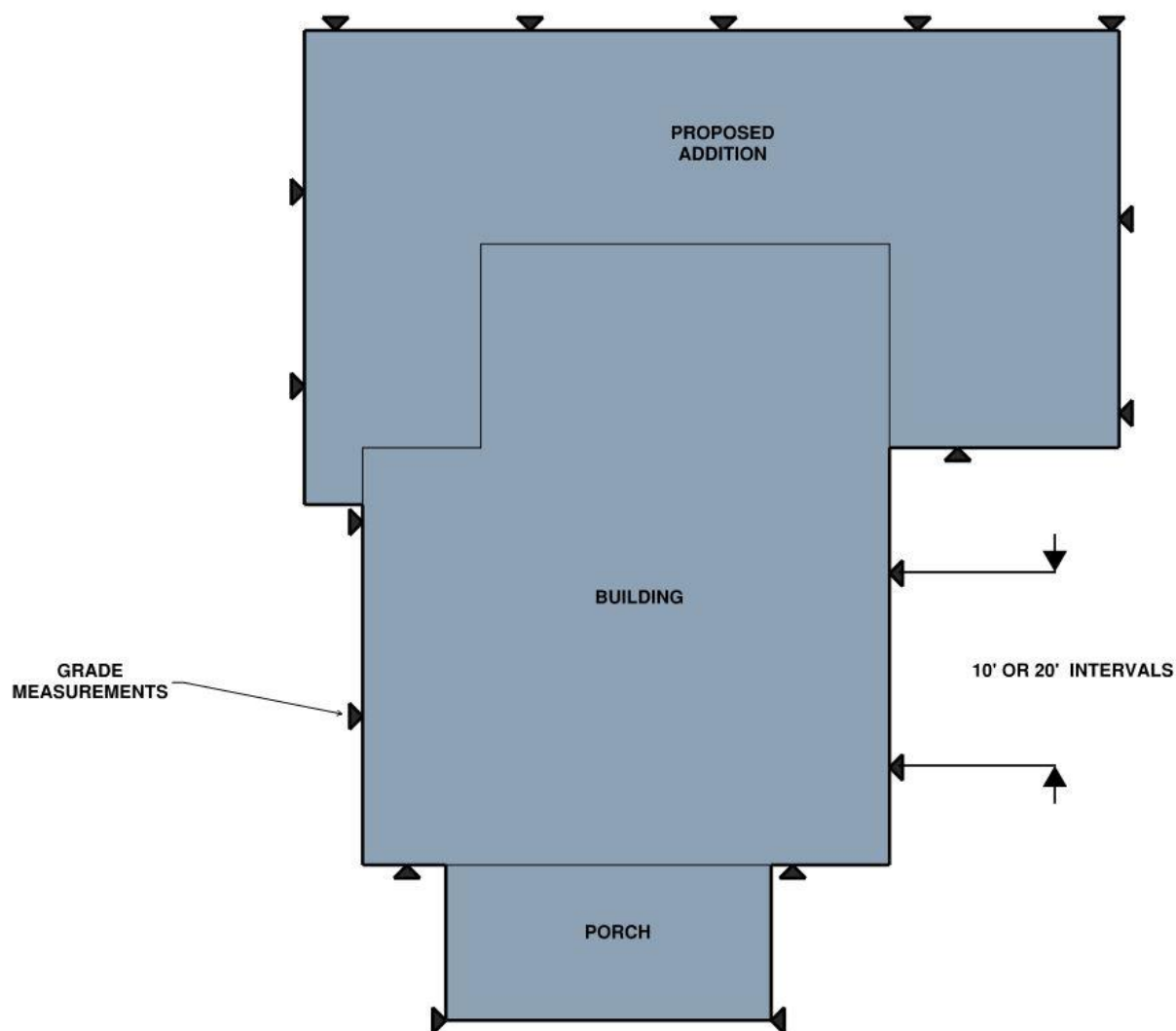
The elevation obtained by averaging the finished ground surface elevation at intervals of 1020 feet at the perimeter of a single, two-family or townhouse dwelling building. and intervals of 20 feet at the perimeter of any other building.



Section 2. That Section 2-119.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, inserting new language shown in underline, and inserting the diagram, as follows:

2-119.1 - Average pre-construction grade.

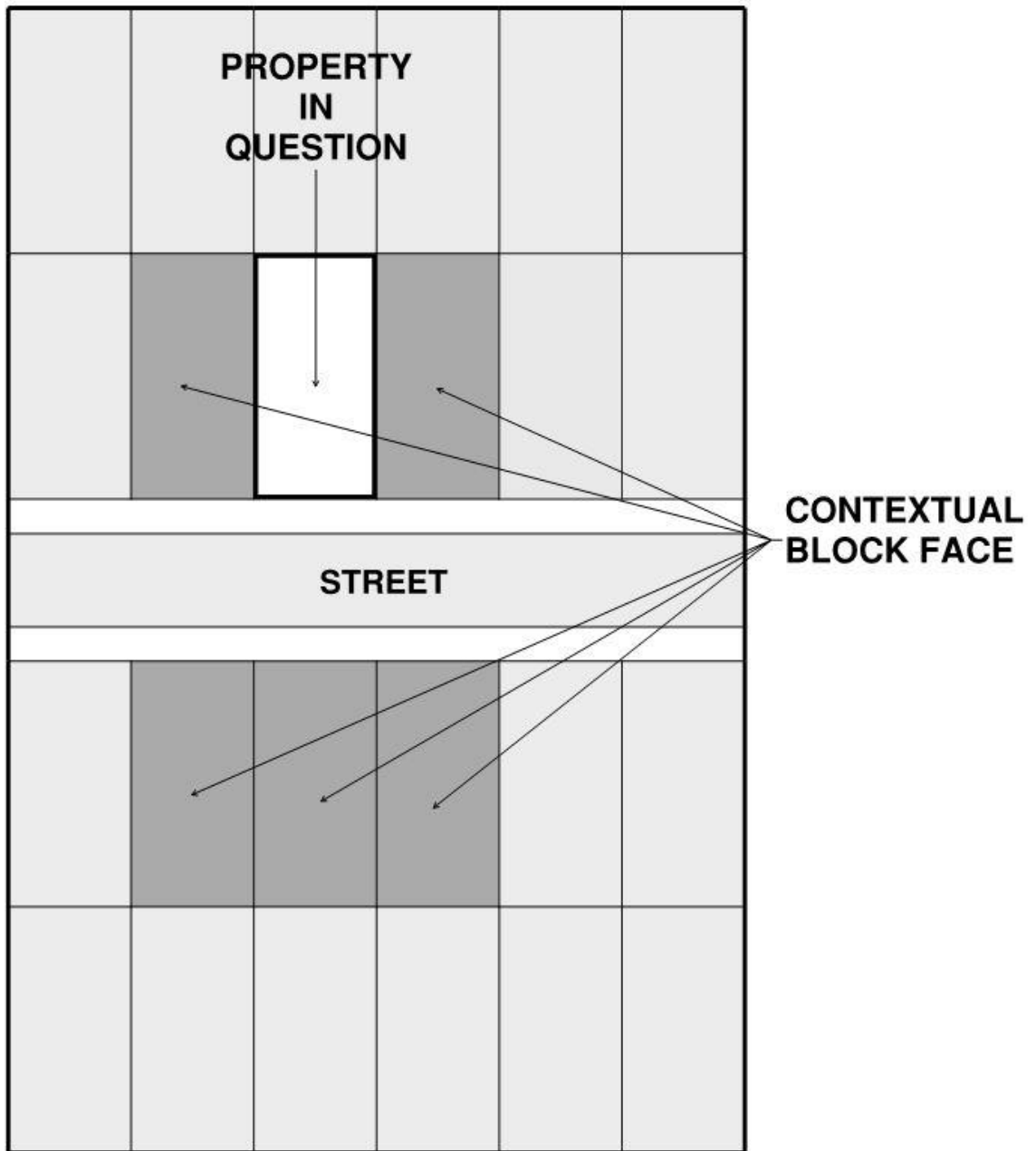
The elevation obtained by averaging the ground surface elevation at intervals of 1020 feet at the perimeter of a proposed single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building ~~building~~ prior to construction.

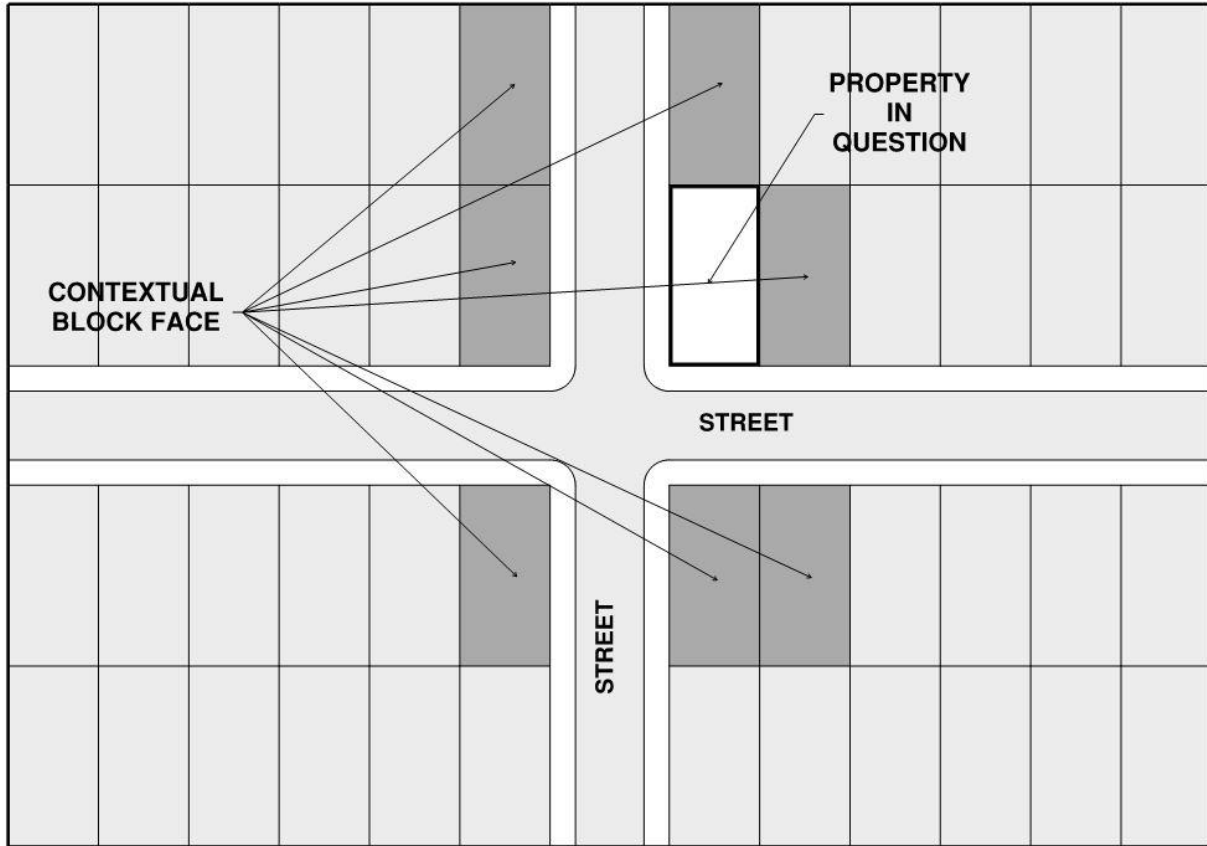


Section 3. That Section 2-122.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-122.1 – Block face, contextual.

Abutting property developed with single or two-family dwellings that share a common street frontage or frontages with the property in question.





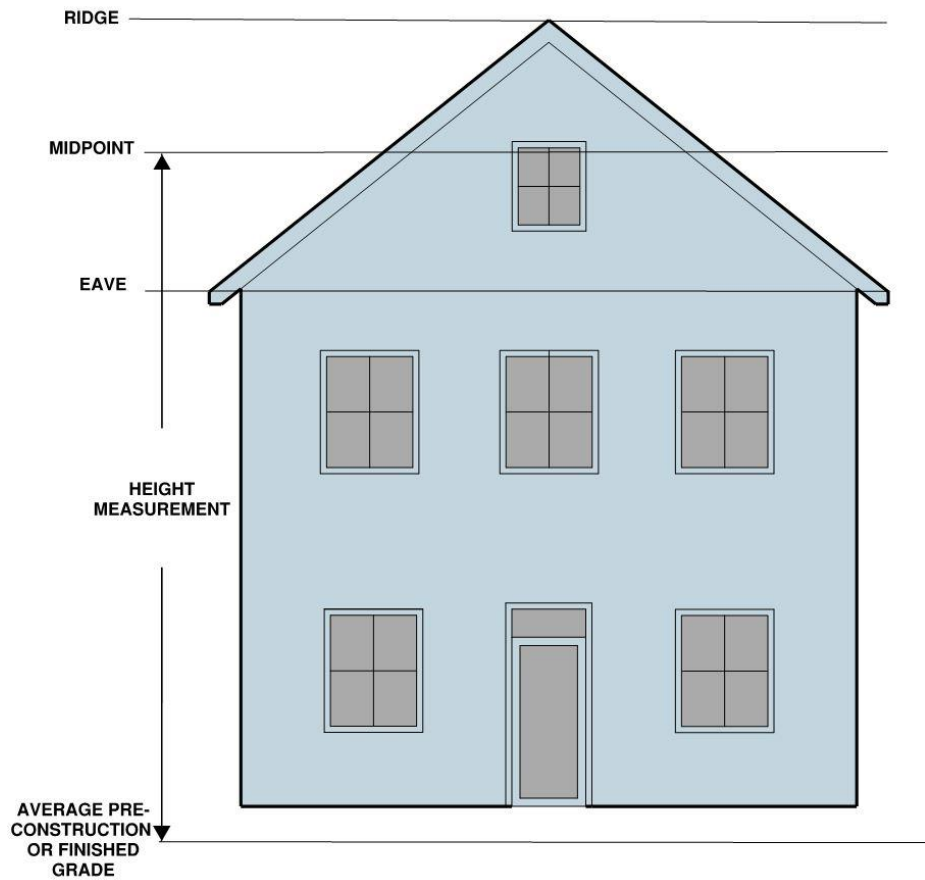
Section 4. That Section 2-154 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, inserting new language shown in underline, and inserting the diagrams, as follows:

2-154 - Height of building.

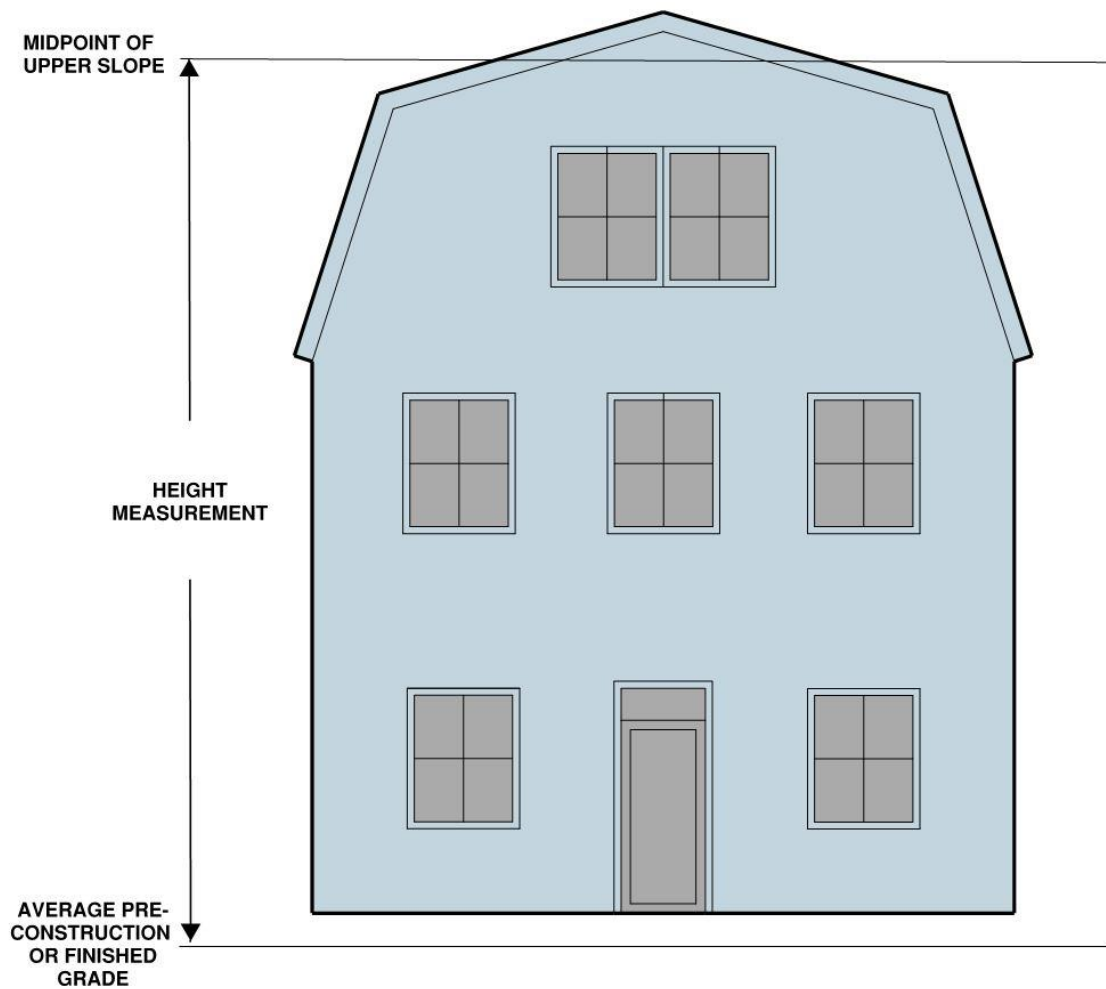
The vertical distance measured from average finished grade to the highest point of the building, except that:

(A) Gable or hip roof.

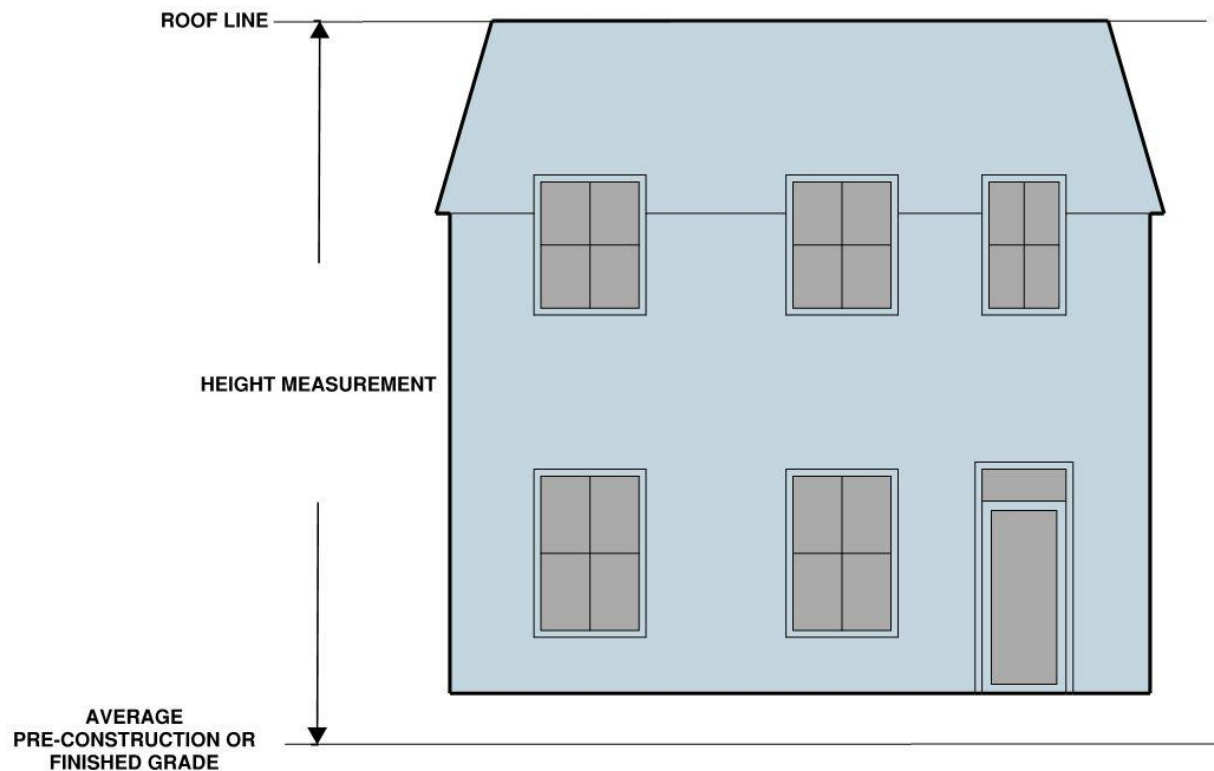
(1) In the case of a gable or hip roof, height shall be measured to the midpoint between the eaves and the ridge, regardless of orientation of the gable to the street.



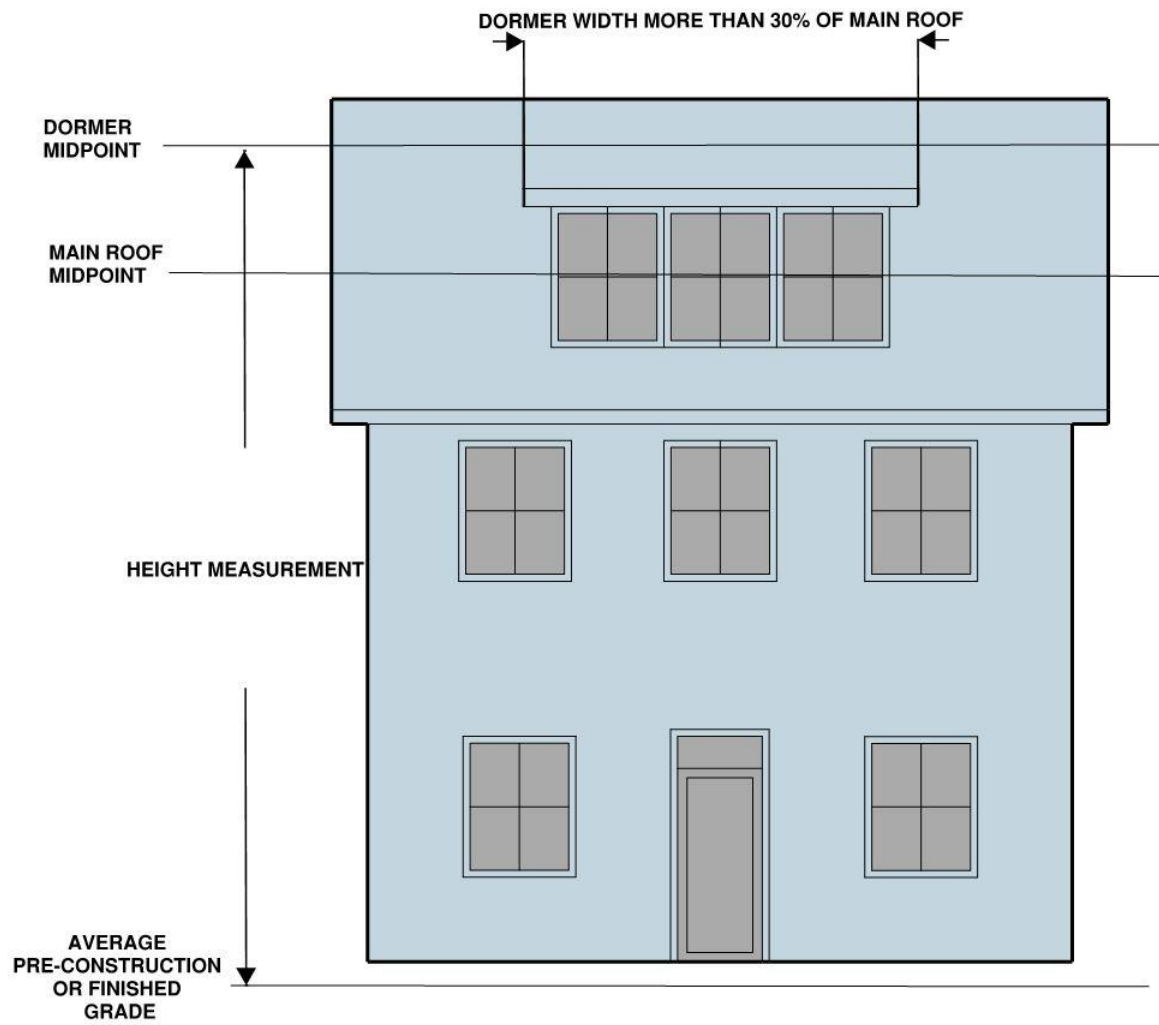
- ~~(2) For purposes of establishing the setback ratio on the gable end of a building with a gable roof, height shall be measured to the midpoint between the eaves and the ridge.~~
- (B) Gambrel roof.
- ~~(1)~~ In the case of a gambrel roof, height shall be measured to the midpoint of the upper slope of the roof.

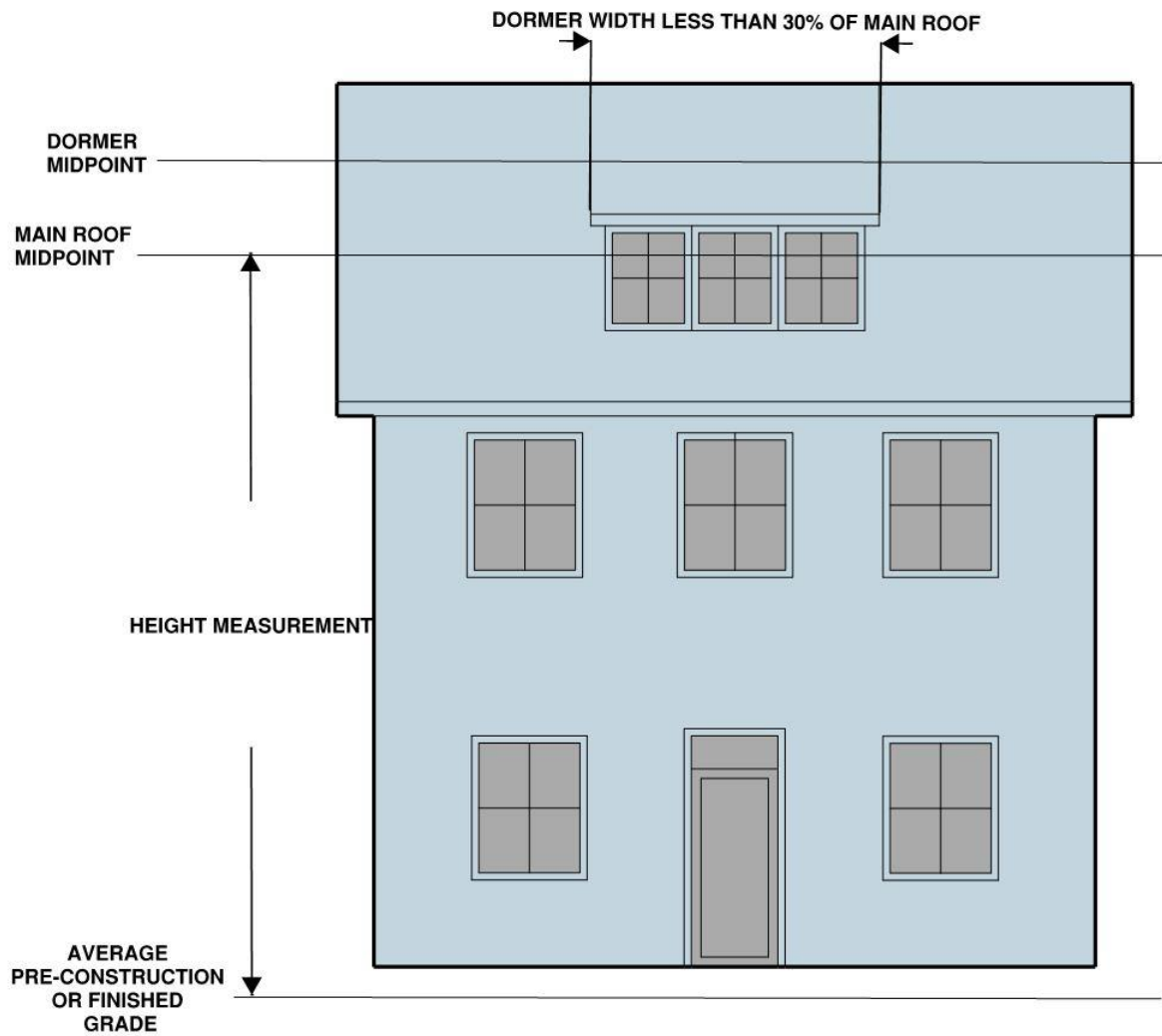


- (2) ~~For purposes of establishing the setback ratio on the vertical end of a building with a gambrel roof, height shall be measured to the point where the upper slope and the lower slope of the ridged roof meet.~~
- (C) Mansard roof. In the case of a mansard roof, height shall be measured to the roof line.

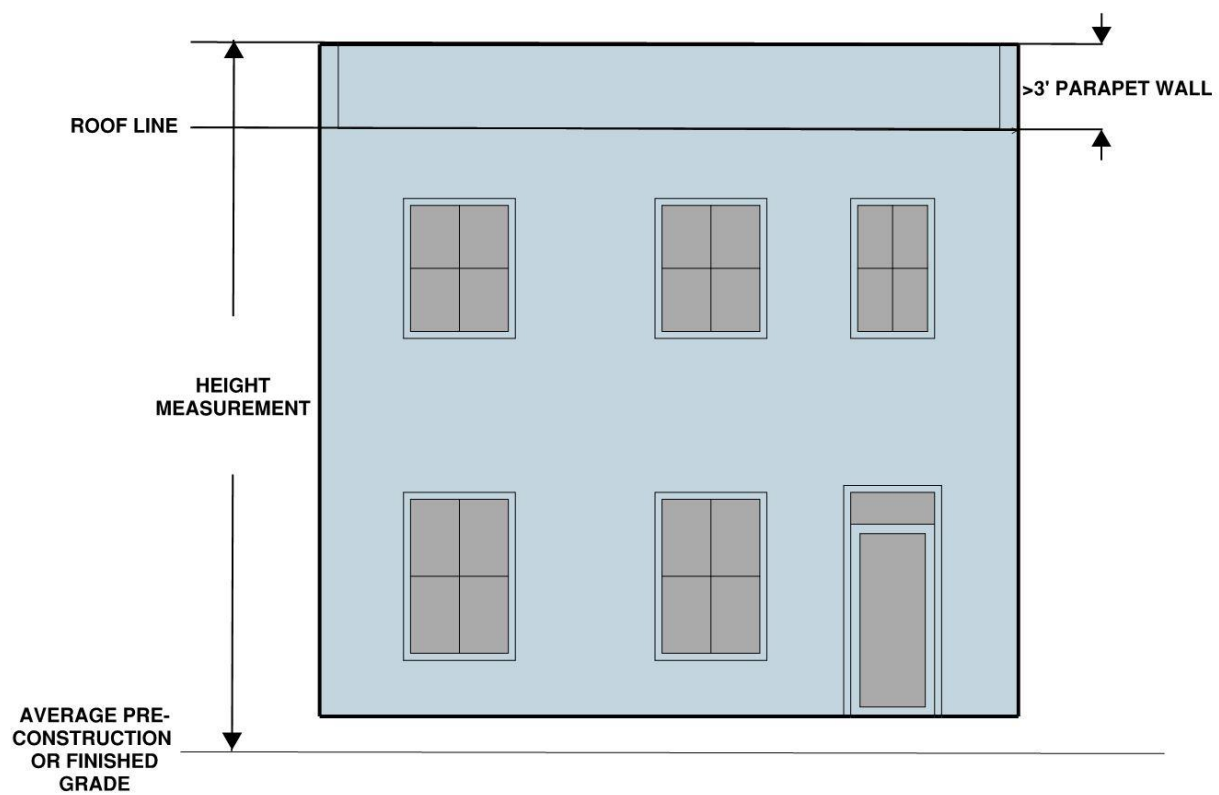
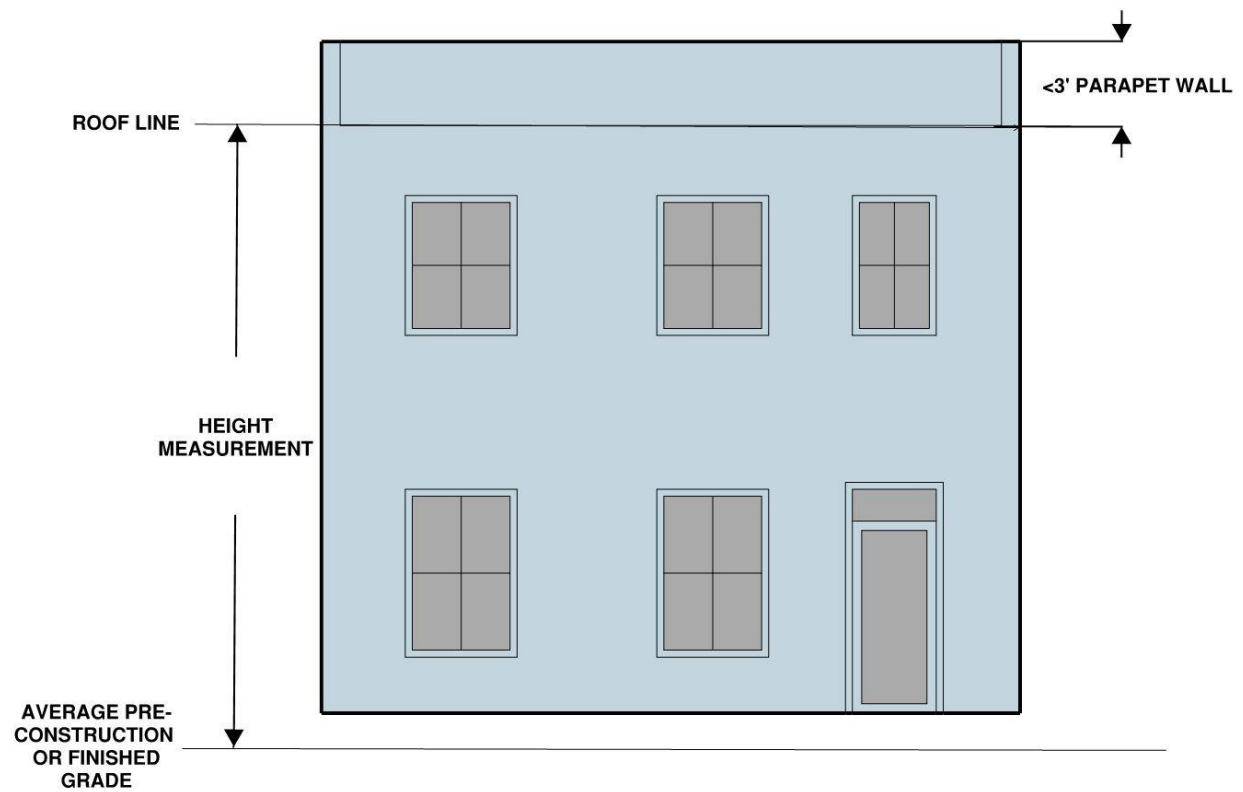


(D) Dormers. In the case of dormers, height shall be measured to the midpoint between the dormers eaves and the ridge. For buildings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts, height shall be measured to the midpoint of the dormers if the total width of all dormers is more than 30 percent of the horizontal width of the roof.





(E) In the case of a flat roof with a parapet wall which is three feet in height or less, the highest point shall be the roof line.;



- (~~FE~~) In the case of a building with ten feet or less horizontal distance between the building setback line and the right-of-way line, height shall be measured from the average finished grade or the curb grade, whichever is less.;
- (~~GF~~) For ~~a buildings~~ in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), height shall be measured from the average pre-construction grade, ~~or average finished grade, whichever is lower; and~~
- (~~HG~~) For treatment of rooftop appurtenances, church steeples, reception or transmission structures, noncomplying buildings and structures, lighting for congregate recreational facilities and dog parks and roof decks and guards, chimneys, flagpoles, steeples, antennas and mechanical penthouses, see section 6-403.

Section 5. That Section 2-154.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-154.1 – Height, threshold.

The vertical distance, as measured from the average pre-construction grade along a building wall which faces a street, to the top of the finished first floor.

Section 6. That Section 2-170.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-170.1 – Lot frontage.

The length of a front lot line.

Section 7. That Section 2-170.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-170.2 – Lot width.

The distance along a straight line measured between the side lot lines or, in the case of a corner lot, a side lot line and secondary front lot line, at the zone's minimum front yard requirement. The front yard requirement established by a contextual block face shall not apply to lot width determination.

Section 8. That Section 2-193 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:

2-193 - Setback ratio.

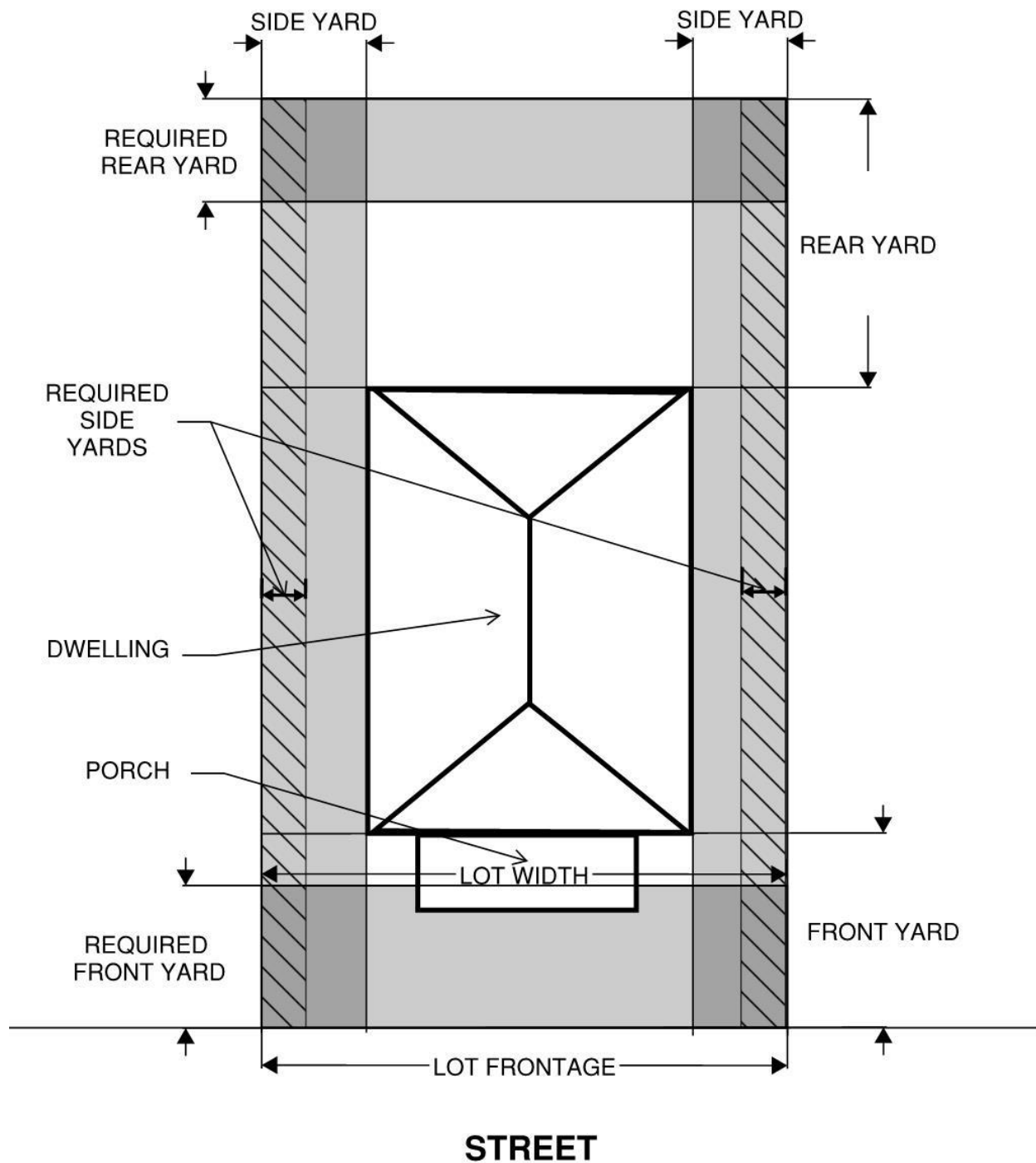
The ratio of the horizontal distance between any part of a building or structure and the nearest side or rear property line or the nearest building or the center line of a street or alley to the height of that part of the building above average finished grade of such line, except that for buildings in the R-20, R-12, R-8, R-5, R-2-5 and single-family and two-family dwellings in the RA and RB zones not including property located within the

Old and Historic Alexandria and Parker-Gray Districts, height shall be measured from the average pre-construction grade of such line.

Section 9. That Section 2-204 of the Zoning Ordinance be, and the same hereby is, amended by inserting the diagram, as follows:

2-204 – Yard.

The required open area on the same lot with a building or group of buildings, which open area lies between the building or group of buildings and the nearest lot line or between one building and another building and is unoccupied and unobstructed from the ground upward.



Section 10. That Section 2-205 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:

2-205 - Yard, front.

A yard extending across the width of a lot ~~side of a lot measured between the side lot lines and being the minimum horizontal distance~~ between the front lot line and the main building or any projection thereof not permitted in section 7-202. For a corner lot, the two yards lying between the main building and the intersecting streets shall both be deemed to be front yards and any additional yards shall be deemed to be side yards. For a through lot, the two or more yards lying between the main building and the two or more public streets shall be deemed to be front yards.

Section 11. That Section 3-106 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:

3-106 - Bulk and open space regulations.

(A) *Yard requirements.*

- (1) *Front yard.* For each residential use, the required front yard shall be between the range established by the front yards within the contextual block face. provide a front yard of at least 40 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 40 feet, a residential use shall provide a front yard of at least 40 feet. Any other use shall provide a front yard of at least 70 feet.
- (2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of 12 feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 12 feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *FAR.* The maximum permitted floor area ratio shall be 0.25.

(C) *Height.* The maximum permitted height of a structure is 30~~35~~ feet except for a church or school use in which case the maximum permitted height is 40 feet.

(D) *Threshold height.* The maximum permitted threshold height for a residential use is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 12. That Section 3-206 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:

3-206 - Bulk and open space regulations.

(A) *Yard requirements.*

- (1) *Front yard.* For each residential use, the required front yard shall be between the range established the front yards within the contextual block face, provide a front yard of at least 35 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 35 feet, a residential use shall provide a front yard of at least 35 feet. Any other use shall provide a front yard of at least 35 feet.
- (2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of ten feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of ten feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (B) *FAR.* The maximum permitted floor area ratio is 0.30.
- (C) *Height.* The maximum permitted height of a structure is ~~30~~35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
- (D) *Threshold height.* The maximum permitted threshold height for a residential dwelling is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 13. That Section 3-306 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:

3-306 - Bulk and open space regulations.

- (A) *Yard requirements.*
 - (1) *Front yard.* For each residential use, the required front yard shall be between the range established by the front yards within the contextual block face, provide a front yard of at least 30 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 30 feet, a residential use shall provide a front yard of at least 30 feet. Any other use shall provide a front yard of at least 30 feet.
 - (2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of eight feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.
 - (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (B) *FAR.* The maximum permitted floor area ratio is 0.35.
- (C) *Height.* The maximum permitted height of a structure is ~~30~~35 feet except for a church or school use in which case the maximum permitted height is 40 feet.

- (D) Threshold height. The maximum permitted threshold height for a residential use is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 14. That Section 3-406 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:

3-406 - Bulk and open space regulations.

(A) *Yard requirements.*

- (1) *Front yard.* For each residential use, the required front yard shall be between the range established by the front yards within the contextual block face. provide a front yard of at least 25 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 20 feet, a residential use shall provide a front yard of at least 20 feet. Any other use shall provide a front yard of at least 25 feet.
- (2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of seven feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of seven feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *FAR.* The maximum permitted floor area ratio is 0.45.

(C) *Height.* The maximum permitted height of a structure is ~~30~~35 feet except for a church or school use in which case the maximum permitted height is 40 feet.

- (D) Threshold height. The maximum permitted threshold height for a residential use is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 15. That Section 3-506 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:

3-506 - Bulk and open space regulations.

(A) *Yard requirements.*

- (1) *Front yard.* For each residential use, the front yard shall be between the range of front yards within the contextual block face. provide a front yard of at least 25 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 20 feet, a residential use shall provide a front yard of at least 20 feet. Any other use shall provide a front yard of at least 25 feet.

- (2) *Side yards.* Each single-family or duplex dwelling shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of seven feet. Each two-family semi-detached dwelling shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of ten feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of seven feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (B) *FAR.* The maximum permitted floor area ratio is 0.45.
- (C) *Height.* The maximum permitted height of a structure is ~~30~~35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
- (D) *Threshold height.* The maximum permitted threshold height for a residential use is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 16. That Section 3-606 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:

3-606 - Bulk and open space regulations.

- (A) *Yard requirements.*
 - (1) *Front yard.* For each single and two-family dwelling, use the required front yard shall be between the range of front yards within the contextual block face. shall provide a front yard of at least 20 feet. If the minimum front yard, including the front yard of the property in question, within this range exceeds 20 feet, each single and two-family dwelling shall provide a front yard of at least 20 feet. All other uses shall provide a front yard of at least 20 feet.
 - (2) *Side yards.*
 - (a) Each single-family and two-family dwelling shall provide two side yards based on a setback ratio of 1:3 and a minimum size of seven feet.
 - (b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.
 - (c) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:2 and a minimum size of 16 feet.
 - (d) All other uses shall provide two side yards based on a setback ratio of 1:1 and a minimum size of 25 feet.
 - (3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum yard of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

- (B) *Open and usable space.* Each lot occupied by a dwelling unit shall provide a minimum of 800 square feet of open and usable space for each dwelling unit; provided however,
- (1) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to 80 square feet of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped;
 - (2) In the case of a rooming or boarding house, an additional 200 square feet for each guest room shall be provided.
- (C) *FAR.* The maximum permitted floor area ratio is 0.75.
- (D) *Height.* The maximum permitted height for single and two-family dwellings is 30 feet. For all other structures, the maximum permitted height of a structure is 45 feet.
- (E) *Threshold height.* The maximum permitted threshold height for single and two-family dwellings is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 17. That Section 3-706 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:

3-706 - Bulk and open space regulations.

- (A) *Yard requirements.*
- (1) Front yards outside historic districts. For each single and two-family dwelling, the required front yard shall be between the range of front yards within the contextual block face. If the minimum front yard, including the front yard of the property in question, within this range exceeds 20 feet, each single and two-family dwelling shall provide a front yard of at least 20 feet. All other uses shall provide a front yard of at least 20 feet.
 - (24) Front yards within historic districts. Within the Old and Historic Alexandria and Parker-Gray Districts, ~~Each use shall provide a front yard of at least 20 feet, except within the Old and Historic Alexandria and the Parker-Gray Districts where the front building line shall be the same as the front lot line or such other line consistent with the character of the district that the board of architectural review approves.~~
 - (32) Side yards-outside historic districts.
 - (a) Each single-family and two-family dwelling shall provide two side yards each based on a setback ratio of 1:3 and a minimum size of eight feet.
 - (b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.
 - (c) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:2 and a minimum size of 16 feet.

- (d) Each other use shall provide two side yards based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (43) *Side yards-within historic districts.* Within the Old and Historic Alexandria and the Parker-Gray Districts, the following side yard requirements shall apply.
 - (a) Each residential lot which is 35 feet wide or wider shall provide two side yards of at least five feet each.
 - (b) Each residential lot which is at least 25 feet but less than 35 feet wide shall provide one side yard of at least five feet.
 - (c) No side yard is required on a residential lot which is less than 25 feet wide.
 - (d) Each nonresidential lot shall provide two side yards of at least five feet each, regardless of the width of the lot.
- (54) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.
- (B) *Open and usable space.* Each lot occupied by a dwelling unit shall provide a minimum of 800 square feet of open and usable space for each dwelling unit; provided however,
 - (1) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to 80 square feet of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped.
- (C) *FAR.* The maximum permitted floor area ratio is 0.75.
- (D) *Height.* ~~The maximum permitted height of a structure is 45 feet~~
 - (1) *Outside historic districts.*
 - (a) The maximum height for single and two-family dwellings is 30 feet.
 - (b) The maximum height for all other structures is 45 feet.
 - (2) *Within historic districts.* Within the Old and Historic Alexandria and the Parker-Gray Districts, the maximum height of a structure is 45 feet.
- (E) *Threshold height outside historic districts.* The maximum permitted threshold height for single and two-family dwellings outside the Old and Historic Alexandria and Parker-Gray districts is two and one-half feet, the highest threshold height within the contextual block face or the minimum necessary to comply with the floodplain requirements of section 6-306(B), whichever is greatest.

Section 18. That Section 6-403 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:

6-403 - General regulations and exceptions.

(B) *Mechanical Rooftop appurtenances.* Chimneys, towers, tanks, machinery, equipment, stairs, elevators, roof decks and guards, penthouses or other ~~necessary~~ mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

(1) All ~~necessary~~ rooftop ~~mechanical~~ appurtenances and ~~penthouses~~ shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

(2) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if the board finds such requirement to be architecturally inappropriate. The board of architectural review may delegate the waiver authority in the Parker-Gray District under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

(3) Penthouses The following limitations apply to ~~rooftop~~ ~~mechanical~~ penthouses:-

(a) ~~A maximum of three~~ Only one penthouses are is permitted unless the number is increased by a special use permit;

(b) The penthouses shall not exceed 15 feet unless the height is increased by a special use permit;

(c) The penthouses must be limited in size to the minimum space ~~required to house-~~ necessary for stairs, elevators, required elevator vestibules not exceeding 64 square feet per elevator, necessary mechanical equipment, or similar appurtenances; and

(d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.

~~(3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.~~

(4) Roof Decks and Guards. Roof decking and required guards, not to exceed six feet above the roofline or the minimum height required by the Virginia Uniform Statewide Building Code (USBC), whichever is higher. Such structures shall be constructed with material that is transparent or compatible with the design of the building and must comply with all setbacks otherwise required by this ordinance.

Section 19. That Section 7-2502 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety.

Section 20. That Section 7-2503 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety.

Section 21. That Section 11-1302 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:

11-1302 - Special exception established.

A lot developed with a single family, two family or townhouse dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

- ~~(D) Established front yard setback requirements for a main dwelling required by section 7-2503, subject to the following requirements:~~
 - ~~(1) Limitation on front setback increase or decrease.~~
 - ~~(a) An adjustment is allowed of as much as ten percent from the average front setback line calculated for the project or five feet, whichever is less.~~
 - ~~(b) The front setback increase or decrease shall be the minimum necessary to achieve the desired result.~~
 - ~~(2) The applicant shall demonstrate by clear and convincing evidence that the proposed change in front setback for the dwelling is necessary for environmental and/or critical construction reasons and that the dwelling in the proposed location will be compatible with the character of the rest of the neighborhood block and will not be detrimental to the maintenance of a an established setback along the street.~~
- (D) Maximum height for single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones not including property located within the Old and Historic Alexandria and Parker-Gray Districts, subject to the following requirements:
 - (1) Dwelling shall not exceed the height of the tallest dwelling within the contextual block face plus 20 percent. For the purposes of applying this subsection only, dwelling height shall be measured from average pre-construction grade along the front of the dwelling only;

(2) Regardless of the height established by (1), above, the maximum height shall not exceed 35 feet.

(3) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a dwelling beyond the floor area ratio permitted or height to setback ratios required by the zone in which such dwelling is located, nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

Section 22. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 23. That to Section 2-119 (AVERAGE FINISHED GRADE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-154 (HEIGHT OF BUILDING), Section 2-193 (SETBACK RATIO), Section 2-204 (YARD), and Section 2-205 (YARD, FRONT) of Article II (DEFINITIONS); Section 3-106 (BULK AND OPEN SPACE REGULATIONS), Section 3-206 (BULK AND OPEN SPACE REGULATIONS), Section 3-306 (BULK AND OPEN SPACE REGULATIONS), Section 3-406 (BULK AND OPEN SPACE REGULATIONS), and Section 3-506 (BULK AND OPEN SPACE REGULATIONS) of Division A (SINGLE-FAMILY AND TWO-FAMILY ZONES) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 3-606 (BULK AND OPEN SPACE REGULATIONS) and 3-706 (BULK AND OPEN SPACE REGULATIONS) of Division B (TOWNHOUSE AND MULTIFAMILY ZONES) Article III (RESIDENTIAL ZONE REGULATIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); to add and ordain new Section 2-122.1 (BLOCK FACE, CONTEXTUAL), Section 2-154.1 (HEIGHT, THRESHOLD), Section 2-170.1 (LOT FRONTAGE), and 2-170.2 (LOT WIDTH) of Article II (DEFINITIONS); and delete Section 7-2502 (HEIGHT IN LINE WITH EXISTING DEVELOPMENT) and 7-2503 (RESIDENTIAL FRONT SETBACK AND FRONT DOOR THRESHOLD IN LINE WITH EXISTING DEVELOPMENT) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as amended, deleted, or added pursuant to Sections 1 through 21 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

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

18. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 065.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT

BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 600 North Royal Street from RM/Townhouse zone to CRMU-X/Commercial residential mixed use (Old Town North) zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0009 (Implementation Ordinance for Rezoning No. 2018-0009 associated with the Bus Barn approved by City Council on February 23, 2019). [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. 18; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 18; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Sheet No. 065.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 600 North Royal Street from RM/Townhouse zone to CRMU-X/Commercial Residential Mixed Use (Old Town North) zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0009 (Implementation Ordinance for Rezoning No. 2018-0009 associated with the Bus Bard approved by City Council on February 23, 2019).

The ordinance reads as follows:

ORDINANCE NO. 5207

AN ORDINANCE to amend and reordain Sheet No. 065.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 600 North Royal Street from RM/Townhouse zone to CRMU-X/Commercial residential mixed use (Old Town North) zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0009.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2018-0009, 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 February 7, 2019 of a rezoning of the property at 600 North Royal Street from RM/Townhouse zone to CRMU-X/Commercial

residential mixed use (Old Town North) zone, which recommendation was approved by the City Council at public hearing on February 23, 2019;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

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 Sheet No. 065.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 600 North Royal Street, Alexandria,
Virginia 22314, 065.01-01-01

From: RM/Townhouse zone

To: CRMU-X/Commercial residential mixed use (Old Town North) zone

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

Section 3. That Sheet No. 065.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

19. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and add new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) 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. 2018-0015 (Implementation Ordinance for Text Amendment No. 2018-0015 entitled Zoning Ordinance Practical Updates approved by City Council on January 12, 2019).[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. 19; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 13; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and add new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), Section 2-200.1 (TRELLIS) 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. 2018-0015 (Implementation Ordinance for Text Amendment No. 2018-0015 entitled Zoning Ordinance Practical Updates approved by City Council on January 12, 2019).

The ordinance reads as follows:

ORDINANCE NO. 5208

AN ORDINANCE to amend and reordain Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBRSTUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and add new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) 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. 2018-0015.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0015, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 3, 2019 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on January 12, 2019;

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 2-113.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec 2-113.2 – Attic.

A space or room, usually with sloping ceilings, created partially or wholly from the space immediately beneath a roof and above the uppermost story of rooms with finished ceilings.

Section 2. That Section 2-120.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec 2-120.1 – Bay window.

A window or series of windows projecting from the outer wall of a building and forming an alcove in a room. It may have its foundation in the ground or cantilevered from the outer wall. Such a space shall have a minimum of 65% of the surface area composed of glass.

Section 3. That Section 2-200.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-200.1 – Trellis.

A structure made of interwoven pieces of wood, metal or synthetic material that is a minimum of 80% open to support and display climbing plants.

Section 4. That Section 4-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

4-303 - Special uses.

The following uses may be allowed in the CSL zone pursuant to a special use permit:

- (A) Animal care facility with overnight accommodation, other than pursuant to 4- 302.1;
- (A.1) Automobile service station;
- (B) Automobile and trailer rental or sales area;
- (B.1) Food and beverage production exceeding 3,500 square feet, which includes a retail component;
- (C) Building materials storage and sales;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (H.1) Day labor agency;

- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Glass shop;
- (M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);
- (N) Home for the elderly;
- (O) Laundry, dry cleaning operation;
- (O.1) Light assembly, service and crafts;
- (P) Light automobile repair;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Reserved;
- (S) Nursing or convalescent home or hospice;
- (S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;
- (S.2) Outdoor garden center, other than pursuant to section 4-302.1;
- (T) Parcel delivery;
- (U) Reserved;
- (V) Private school, ~~academic or commercial~~, with more than 20 students on the premises at any one time;
- (W) Public building;
- (X) Research and testing laboratory;
- (Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;
- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use;
- (BB) Storage buildings and warehouses, not to include freight distribution centers;
- (CC) Wholesale Business

Section 5. That Section 7-103 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:

7-103 - Use limitations.

The following limitations apply to accessory uses and structures:

- (A) No accessory use or structure shall be located ~~forward of the front building line~~ forward of a front building wall facing a primary front yard.
- (B) No accessory use or structure shall be located in a required front, rear, or side yard, except as provided in section 7-202.
- (C) Accessory structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.
- (D) An accessory use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal building and which is adjacent to and in common ownership with the lot on which the principal building which it does serve is

located or as otherwise expressly authorized by the provisions of this ordinance.

Section 6. That Section 7-202 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:

7-202 - Permitted obstructions.

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(A) In all yards:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices, window sills, and roof overhangs projecting 30 inches or less into the yard.
- (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
- (5) Arbors and trellises. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (6) Flag poles which do not exceed 15 feet in height.
- (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
- (8) Ramps and similar structures necessary to provide access for the handicapped.
- (9) Porticos.
- (10) Walls which do not exceed two feet in height.
- (11) Fountains.

(B) In any yard except a primary front yard:

- (1) Sandboxes, swings and other small items of children's play equipment.
- (2) Clotheslines.
- ~~(3) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet~~

~~but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.~~

~~(4) Sheds and other small accessory buildings:~~

~~(a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than ten feet.~~

~~(b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.~~

~~(c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.~~

~~(5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.~~

~~(6)(3) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.~~

~~(7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.~~

(C) In any yard except a front yard:

(1) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.

- (2) Sheds and other small accessory buildings:
- (a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than ten feet.
 - (b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.
 - (c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (3) Freestanding residential mechanical equipment, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available. Demonstration may be provided through the following methods:
- (a) A survey plat showing the proposed location of the equipment.
 - (b) The method of screening for the equipment, if required.
 - (c) Documentation provided by the manufacturer that the proposed equipment will not exceed 55 decibels and/or screening methods that will reduce the noise level. +
- (4) Free-standing private garages to the rear of the main building in accordance with section 7-2505.-
- ~~(C)~~(D) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.
- ~~(D)~~(E) For any residential lot, single-story front porches with a maximum depth of ten feet shall be permitted in any required front yard provided that the porch shall be located on the first floor or at ground level and the front yard shall not be reduced to less than ten feet.

Section 7. That Section 7-301 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-301 - Permitted occupations.

Home occupations which have the general character of the following uses are permitted:

- (A) Dressmaker, seamstress and tailor;
- (B) Teacher;
- (C) Artist, photographer, sculptor;
- (D) Author, composer, editor, translator, writer;
- (E) Home crafts, which may include, but are not limited to, such occupations as model making, rug weaving, lapidary work, macrame, cabinet making, and weaving;
- (F) Office of an ordained minister of religion;
- (G) Office of an accountant, architect, bookkeeper, clerical service, computer programmer, consultant, dentist, arts and crafts instructor, lawyer, land surveyor, landscape architect, musician, physician, engineer, realtor, insurance agent or broker, or other similar occupation;
- (H) Office of a salesman, sales representative or manufacturer's representative;
- (I) Repair services for such items as musical instruments, watches, clocks, small household appliances, toys or models, and similar devices;
- (J) Contractor or service business, provided that all requirements of this section 7-300 are met as well as the following additional requirements:
 - (1) No employees, other than persons legally residing on the premises, shall report to work at a residential location other than a job site.
 - (2) Not more than one commercial vehicle having a capacity not greater than one ton shall be parked on the property and then only in accordance with applicable regulations of this ordinance.
 - (3) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.
- (K) Agricultural plantings, which may include but are not limited to vegetables, fruits, and succulents.

Section 8. That Section 7-2506 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

7-2506 - Attached garages.

Private garages that are an integral part of the main residential dwelling are only permitted under the following standards.

- (A) Access to garage.
 - (1) *Lot with width 65 feet or more.* If the lot width is 65 feet or more, an attached garage shall have the vehicle opening facing the side yard. Such a garage may be no closer to the front property line than the plane of the front building wall. In the case of a corner lot, an attached garage may face a secondary front yard if the proposed location and design of the door is consistent with the block and neighborhood character. Such a garage may be no closer to the front property line than the plane of the secondary front building wall.

- (2) *Lot with width less than 65 feet.* If the lot width is less than 65 feet, an attached garage with a vehicle entrance facing the front yard is permitted, but must be set back a minimum of eight feet from the plane of the front building wall. No roof or covering is permitted in front of such a garage and any construction above shall not extend forward of the front plane of the garage. The garage door shall be compatible with the design of the residence.
- (B) Driveway surface. A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.
- ~~(C) A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.~~

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

Section 10. That Section 4-303 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Section 7-103 (USE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-301 (PERMITTED OCCUPATIONS), and Section 7-2506 (ATTACHED GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and new Section 2-113.2 (ATTIC), Section 2-120.1 (BAY WINDOW), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS), as amended or added pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

Please note this item will be introduced today and the public hearing for this item will be March 26.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to amend

and reordain Sheet No. 045.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 1201 North Royal Street from, CD-X/Commercial downtown zone (Old Town North) to CRMU-X/Commercial residential mixed use (Old Town North) zone, and the adjacent outparcel from, UT/Utilities and transportation to CRMU-X/Commercial residential mixed use (Old Town North) zone, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0006 (Implementation Ordinance for Rezoning No. 2018-0006 associated with Craddock Site Redevelopment (1201 North Royal Street) approved by City Council on January 12, 2019). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 1 of Item No. 20; 03/16/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council passed the ordinance on first reading and scheduled public hearing, second reading, and final passage on Tuesday, March 26, 2019. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

21. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend and reordain Section 12-1-5 (TERM OF OFFICE) of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD) of Title 12 (EDUCATION, SOCIAL SERVICES, AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Section 12-1-5 (TERM OF OFFICE) of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD) of Title 12 (EDUCATION, SOCIAL SERVICES, AND WELFARE) of

the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5209

AN ORDINANCE to amend and reordain Section 12-1-5 (TERM OF OFFICE) of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD) of Title 12 (EDUCATION, SOCIAL SERVICES, AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-1-5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding the text shown in underline and deleting the text shown in strikethrough as follows:

Sec. 12-1-5 - Term of office.

Each member of the school board shall serve for a term of three years commencing on ~~July 1~~ January 1 following the member's election or until a successor shall have been elected and taken office.

Section 2. That Section 12-1-5 is amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

22. Public Hearing, Second Reading and Final Passage of an Ordinance Approving and Authorizing the Conveyance of Right-Of-Way and Dedication of Storm Drainage, Utility Easements and the Granting of Temporary Construction Easements across Birmingham Green, which is Jointly Owned by the City of Alexandria with the Counties of Fairfax, Fauquier, Loudoun, and Prince William, to the City of Manassas Park, Virginia for Public Road Improvements.
[ROLL-CALL VOTE]

City Council closed the public hearing and adopted an ordinance approving and authorizing the conveyance of right-of-way and dedication of storm drainage, utility easements and the granting of temporary construction easements across Birmingham Green, which is jointly owned by the City of Alexandria with the counties to Fairfax, Fauquier, Loudoun, and Prince William, to the City of Manassas Park, Virginia for public road improvements.

The ordinance reads as follows:

ORDINANCE NO. 5210

An Ordinance approving and authorizing the conveyance of right-of-way and dedication of storm drainage, utility easements and the granting of temporary construction easements across Birmingham Green, which the City of Alexandria jointly owns with the Counties of Fairfax, Fauquier, Loudoun and Prince William, to the City of Manassas Park, Virginia for public road improvements.

WHEREAS, the City of Alexandria together with the Counties of Fairfax, Fauquier, Loudoun and Prince William own as tenants-in-common the Birmingham Green Complex located at 8599 Centerville Road in the City of Manassas, bordering the City of Manassas Park along Conner Drive ("Birmingham Green");

WHEREAS, the City of Manassas Park and the Virginia Department of Transportation ("VDOT"), are partners in the Conner Drive Extension Project which involves the repaving of Conner Drive and the extension of Conner Drive west to connect with Route 28/Centerville Road. To bring Conner Drive into compliance with VDOT standards, the City of Manassas Park needs the five municipality co-owners of Birmingham Green to dedicate 15,937 square feet of Birmingham Green property for public road purposes as well as ancillary storm drainage and utility easements; and

WHEREAS, the City of Manassas Park and VDOT have agreed to pay \$100,000 to the five municipality co-owners of Birmingham Green as compensation for the land rights, and

WHEREAS, the five municipality co-owners have agreed to pay the \$100,000 to Birmingham Green toward the costs of renovation of the Health Care Center; and

WHEREAS, the city council in adopting this ordinance expressly finds that the conveyance of the requested right-of-way and easements to the City of Manassas Park as shown on the attached Deed of Dedication, Easements, and Vacations Plat attached hereto as Exhibit C, are in the public interest, now therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City of Alexandria authorizes the conveyance of the requested right-of-way and easements to the City of Manassas Park, Virginia; and

Section 2. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the conveyances described in Section 1, above, including but not limited to, execute the attached Agreement of Conveyance (Exhibit B), Deed of Dedication, Easements, Vacations, Plat (Exhibit C), and such other documents as are necessary to effect this conveyance and dedication of property rights and easements.

Section 3. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

23. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend and reordain Section 12-2-2 (COMPOSITION; APPOINTMENT; TERMS AND COMPENSATION OF MEMBERS; FILLING VACANCIES) of Chapter 12 (ALEXANDRIA COMMUNITY POLICY AND MANAGEMENT TEAM) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Section 12-2-2 (COMPOSITION; APPOINTMENT; TERMS AND COMPENSATION OF MEMBERS; FILLING VACANCIES) of Chapter 12 (ALEXANDRIA COMMUNITY POLICY AND MANAGEMENT TEAM) of Title 12 (EDUCATION, SOCIAL SERVICES, AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5211

AN ORDINANCE to amend and reordain Section 12-12-2 (COMPOSITION; APPOINTMENT; TERMS AND COMPENSATION OF MEMBERS; FILLING VACANCIES) of Chapter 12 (ALEXANDRIA COMMUNITY POLICY AND MANAGEMENT TEAM) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-12-2 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended by adding the text shown in underline and deleting the text shown in strikethrough as follows:

Sec. 12-12-2 Composition; appointment; terms and compensation of members; filling vacancies.

The community and policy management team created by section 12-12-1 shall consist of ~~nine-eight~~ members. Six of the ~~nine-eight~~ members shall be the following public officials or the designees of such officials: ~~a member of city council~~, the city manager, the executive director of the Alexandria community services board, the director of the Alexandria juvenile court services unit, the director of the city's department of health, the director of social services within the city's department of community and human services, and the superintendent of schools. The remaining ~~three-two~~ members of the team shall be a representative of a private organization or association of providers of children's or family services which provides such services within the city on a continuing and consistent basis, and ~~two one~~ parent representative; ~~provided, that a~~ A person who is employed by a public or private program which receives funds pursuant to the ~~Comprehensive Services Act, Virginia Code § 2.1-745 et seq., Children's Services Act, Virginia Code § 2.2-5200, et seq.~~ or by an agency represented on the team may serve as a parent representative only if the person does not, as a part of such employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children; ~~provided further, that~~ however, the foregoing restriction regarding a parent representative shall not apply to foster parents.

All members of the team shall be appointed by city council and shall serve for a term of two years; provided, that the private provider representative and the parent representative members shall be appointed by council, upon the recommendation of the public official members of the team. All members of the team shall file the financial disclosure form required by section 2-5-11 of this code, and their filing shall be in accordance with the provisions of said section. Any vacancy occurring in the provider representative or parent representative positions on the team shall be filled for the balance of the unexpired term in the same manner as original appointments to such positions are to be made. Members of the team shall serve without compensation, but may receive such reimbursement for expenses as city council may allow.

Section 2. That Section 12-12-2 is amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

24. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2019.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2019.

The ordinance reads as follows:

ORDINANCE NO. 5212

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2019.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019, the source of such amount being Equipment Replacement Fund Revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2019, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Transportation and Environmental Services	\$ 30,000
Fire Department	\$ 170,629
Total Equipment Replacement Reserve Fund	<u>\$ 200,629</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2018 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Community and Human Services	\$ 1,030,374
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Fire Department	64,907
Office of Housing	454,147
Police	82,507
Historic Alexandria	25,000
Transportation and Environmental Services - CIP	\$ (148,477)
Total Estimated Revenue	<u>\$ 1,508,458</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Community and Human Services	\$ 1,030,374
Fire Department	64,907
Office of Housing	454,147
Police	82,507
Historic Alexandria	25,000
Transportation and Environmental Services - CIP	\$ (148,477)
Total Estimated Appropriation	<u>\$ 1,508,458</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2019 the source of such amount being the residual balances accumulated as of June 30, 2018, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Historic Alexandria	\$ 66,000
Recreation	75,911
Police	44,000
Code Administration	(10,920)
Transportation and Environmental Services	<u>34,083</u>
Total Estimated Revenue	<u>\$ 209,074</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Historic Alexandria	\$ 66,000
Recreation	75,911
Police	44,000

Code Administration	(10,920)
Transportation and Environmental Services	<u>34,083</u>
Total Appropriation	<u>\$ 209,074</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2019 the source of such amount being the residual balances accumulated as of June 30, 2018, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

ESTIMATED REVENUE:

Police Department	<u>\$ 742,700</u>
Total Estimated Revenue	<u>\$ 742,700</u>

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

APPROPRIATION:

Police Department	<u>\$ 742,700</u>
Total Appropriation	<u>\$ 742,700</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2019, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2019, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects – Grant Funds	(148,477)
Capital Projects – Donations and Contributions	<u>\$ 50,220,796</u>
Total Estimated Revenue	<u>\$ 50,072,319</u>

CAPITAL PROJECTS

APPROPRIATION:

Add: Potomac Yard Metrorail Station South Entrance	\$	50,000,000
Add: Mt Vernon School Playground Improvements		145,732
Increase: Public Art Acquisition		190,064
Increase: Holmes		370,542
Run Trail Connector		50,046
Increase: Transit Access and Amenities		150,000
Increase: Alexandria Bus Network ITS		
Reduce: Edsall Road at Pickett		(44,446)
Reduce: Four Mile Run Connector Bridge		(100,000)
Reduce: Community Matching Fund		(15,000)
Reduce: ITS Integration		(402,619)
Reduce: Seminary-Howard Safety Improvement		(22,000)
Reduce: West End Transitway Assessment	\$	(250,000)
Total Appropriation	\$	<u>50,072,319</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

General Services	\$	26,435
Alexandria Libraries		25,000
Non Departmental		(51,435)
Total Appropriation	\$	<u>0</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019, the source of such amount being Committed General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$	<u>5,550,000</u>
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Total Estimated Revenue \$ 5,550,000

GENERAL FUND

APPROPRIATION:

City Attorney's Office	\$ 750,000
Office of Housing	<u>4,800,000</u>
Total Appropriation	<u>\$ 5,550,000</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the Affordable Housing Fund the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being revenues for which the proceeds were authorized and adjusted after July 1, 2018 but not appropriated, and further that the council does hereby allot the amount so appropriated for Fiscal Year 2019, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Housing	\$ 5,455,517
Total Estimated Revenue	<u>\$ 5,455,517</u>

AFFORDABLE HOUSING FUND

APPROPRIATION:

Housing	<u>\$ 5,455,517</u>
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Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2019 the source of such amount being Component Unit – Alexandria Libraries Fund, and further that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit – Libraries	\$ 25,000
Total Appropriation	<u>\$ 25,000</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby

make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external revenues for which the proceeds were authorized and adjusted after July 1, 2018 but not appropriated, and further that the council does hereby allot the amount so appropriated for Fiscal Year 2019, as follows:

SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

ESTIMATED REVENUE:

Alexandria Transit Company	\$
<u>1,204,500</u>	
Total Estimated Revenue	\$
<u>1,204,500</u>	

SPECIAL REVENUE FUND

APPROPRIATION:

Alexandria Transit Company	\$
<u>1,204,500</u>	
Total Appropriation	<u>\$ 1,204,500</u>

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

(ORD. NO. 5212)

25. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Tax Relief and Tax Deferral, Section 3-2-161 (Definitions), Section 3-2-164 (Administration by City Manager), Section 3-2-165 (Procedure for Claim), and Section 3-2-166 (Calculation of Amount; Limitation), of the Code of the City of Alexandria, Virginia.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend Tax Relief and Tax Deferral, Section 3-2-161 (DEFINITIONS), Section 3-2-164 (ADMINISTRATION BY CITY MANAGER), Section 3-2-165 (PROCEDURE FOR CLAIM), and Section 3-2-166 (CALCULATION OF AMOUNT; LIMITATION), of the Code of the City of Alexandria, Virginia.

The ordinance reads as follows:

ORDINANCE NO. 5213

AN ORDINANCE to amend and reordain Section 3-2-161 (DEFINITIONS), Section 3-2-164 (SAME-ADMINISTRATION BY CITY MANAGER), Section 3-2-165 (SAME-PROCEDURE FOR CLAIM), Section 3-2-166 (SAME-CALCULATION OF AMOUNT; LIMITATION) of Article L (REAL ESTATE TAX RELIEF) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-161 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-161 Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) *Applicant.* Any natural person who claims an exemption or deferral under section 3-2-165.
- (2) *Reserved.*
- (3) *Deferral.* A deferral of the obligation to pay real estate taxes granted pursuant to the provisions of this division.
- (4) *Dwelling.* The building or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is part of the real estate for which an exemption from or deferral of taxes is sought pursuant to this division.
- (5) *Exemption.* An exemption from the obligation to pay real estate taxes granted pursuant to the provisions of this division.
- (6) *Net combined financial worth of applicant.* The value of all assets of an applicant, of an applicant's spouse and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of

household furnishings in the dwelling and of up to ~~two acres~~ one acre of the land on which the dwelling is situated shall be excluded.

(7) *Permanently and totally disabled persons.* An applicant certified as provided by section 3-2-165(d) and found by the ~~city manager~~ director of finance or assigned designee to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such applicant's life.

(8) *Relative.* Any person related by blood or marriage to an applicant who uses the applicant's dwelling as his or her principal residence, other than a spouse.

(9) *Taxes owed for the year.* The amount of real estate taxes levied on the dwelling of the applicant for the taxable year.

(10) *Taxable year.* The current calendar year for which an exemption or deferral is claimed.

(11) *Spouse.* The husband or wife of any applicant who resides in the applicant's dwelling.

(12) *Total combined income of applicant.* The annual gross income from all sources, calculated as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling; provided, that up to \$10,000 of the income of any such relative shall be excluded and, provided further, that up to \$10,000 of the income of any applicant, and any other owner residing in the dwelling, who is permanently disabled shall be excluded.

(13) Notwithstanding the provisions of subsection (12), above, if an applicant proves to the director of finance, by clear and convincing evidence, that the applicant's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care, is to have a relative move in and provide care to the applicant, and if a relative does actually move in and provide such care, then none of the income of the relative and of the relative's spouse shall be counted towards the total income of the applicant; provided, however, that the applicant has not transferred to the relative assets in excess of \$10,000, without adequate consideration, within a three-year period prior to or after the relative moves into the dwelling. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4367, 12/18/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Section 2. That Section 3-2-164 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is ordained to read as follows.

Sec. 3-2-164 Same – administration by ~~city manager~~ director of finance.

The exemption from or deferral of payment of real estate taxes for elderly or permanently and totally disabled persons shall be administered by the ~~city manager~~ director of finance according to the provisions of this division. The ~~city manager~~ director of finance is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this

division, including the requirement of answers under oath, as may be reasonably necessary to determine eligibility for exemption or deferral. The ~~city manager~~ director of finance may require the production of certified tax returns, bank and investment statements, and appraisal reports to establish total combined income or net combined financial worth. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4878, 5/17/14, Sec. 2)

Section 3. That Section 3-2-165 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is ordained to read as follows.

Sec. 3-2-165 Same – procedure for claim.

(a) For taxable year 2003, and every third year thereafter, and not later than April 15 of the taxable year, any applicant claiming an exemption or deferral of real estate taxes under this division shall file with the ~~city manager~~ director of finance, in such manner as the ~~manager~~ director shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

- (1) the name and age of the applicant;
 - (2) a statement whether the applicant is permanently and totally disabled;
 - (3) the address of the real estate for which the exemption or deferral is claimed;
 - (4) the names of the applicant's spouse and of the relatives of the applicant and any other owners of the real estate who reside in the applicant's dwelling;
 - (5) the total combined income of the applicant as defined in section 3-2-161(12);
 - (6) the net combined financial worth of the applicant as defined in section 3-2-161(6);
 - (7) the applicant's election of an exemption or deferral;
 - (8) the name and addresses of all owners of the real estate other than the owners who reside therein; and
 - (9) such additional information as the ~~city manager~~ director of finance determines to be necessary to determine eligibility for exemption or deferral of real estate taxes pursuant to this division.
- (b) If, after audit and investigation, the ~~city manager~~ director of finance determines that the applicant is eligible for an exemption or deferral, the ~~manager~~ director shall so certify to ~~the director, who~~ and shall deduct the amount of the exemption from the applicant's real estate tax liability or defer such tax liability as herein provided.
- (c) Any provision of this division to the contrary notwithstanding, the director may declare eligible to apply for an exemption or deferral any person filing the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), after April 15 of the current taxable year but before ~~November 15~~ April 15 of the following taxable year, provided good cause is shown for the failure to file the affidavit, statement or certification on or before April 15 of the current taxable year.
- (d) Any applicant under 65 years of age claiming an exemption or deferral on the basis of a permanent and total disability shall attach to the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), a certification by the Social Security Administration or, if the person is not eligible for

social security, an affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that the person is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

(e) Any applicant initially claiming an exemption or deferral of real estate taxes under this division, in a taxable year other than 2003, shall file for such taxable year the affidavit or written statement required by subsection (a). Thereafter, such applicant shall file an affidavit or written statement, or a written certification, as required by subsection (a) or (f).

(f) For each taxable year as to which an affidavit or written statement is not required by subsection (a), the applicant shall file with the ~~city manager~~ director of finance, not later than April 15, a written certification, on forms to be supplied by the city, in which the applicant states that the information contained in the applicant's last filed affidavit or written statement has not changed in a manner which affects either the applicant's eligibility for an exemption or deferral under this division or the amount of the exemption or deferral. In the event that the information in the last filed affidavit or statement has changed in such a manner, the applicant shall file a new affidavit or written statement pursuant to subsection (a). (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Section 4. That Section 3-2-166 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is ordained to read as follows.

Sec. 3-2-166 Same – calculation of amount; limitation.

(a) The exemption from or deferral of real estate taxes on the value of the house and up to one acre of land granted under this division for any taxable year shall be limited and calculated as follows:

(1) when the total combined income of the applicant does not exceed \$40,000, the applicant shall be exempt from the taxes owed for the year;

(2) when the total combined income of the applicant exceeds \$40,000 but does not exceed \$55,000, the applicant shall be exempt from 50 percent of the taxes owed for the year, and may defer all or part of the amount of such taxes in excess of the amount exempted; and,

(3) when the total combined income of the applicant exceeds \$55,000 but does not exceed \$72,000, the applicant shall be exempt from 25 percent of the taxes owed for the year, and may defer all or part of the amount of such taxes in excess of the amount exempted

(4) when the total combined income of the applicant exceeds \$72,000 but does not exceed \$100,000, the applicant may defer all or part of the amount of such taxes as may be due

(b) Notwithstanding the provisions of subsection (a) above, if the real estate identified in the affidavit or written statement filed under section 3-2-165 is not owned solely by the applicant and his or her spouse, the amount of the tax exemption or deferral shall be the amount of the taxes on the real estate for the taxable year times

the percentage ownership interest in the real estate held by the applicant, or by the applicant and his or her spouse.

(c) Notwithstanding the provisions of subsection (a) above, if an applicant becomes eligible for exemption or deferral of real estate taxes owed during the course of the taxable year, the amount of the exemption or deferral computed under subsection (a) shall be reduced by one-twelfth of such amount for each full calendar month of the taxable year during which month such applicant is not eligible for exemption or deferral. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4446, 4/24/06, Sec. 1)

Section 5. That this ordinance shall become effective for tax exemptions and tax deferrals beginning in tax year 2019.

26. Public Hearing, Second Reading and Final Passage of an ordinance to amend Vehicle Decal Display Requirements, Article R (License Taxes on Motor Vehicles, Trailers, and Semitrailers), and Section 3-2-354 (Penalties for Uncontested Citations), Section 3-2-355 (Removal or Immobilization of Motor Vehicles Against Which There Are Outstanding Parking Citations), 10-4-37 (Failure to Procure and Display City License Plate, Windshield Tag or Decal), of the Code of the City of Alexandria, Virginia.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 03/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26; 03/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend Vehicle Decal Display Requirements, Article R (LICENSE TAXES ON MOTOR VEHICLES, TRAILERS, AND SEMITRAILERS), and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS), Section 3-2-355 (REMOVAL OR IMMOBILIZATION OF MOTOR VEHICLES AGAINST WHICH THERE ARE OUTSTANDING PARKING CITATIONS), 10-4-37 (FAILURE TO PROCURE AND DISPLAY CITY LICENSEPLATE, WINDSHIELD TAG OR DECAL), of the Code of the City of Alexandria, Virginia.

The ordinance reads as follows:

ORDINANCE NO. 5214

AN ORDINANCE to amend and reordain Article R (LICENSE TAXES ON MOTOR VEHICLES, TRAILERS AND SEMITRAILERS), and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS), Section 3-2-355 (REMOVAL OR IMMOBILIZATION OF

MOTOR VEHICLES AGAINST WHICH THERE ARE OUTSTANDING PARKING CITATIONS), of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended; and, Repeal of Section 10-4-37 (FAILURE TO PROCURE AND DISPLAY CITY LICENSE PLATE, WINDSHIELD TAG OR DECAL), of Chapter 4 (STOPPING, STANDING, AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-321 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

ARTICLE R - ~~License Taxes~~ Local Registration Fee on Motor Vehicles, Trailers and Semitrailers

Sec. 3-2-321 – ~~License~~ Local Registration Fee required; license tax levied and billed.

A Local Registration Fee (also known as the license tax authorized pursuant to Section 46.2-752 of the Code of Virginia (1950), as amended) is required imposed each year for on every motor vehicle, trailer and semitrailer which is normally garaged, stored or parked within the city, and a license tax is imposed each year on every such motor vehicle, trailer and semitrailer for the period from October 5 to the following October 4. Such license tax Local Registration Fee shall be at the rate set forth in sections 3-2-327 through 3-2-331, and shall be for the purpose of providing revenue for the general fund of the city except such portions thereof as are required by section 46.2-753 of the Code of Virginia (1950), as amended, to be allocated to the Northern Virginia Transportation Commission. Nothing in this section shall be construed as imposing a license tax Local Registration Fee on any vehicle not required to be licensed by section 46.2-663 et seq., Code of Virginia (1950), as amended, or any vehicle exempted by section 46.2-755, Code of Virginia (1950), as amended, or any vehicle exempted by the Servicemembers Civil Relief Act of 2003, 50 U.S.C. App. section 501 et seq., or the Military Spouses Residency Relief Act, 50 U.S.C. App. section 571. Nothing in this section shall be construed to require the display on any vehicle of a windshield decal or other representation of the Local Registration fee so paid. The license tax Local Registration Fee imposed herein will be billed to taxpayers at the same time as the personal property tax on motor vehicles, imposed pursuant to section 3-2-221 et seq. of this code, and the two taxes amounts will be imposed in a single combined bill. If any portion of the combined bill is not paid timely, late payment penalty and interest charges shall apply to the balance. (Code 1963, Sec. 22-234; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4642, 1/23/10, Sec. 1)

Section 2. That Section 3-2-322 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-322 - Exempt vehicles to obtain license.

Any motor vehicle, trailer or semitrailer exempted from taxation solely by reason of the Servicemembers Civil Relief Act of 2003, 50 U.S.C. App. section 501 et seq., or the Military Spouses Residency Relief Act, 50 U.S.C. App. section 571 shall ~~be issued a license~~ register such vehicle, trailer or semitrailer with the department of finance in the same manner as if it were not so exempt. ~~Application for the license~~ Registration shall be made in the manner prescribed by section 3-2-323 of this code. There shall be no charge for ~~the issuance of any such license~~ a Local Registration Fee. (Code 1963, Sec. 22-234.1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4642, 1/23/10, Sec. 2)

Section 3. That Section 3-2-323 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-323 - ~~Application for and issuance of license~~ Local Registration; when tax fee payable.

- (a) ~~Application for the license prescribed by this article shall be made each year not later than October 5 on forms prepared by the director. The license tax~~ Local Registration Fee covered by section 3-2-321 of this code shall be due and payable to the director not later than October 5 of each license tax year. ~~Upon payment of the license tax, the director of finance shall issue to the applicant an appropriate license plate or license windshield tag for such vehicle; except that decals made of reflective, waterproof material shall be issued for motorcycles, trailers and semitrailers; provided, however, that the director may issue to an applicant, whose prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the city, the appropriate license plate or license windshield tag, and bill the applicant for the current year license tax. The license plate, tag or decal shall remain valid until November 15 of the following calendar year.~~
- (b) At the time of application for the initial city licensing local registration of a motor vehicle, trailer or semitrailer, the applicant owner shall present his their state registration or other proof of ownership. Such initial application local registration and payment of the appropriate license tax Local Registration Fee shall be made:
- (1) upon registering and licensing any motor vehicle, trailer or semitrailer with the Virginia Division of Motor Vehicles when the registration of such a vehicle shows an address in the city;
 - (2) upon commencement of operation upon the streets of the city of any motor vehicle, trailer or semitrailer which has been in the city for a period of at least 30 days and which is registered and licensed by another state or by the Virginia Division of Motor Vehicles whose records show as an address elsewhere in Virginia; or
 - (3) upon commencement of operation upon the streets of the city of a motor vehicle, trailer or semitrailer from a place of business within the city, which vehicle is used in the conduct of any business or occupation within the city. (Code 1963, Sec. 22-235, as amended by Ord. No. 2396, 10/13/79, Sec. 6; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 1; Ord. No. 4479, 5/12/07, Sec. 1)

(c) The director of finance, or designee, may waive the annual local registration fee due October 5th of the tax year, if the applicable vehicle is sold, disposed of, or moved from the City of Alexandria prior to October 5 of the tax year, and the fee is not otherwise transferred to a replacement vehicle pursuant to Section 3-2-332(a).

Section 4. That Section 3-2-324 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-324 – License period; use of license plates, windshield tags or decals before license period.~~

~~The period during which a license plate, windshield tag or decal issued under this article is valid shall run from October 5 of a calendar year through November 15 of the subsequent calendar year. In no event shall any license plate, windshield tag or decal be used beyond November 15 of the license period for which is it issued. (Code 1963, Sec. 22-353.2, as amended by Ord. No. 2396, 10/13/79, Sec. 7; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 2)~~

Section 5. That Section 3-2-325 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-325 – Payment of personal property taxes prior to issuance.~~

~~(a) No license plate or windshield tag shall be issued under this article for any motor vehicle, trailer or semitrailer unless and until the applicant for such license shall have produced satisfactory evidence that all prior year license tax and personal property tax upon all motor vehicles, trailers or semitrailers owned by the applicant have been paid which have been properly assessed or are assessable against the applicant.~~

~~(b) A license plate or windshield tag may be issued to an applicant before payment of the current year personal property tax on the vehicle for which application is made, provided that all prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the city. (Code 1963, Sec. 22-236, as amended by Ord. No. 2396, 10/13/79, Sec. 8; Ord. No. 2397, 10/13/79, Sec. 1; Ord. No. 4332, 1/24/04, Sec. 3; Ord. No. 4479, 5/12/07, Sec. 2)~~

Section 6. That Section 3-2-326 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-326 – Display of license plate, windshield tag and decal.~~

~~Each license plate issued under this article shall be attached to the front or rear state license tag and kept in full view at all times. Each license windshield tag issued under this article shall be affixed on the inside of the windshield of the vehicle. It shall be placed adjacent to the state inspection sticker and not more than three inches from the bottom of the windshield. Each decal issued under this article shall be affixed to motorcycles on the front fork adjacent to the state safety inspection sticker. Each decal issued under this article shall be affixed to trailers and semitrailers on the front side of~~

~~the vehicle body adjacent to the state safety inspection sticker. (Code 1963, Sec. 22-237, as amended by Ord. No. 2396, 10/13/79, Sec. 9)~~

Section 7. That Section 3-2-327 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-327 – ~~Tax~~ Local Registration Fee on vehicles used for transportation of passengers.

(a) The annual ~~license-tax~~ Local Registration Fee on motor vehicles, trailers and semitrailers designed and used for the transportation of passengers shall be as follows:

- (1) \$33 for a passenger car or motor home if such passenger car or motor home is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire.
- (2) \$0.30 per 100 pounds of weight or major fraction thereof for a private motor vehicle with a normal seating capacity of more than 10 adult persons, including the driver, if such private vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire; provided, that in no case shall the ~~tax~~ fee be less than \$23.
- (3) \$0.30 per 100 pounds of weight or major fraction thereof for a private school bus; provided, that in no case shall the ~~tax~~ fee be less than \$23.
- (4) \$23 for a trailer or semitrailer designed for use as living quarters for human beings.
- (5) \$23 for a taxicab and any other vehicle kept for rent or hire and operated with a chauffeur for the transportation of passengers, which operates or should operate under permits issued by the state corporation commission as required by law, and \$28 for any such vehicle that weighs in excess of 4,000 pounds. This subsection does not apply to vehicles used as common carriers.
- (6) \$21 for a motorcycle with or without a sidecar.
- (7) \$23 for a bus used exclusively for transportation to and from Sunday school or church for the purpose of religious worship, and \$28 for any such bus which, when empty, weighs in excess of 4,000 pounds.
- (8) \$13 in addition to \$0.70 per 100 pounds of weight or major fraction thereof for other passenger-carrying vehicles.

(b) The ~~license-tax~~ Local Registration Fee for passenger vehicles owned by members of the Virginia National Guard shall be one-half of the ~~license-tax~~ fee prescribed in this section, upon presentation of evidence by the registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 22-238; Ord. No. 2667, 3/13/82, Sec. 1; Ord. No. 2715, 9/18/82, Sec. 1; Ord. No. 2735, 11/13/82, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Sec. 3-2-328 - reserved.

Editorial Note: Ord. No. 3871, § 3, adopted June 15, 1996, repealed § 3-2-328, which pertained to tax on vehicles used for transportation of passengers—small rented vehicles jointly owned. See the Code Comparative Table.

Section 8. That Section 3-2-329 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-329 - ~~Tax~~ Local Registration Fee on vehicles not designed or used for transportation of passengers.

- (a) The annual ~~license tax~~ Local Registration Fee on all motor vehicles, trailers and semitrailers not designed and used for the transportation of passengers shall be determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to maximum capacity for which it is registered and licensed, according to the following schedule:

Gross Weight Groups

(Pounds)	Tax	<u>Fee</u>
4,000 or less	\$33.00
4,001—10,000	38.00
10,001—12,000	43.00
12,001—15,000	48.00
15,001—18,000	53.00
18,001—20,000	58.00
20,001—22,000	63.00
22,001—24,000	68.00
24,001—26,000	73.00
26,001—40,000	83.00
40,001 and up	98.00

- (b) The ~~license tax~~ Local Registration Fee for pickup trucks and panel trucks owned by members of the Virginia National Guard shall be one-half of the ~~license tax~~ fee prescribed in this section, upon presentation of evidence by registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 22-240; Ord. No. 2667, 3/13/82, Sec. 2; Ord. No. 2715, 9/18/82, Sec. 3;

Ord. No. 2735, 11/13/82, Sec. 2; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3907, 1/25/97, Sec. 1; Ord. No. 4488, 6/16/07, Sec. 1)

Section 9. That Section 3-2-330 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-330 - ~~Tax~~ Fee on certain trailers.

The annual ~~license tax~~ fee on a one or two wheel trailer of a cradle, flat bed or open pickup type, with a body length of not more than nine feet and a width not greater than the width of the motor vehicle to which it is attached at any time of operation, which is to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, which is pulled or towed by a passenger car or station wagon, or a pickup or panel truck having an actual gross vehicle weight not exceeding 5,000 pounds, and which is used for carrying property not exceeding 1,000 pounds at any time, and the annual license fee on a trailer having a body length of not more than 16 feet which is designed and used exclusively for carrying boats, shall be \$14.50. Nothing herein shall be construed as applying to the ~~license taxes~~ fee for trailers or semitrailers designed for use as living quarters for human beings or to those trailers or semitrailers operated under lease or rental agreement or operated for compensation. (Code 1963, Sec. 22-241; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Section 10. That Section 3-2-331 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-331 - Combination of tractor-trucks and semitrailers.

- (a) In the case of a combination of a tractor-truck and a semitrailer, each vehicle constituting a part of such combination shall be registered as a separate vehicle, ~~and separate vehicle license plates shall be issued therefor,~~ but, for the purpose of determining the gross weight group into which any such vehicle constitutes a part, shall be considered a unit, and the aggregate gross weight of the entire combination shall determine such gross weight group. The ~~tax~~ fee for ~~license plates~~ for a semitrailer constituting a part of such combination shall be \$18 for a vehicle weighing less than 1,501 pounds, \$28.50 for a vehicle weighing at least 1,501 pounds but less than 4,001 pounds, and \$40.00 for a vehicle weighing at least 4,001 pounds.
- (b) In determining the ~~tax~~ fee to be paid for the ~~license plates~~ for a tractor-truck constituting a part of such combination the ~~tax~~ fee shall be assessed at the total weight and the ~~tax~~ fee per 1,000 pounds applicable to the gross weight of the combination when loaded to the maximum capacity for which it is registered and licensed. However, there shall be no deduction from this ~~tax~~ fee for the ~~tax~~ fee of the semitrailer in combination. (Code 1963, Sec. 22-242; Ord. No. 2715, 9/18/82, Sec. 4; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Section 11. That Section 3-2-332 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

~~Sec. 3-2-332 – Local Registration Fee Transfers of plates and replacement of windshield tag or decal.~~

- (a) Any owner who has paid a license tax Local Registration Fee required under this article for any motor vehicle, trailer or semitrailer for which a license plate was issued may transfer the license plate current fee to another a replacement motor vehicle, trailer or semitrailer registered in such owner's name, provided the vehicle to which the license plate fee is transferred is a like vehicle and category as specified in this article and requires an identical license tax fee, upon application local registration on forms furnished by the director of finance or presentation of the registration card for the motor vehicle, trailer or semitrailer to which the license plate fee is being transferred, accompanied by a fee of \$1; provided, that if such other motor vehicle, trailer or semitrailer requires a greater license tax fee than that for which the license plate was issued the original fee, the amount of the difference in license taxes the Local Registration Fee shall also be paid.
- (b) ~~Any owner who has paid a license tax required under this article for any motor vehicle, trailer or semitrailer for which a windshield tag or decal was issued may obtain a replacement windshield tag or decal for use on another vehicle registered in such owner's name, upon application on forms furnished by the director of finance and presentation of the registration card for the vehicle for which the replacement windshield tag or decal is sought and pieces of the previously issued license windshield tag or decal as proof that it was removed from the vehicle for which the license tax was previously paid, accompanied by a fee of \$1; provided, that if such other motor vehicle, trailer or semitrailer requires a greater license tax than that for which the license windshield tag or decal was issued, the amount of the difference in license taxes shall also be paid. (Code 1963, Sec. 22-243, as amended by Ord. No. 2396, 1/13/79, Sec. 10)~~

Section 12. That Section 3-2-333 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-333 – Replacement of lost plates, tags and decals.~~

~~Any person losing his original license plate, license windshield tag or decal issued as provided in section 3-2-325 of this article may secure a new license plate, license windshield tag or decal by making affidavit to the director of finance that the original license plate, license windshield tag or decal has been lost and by paying a fee of \$1 to the director of finance. (Code 1963, Sec. 22-244, as amended by Ord. No. 2396, 1/13/79, Sec. 11; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 4)~~

Section 13. That Section 3-2-334 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-334 - ~~Vehicle decal~~ Local Registration Fee reciprocity.

~~Notwithstanding any provisions of this article to the contrary, if a license tax has been paid for a license period to the county of Arlington, Fairfax or Loudoun or the city of Fairfax or Falls Church, or the town of Herndon, jurisdictions which are participating in the Northern Virginia Local Motor Vehicle License Compact, and the vehicle relocates to the city during the period, the owner may obtain a city decal for the current license period by upon proof of payment to the other locality completing the forms prescribed by the director of finance and presenting the state vehicle registration and pieces of the previously issued license decal, accompanied by a fee of \$5. (Code 1963, Sec. 22-2345, as amended by Ord. No. 2396, 10/13/79, Sec. 12; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3954, 10/25/97, Sec. 1; Ord. No. 4332, 1/24/04, Sec. 5) Pursuant to Section 46.2-752(H) of the Code of Virginia (1950), as amended no person who has paid a 12-month Local Registration Fee for a vehicle in one county, city, or town in the Commonwealth and then moves to and garages the same vehicle in the City of Alexandria shall be required to pay a Local Registration Fee for the same period until the expiration of the current Local Registration Fee from the locality from which the vehicle moved.~~

Sec. 3-2-335 - reserved.

Editorial Note: Ord. No. 3871, § 3, adopted June 15, 1996, repealed § 3-2-335, which pertained to refund for unused portion of fee paid. See the Code Comparative Table.

Section 14. That Section 3-2-336 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-336 - Offenses relating to license plate, windshield tag and decal.-~~

~~(a) No person shall:-~~

- ~~(1) operate or permit a motor vehicle, trailer or semitrailer, controlled by him and subject to this article, to be operated or parked at any location in the city without first procuring and displaying the required city license plate or license windshield tag or decal or, if applicable, the license plate or license windshield tag or decal required by the county of Fairfax, Arlington or Loudoun, the city of Fairfax or Falls Church, or the town of Herndon, pursuant to the Northern Virginia Local Motor Vehicle License Compact and section 10-4-37.1 of this code;-~~
- ~~(2) display, cause or permit to be displayed, or have in his possession any license receipt or city license plate or license windshield tag or decal, knowing the same to be fictitious or to have been altered;-~~
- ~~(3) remove any city license plate or license windshield tag or decal from the custody of any person to whom the same has been issued by or under the authority of the director of finance;-~~

- ~~(4) lend or knowingly permit the use, by one not entitled thereto, of any city license plate or license windshield tag or decal;—~~
- ~~(5) use a false or fictitious name or address on any application for a city license plate or license windshield tag or decal, or knowingly make a false statement of a material fact, conceal a material fact or otherwise commit a fraud in any such application;—~~
- ~~(6) use any city license plate or license windshield tag or decal issued under this article on any vehicle other than the vehicle for which such license plate or license windshield tag or decal was issued or to which such license plate or license windshield tag or decal was transferred by the director of finance;—~~
- ~~(7) fail to carry the license receipt for the vehicle which he operates; or—~~
- ~~(8) display any city license plate or license windshield tag or decal after the expiration date of such license plate or license windshield tag or decal.—~~
- ~~(b) Upon conviction of a violation of subsection (a)(1), (a) (2), (a)(4), (a)(5), (a)(6) or (a)(8) of this section, a person shall be punished by a fine not exceeding \$35; provided, that a violation of subsection (a)(1), (a)(2), (a)(6) or (a)(8), or of sections 10-4-37 and 10-4-37.1 of this code, shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required city license plate or windshield tag or decal has been obtained. Upon conviction of a violation of subsection (a)(3), a person shall be guilty of a class 1 misdemeanor. Upon conviction of a violation of subsection (a)(7), a person shall be punished by a fine of not less than \$1 and not more than \$10; provided, that if a person charged with such a violation presents to the department of finance or to the court to which the person has been summoned a proper license receipt, the person shall be deemed to have complied with subsection (a)(7).—~~
- ~~(c) Subsection (a) of this section may be enforced through the issuance of citations, summonses, parking tickets or uniform traffic summonses. (Code 1963, Sec. 22-247, as amended by Ord. No. 2396, 10/13/79, Sec. 14; Ord. No. 2968, 9/15/84, Sec. 1; Ord. No. 3376, 5/13/89, Sec. 1; Ord. No. 3573, 5/16/92, Sec. 1; Ord. No. 3574, 5/16/92, Sec. 1; Ord. No. 3721, 5/14/94, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3954, 10/25/97, Sec. 2; Ord. No. 4005, 6/13/98, Sec. 3)~~

Section 15. That Section 3-2-337 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 3-2-337 - Presumption of operation on city streets.—~~

~~In any prosecution of a violation of any provision of this article requiring a license, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city. (Code 1963, Sec. 22-248)—~~

Secs. 3-2-338 through 3-2-350 - reserved.

ARTICLE S – Payment, Contest and Enforcement of Parking Citations.

Section 16. That Section 3-2-354 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-354 - Penalties for uncontested citations.

Any other provisions of this code to the contrary notwithstanding, the penalty for any of the following violations of this code shall, when the citation which was issued for the violation is uncontested, be as follows:

- (a) If a payment is tendered to the director of finance within 30 calendar days from the date the citation was issued:
 - (1) \$40 for a violation of section 10-4-1, "Stopping contrary to directions of police officers;"
 - (2) \$40 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary to the directions of an official sign;"
 - (3) \$40 for a violation of section 10-4-3, "Right to parking space;"
 - (4) \$40 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on crossing;"
 - (5) \$40 for a violation of section 10-4-5, "Double parking;"
 - (6) \$40 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in residential districts;"
 - (7) \$40 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"
 - (8) \$25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"
 - (9) \$40 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in residential districts;"
 - (10) \$40 for a violation of section 10-4-10, "Parking on sidewalk;"
 - (11) \$40 for a violation of section 10-4-11, "Parking in alleys or courts;"
 - (12) \$40 for a violation of section 10-4-12, "Parking of vehicles on private property;"
 - (13) \$40 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"
 - (14) \$40 for a violation of section 10-4-14, "Use of bus stops;"
 - (15) \$40 for a violation of section 10-4-15, "Stopping for loading or unloading passengers or cargo generally;"
 - (16) \$40 for a violation for section 10-4-16, "Permit for parking truck beside railroad car on public right-of-way;"
 - (17) \$40 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

- (18) \$40 for a violation of section 10-4-18, "Use of loading zones;"
- (19) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of subsection (a) of section 10-3-1242, "Parking in spaces reserved for persons with a disability;"
- (20) \$40 for a violation of section 10-4-22, "How meter and space to be used; how pay station and space to be used;"
- (21) \$40 for a violation of section 10-4-23, "Overtime parking;"
- (22) \$40 for a violation of section 10-4-24, "Depositing coin or payment in meter or station for purpose of extending time;"
- (23) \$40 for a violation of section 10-4-25, "Permitting vehicle to remain parked at meter after expiration of time limit; permitting vehicle to remain parked in block with pay station after expiration of time limit;"
- (24) \$40 for a violation of section 10-4-28, "Parking across lines designated parking space;"
- (25) \$40 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"
- (26) \$40 for a violation of section 10-4-33, "Use of metered parking lots by vehicles other than private passenger automobiles;"
- (27) \$40 for a violation of section 10-4-34, "Parking illegally in permit parking districts;"
- (28) \$40 for a violation of section 5-8-114, "Designation of parking spaces; parking across lines;"
- (29) \$40 for a violation of section 10-4-40, "Location of parked vehicles;"
- (30) ~~\$40 for a violation of section 10-4-37, "Failure to procure and display city license plate, windshield tag or decal;"~~ Reserved.
- (30A) \$40 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia Local Motor Vehicle License Compact;"
- (31) \$40 for a violation of section 10-4-38, "Parking without display of current state inspection sticker or current state license plate;"
- (32) \$40 for a violation of section 10-4-39, "Temporary parking prohibited;"
- (33) \$40 for a violation of section 9-12-162, "Use of locations other than designated parking spaces by sight-seeing buses;"
- (34) \$40 for a violation of section 9-12-163, "Use of parking spaces designated for use by sight-seeing buses by other vehicles;"
- (35) \$40 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing buses;"
- (36) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking prohibited at certain locations;"
- (37) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.;"

- (38) \$40 for a violation of section 10-4-35, "Parking in two-hour parking zones in the central business district;"
 - (39) \$40 for a violation of section 10-4-36, "Removal of chalk marks placed for enforcement purposes;"
 - ~~(40) \$40 for a violation of section 3-2-336, "Offenses relating to city license plate, windshield and decal."~~
- (b) If payment is not tendered to the director of finance with 30 calendar days of the date the citation is issued, a penalty of \$25 in addition to the penalty imposed by subsection (a) for the violation for which the citation was issued; provided, that, in the event the 30th calendar day from the date the citation is issued is a Saturday, Sunday or legal holiday, such additional penalty shall not be imposed if payment is tendered in the amount required by subsection (a) on the next succeeding business day; provided further, that if payment is remitted to the director of finance in a sealed envelope bearing a postmark on or before midnight of the 30th calendar day from the date the citation is issued, no such additional penalty shall be imposed; and provided further, that the director of finance may waive such additional penalty, even though payment has not been tendered or mailed within 30 calendar days of the date the citation was issued, whenever the owner of the vehicle identified in the citation establishes any of the following to the satisfaction of the director:
- (i) that the owner did not find the citation at the time of its issuance on the owner's vehicle and only learned of the citation after the day on which it was issued, and has tendered the required payment with 30 days of first learning of the citation;
 - (ii) that, within 30 days after the issuance of the citation or, if later, after first learning of the citation, the owner has made a written request to the director for information concerning the citation, and has tendered the required payment within 30 days of the director's response; or
 - (iii) that the owner was medically incapable of making the required payment within 30 calendar days of the date the citation was issued.
- (c) In addition to the fees and charges imposed pursuant to subsections (a) and (b) hereof, upon collection the director of finance shall impose on each person chargeable with a delinquent parking citation fees to cover the administrative costs and reasonable attorney's or collection agency fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20 percent of charges collected. The administrative costs shall not exceed \$30 for any amount collected subsequent to 30 days or more after notice of a delinquent parking citation is provided by the director of finance but prior to taking judgment and shall not exceed \$35 for any amount collected subsequent to judgment. (Code 1963, Sec. 22-152.6; Ord. No. 2596, 6/13/81, Secs. 1, 2; Ord. No. 2712, 9/14/82, Sec. 1; Ord. No. 2720, 10/16/82, Sec. 1; Ord. No. 2968, 9/15/84, Sec. 2; Ord. No. 3073, 9/14/85, Sec. 2; Ord. No. 3141, 6/14/86, Secs. 1—4; Ord. No. 3188, 3/21/87, Sec. 1; Ord. No. 3297, 6/18/88, Sec. 1; Ord. No. 3345, 11/22/88, Sec. 7; Ord. No. 3403, 9/16/89, Secs. 1, 2; Ord. No. 3509, 4/13/91; Ord. No. 3573, 5/16/92, Sec. 3; Ord. No. 3574, 5/16/92, Sec. 1; Ord. No. 3600, 11/14/92, Sec. 1; Ord. No. 3731, 6/18/94, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 5; Ord. No. 3933, 6/14/97, Sec. 11; Ord. No. 4006, 6/13/98, Sec. 1; Ord. No. 4474, 1/20/07, Sec. 1; Ord. No. 4548, 6/14/08, Sec. 1; Ord. No. 4590, 5/16/09, Sec. 2; Ord. No. 4739, 10/15/11, Sec. 2; Ord. No. 4772, 6/26/12, Sec. 1)

Section 17. That Section 3-2-355 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is amended and reordained to read as follows:

Sec. 3-2-355 – Removal or immobilization of motor vehicles against which there are outstanding parking citations.

- (a) Whenever there is found a motor vehicle parked anywhere within the city, other than on property owned or occupied as a single-family residence, which has three or more outstanding or otherwise unsettled parking citations issued for a violation of any provision of title 10, chapter 4, or title 5, chapter 8, article C through G, of this code, such vehicle may, by towing or otherwise, be removed to another place for temporary storage and safekeeping by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or such vehicle may be immobilized by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or by an employee or agent of the director of finance, in such manner as to prevent its removal or operation; provided, that no such vehicle when parked on private property shall be removed or immobilized unless written authorization to enforce this section has been given by the property owner or, when the property is held in common by an association of owners established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103 of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.
- (b) It shall be the duty of any police officer removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which or on account of which such vehicle was removed or immobilized. Any employee or agent of the department of finance who immobilizes a vehicle pursuant to this section shall have the same owner notification requirement. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.
- (c) The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than 24 hours from the time of immobilization to repossess or secure the release of the vehicle, following which such vehicle may be removed to a storage area for safekeeping under the direction of a police officer.
- (d) The owner of such removed or immobilized motor vehicle, or other duly authorized person, may repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should ~~be~~ the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold as provided by section 5-8-46 of this code. (Code 1963, Sec. 22-152.7; Ord. No. 3459, 6/16/90, Sec. 1)

Section 18. That Section 10-4-37 of the Code of the City of Alexandria, Virginia, 1981, as amended be, and the same hereby, is repealed as follows:

~~Sec. 10-4-37 - Failure to procure and display city license plate, windshield tag or decal. It shall be unlawful for any person required to procure and display a city license plate, windshield tag or decal upon a motor vehicle, trailer or semitrailer, as specified in article R, chapter 2, title 3 of this code, to operate or park said vehicle, trailer or semitrailer, or to permit or cause said vehicle, trailer or semitrailer to be operated or parked, at any location in the city, without having procured and displayed the required plate, tag or decal upon the vehicle, trailer or semitrailer. This section may be enforced through the issuance of citations, summonses, parking tickets or uniform traffic summonses. A violation of this section shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required license plate, windshield tag or decal has been obtained. (Ord. No. 2967, 9/15/84, Sec. 1; Ord. No. 3679, 11/13/93, Sec. 1; Ord. No. 3721, 5/14/94, Sec. 1)~~

Section 19. That this ordinance shall become effective upon adoption.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 5-0, City Council adjourned the public hearing meeting of March 16, 2019 at 3:55 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilman Chapman.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk