

**City of Alexandria
City Council Public Hearing Meeting
Saturday, October 17, 2020 9:30 AM
Virtual Meeting
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. Baker, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning; Mr. Farner, Deputy Director, Planning and Zoning; Mr. Lawrence, Principal Planner, P&Z; Ms. Brandt-Vorel, Urban Planner, P&Z; Ms. Hellman, Urban Planner, P&Z; Mr. Conkey, Urban Planner, P&Z; Ms. McIlvaine, Director, Office of Housing; Mr. Skrabak, Deputy Director, Transportation and Environmental Services; Ms. Bevis-Carver, Transportation and Environmental Services; Mr. Smith, Information Technology Services; and Mr. Barre, Information Technology Services.

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

OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of Council were present via video conference.

Mayor Wilson noted that due to the COVID-19 Pandemic Emergency, the October 17, 2020 Public Hearing Meeting of the Alexandria City Council is being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 and Section 4-0.01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All the members of the City Council and staff are participating from remote locations through a video conference call on Zoom. This meeting is being held electronically, unless a determination is made that it is safe enough to be held in person in the City Council Chamber at 301 King Street, Alexandria, Virginia. The meeting can be accessed by the public through the live broadcast on the government channel 70, streaming

on the City's website, and can be accessed via Zoom.

2. Public Discussion Period.

The following person participated in the public discussion period:

1. Janice Grenadier, Alexandria, spoke about corruption in the court system.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR

Planning Commission (3-4)

3. Special Use Permit #2020-00055
3601 & 3951 Richmond Highway - Dominion Virginia Power Electrical Terminal
Public Hearing and consideration of a request for a 5-year extension for the operation of an existing terminal station (amending SUP #2011-00014); zoned: CDD #10/Coordinated Development District #10 and CDD #19/Coordinated Development District #19. Applicant: Virginia Electric & Power Company, d/b/a Dominion Energy Virginia, represented by Sheri L. Akin and Jonathan P. Rak, agents
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/17/20, and is incorporated as part of this record by reference.)

4. Special Use Permit #2020-00057
1413 & 1415 Princess Street
Public Hearing and consideration of a request for a Special Use Permit for parking reductions and open space modifications to allow for the construction of one single-family dwelling on each lot; zoned: RB/Townhouse. Applicant: Deyi Awadallah
Planning Commission: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/17/20, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

City Council approved the consent calendar items under separate motions.

3. Special Use Permit #2020-00055
3601 & 3951 Richmond Highway - Dominion Virginia Power Electrical Terminal
Public Hearing and consideration of a request for a 5-year extension for the operation of an existing terminal station (amending SUP #2011-00014); zoned: CDD #10/Coordinated Development District #10 and CDD #19/Coordinated Development District #19. Applicant: Virginia Electric & Power Company, d/b/a Dominion Energy Virginia, represented by Sheri L. Akin and Jonathan P. Rak, agents
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/17/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, 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, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

4. Special Use Permit #2020-00057
1413 & 1415 Princess Street
Public Hearing and consideration of a request for a Special Use Permit for parking reductions and open space modifications to allow for the construction of one single-family dwelling on each lot; zoned: RB/Townhouse. Applicant: Deyi Awadallah
Planning Commission: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/17/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, 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, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

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

5. Street Name Case #2020-00004
Honorific Street Name - 1000 Block of Montgomery Street, between North Henry Street and North Patrick Street
Public Hearing and consideration of a request for the addition of an honorific street

name to the 1000 block of Montgomery Street; zoned: RB/Townhouse. Applicant: Alexandria African American Hall of Fame
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/17/20, is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, 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, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

6. Public Hearing and consideration of acceptance of the North Potomac Yard Environmental Sustainability Master Plan (NPY ESMP); zoned: CDD #19/Coordinated Development District #19. Staff: City of Alexandria, Department of Planning & Zoning (P&Z) and Department of Transportation & Environmental Services (T&ES)
Planning Commission Action: Incorporate Amendments 5-2; Recommended Acceptance 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/17/20, and is incorporated as part of this record by reference.)

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

1. Kathie Hoekstra, Alexandria, representing the Environmental Policy Commission, spoke in support of the proposal.
2. Carolyn Lyle, Alexandria, spoke in support of the proposal and she was representing Alexandria for the EAP.
3. Scott Barstow, Alexandria, spoke in support of the proposal.
4. David Peabody, Alexandria, spoke in support of the proposal.
5. Ken Wire, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.
6. Cathy Puskar, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman

Seifeldein; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Seifeldein and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments:

The applicant(s) shall update the ESMP to document progress of all completed and planned projects toward achieving the carbon neutrality goals of the Plan at least 120 days prior to the DSUP public hearings. The applicant(s) shall submit all reporting documents and updates to the ESMP, as required in the CDD and DSUP conditions, to the City, to be shared with the City Council, Planning Commission, and Environmental Policy Commission.

The applicants shall perform the proposed Zero Carbon Analysis of the Entire District. The scope shall be coordinated with staff, and the analysis shall be submitted to the City within twelve (12) months of City Council approval, to be shared with the City Council, Planning Commission, and Environmental Policy Commission.

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

Please note: Item #7 and #8 were considered together.

7. Master Plan Amendment #2020-00005
Coordinated Development District Concept Plan Amendment #2020-00004
Development Special Use Permit #2020-00013 (Building 10)
Development Special Use Permit #2020-00014 (Building 14)
Development Special Use Permit #2020-00015 (Building 15)
Development Special Use Permit #2020-00016 (Building 18)
Development Special Use Permit #2020-00017 (Building 19)
Development Special Use Permit #2020-00018 (Building 20)
Encroachment #2020-00004 (Building 10)
Encroachment #2020-00005 (Building 20)
Transportation Management Plan Special Use Permit #2020-00042
3601 Potomac Avenue - North Potomac Yard
Public Hearing and consideration of requests for: (A) an amendment to the North Potomac Yard Small Area Plan chapter of the Master plan to increase the allowable building height for blocks 15 and 18; (B) an amendment to the previously approved (CDD #2019-0008) CDD Coordinated Development Design Plan #19 to amend the North Potomac Yard Height Diagram for blocks 15 and 18 and add CDD Conditions to implement the Environmental Sustainability Master Plan; (C) Development Special Use Permit with site plan for a new office building with ground floor retail/commercial uses, modifications to the biodiversity standards of the landscape guidelines and height-to-setback requirement of Section 6-403(A), (Building 10); (D) a Development Special Use Permit with site plan for a new office building with ground floor retail/commercial uses, including a special use permit for additional mechanical penthouse height and a modifications to the biodiversity standards of the landscape

guidelines and the height-to-setback requirement of Section 6-403(A) (Building 14); (E) a Development Special Use Permit with site plan for a multifamily residential building with ground-level retail/commercial uses, including modifications to the biodiversity standards of the landscape guidelines and to the height-to-setback requirement of Section 6-403(A) (Building 15); (F) a Development Special Use Permit with site plan for a new office building with ground floor retail/commercial uses, including modifications to the biodiversity standards of the landscape guidelines and to the height-to-setback requirement of Section 6-403(A) (Building 18); (G) a Development Special Use Permit with site plan for a multifamily residential building with ground-level retail/commercial uses, including modifications to the biodiversity standards of the landscape guidelines and to the height-to-setback requirement of Section 6-403(A) (Building 19); (H) a Development Special Use Permit with site plan for an office building with ground floor retail/commercial uses, including a Special Use Permit for additional mechanical penthouse height, modifications to and the biodiversity standards of the landscape guidelines and to the height-to-setback requirement of Section 6-403(A), (Building 20); (I) an Encroachment into the public right-of-way for building architectural features (Building 10); (J) an Encroachment into the public right of way for awnings (Building 20); and (K) a Special Use Permit for a Tier 3 Transportation Management Plan (two multi-family buildings and four office buildings); zoned: CDD #19/Coordinated Development District #19 (North Potomac Yard Small Area Plan). Applicant: CPYR Theater, LLC represented by M. Catharine Puskar, attorney
 Planning Commission Action: Recommended Approval 5-0 (MPA2020-00005, CDD2020-00004, DSUP2020-00013, DSUP2020-00014, DSUP2020-00015, DSUP2020-00016, DSUP2020-00017, DSUP2020-00018, ENC2020-00004, ENC2020-00005, TMP SUP2020-00042); Approved 5-0 (SUB2020-00004, SNC2020-00003)

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/17/20, and is incorporated as part of this record by reference.)

8. Development Special Use Permit #2020-00012
 Transportation Management Plan Special Use Permit #2020-00060
 3601 Potomac Avenue - North Potomac Yard, Blocks 4 and 7
 Public Hearing and consideration of a request for: (A) a Development Special Use Permit with site plan to construct an academic building with below and at-grade parking, including a modification to the height-to-setback requirement of Section 6-403(A) of the Zoning Ordinance; and (B) a Special Use Permit for a Transportation Management Plan for Tier 3; zoned: CDD #19/Coordinated Development District #19 (North Potomac Yard Small Area Plan). Applicant: Virginia Tech Foundation, Inc., represented by Kenneth W. Wire, attorney
 Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/17/20, and is incorporated as part of this record by reference.)

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

1. Cathy Puskar, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.
2. Ken Wire, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council closed the public hearing for items #7 and #8. The vote was as follows: The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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

This item was considered at the beginning of the meeting.

9. Vacation #2020-00003
403 West Windsor Avenue
Public Hearing and consideration of a request to vacate a portion of the public right-of-way along the eastern property line of 403 West Windsor Avenue and between West Windsor Avenue and Thomas Street; zoned: R-8/Single-family. Applicant: Cindy Anderson, represented by Christine A. Kelly, architect
Planning Commission Action: Recommended Denial 4-3

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/17/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman and carried unanimously, City Council deferred consideration of this item until the next public hearing meeting in November. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

10. BAR #2020-00197 OHAD
Public Hearing and consideration of an appeal of the Board of Architectural Review's (BAR) September 2, 2020 decision to approve a Permit for Complete Demolition at 450 South Patrick Street, 900 Wolfe Street, and 431 South Columbus Street.

APPLICANT: Heritage at Old Town PropCo. LLC
APPELLANT: Various appellants

(A copy of the Board of Architectural Review report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/17/20, is incorporated as part of this record by reference.)

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

1. Michelle Krockner, Alexandria, chair of AHAAC, spoke in support of the BAR decision.
2. Christine Roberts, Alexandria, chair of the BAR, spoke in support of the BAR decision and responded to questions from Council.
3. Purvi Irwin, Alexandria, member of the BAR, spoke in support of the BAR decision.
4. Stafford Ward, Alexandria, spoke in support of the appeal.
5. David Marshall, Alexandria, representing the Arch Hall Homeowners Association, spoke in about the project and how the HOA views the redevelopment.
6. Marta Ali, Alexandria, spoke in support of the appeal.
7. Shelley Murphy, Alexandria, spoke in support of the BAR decision.
8. Maureen Dugan, Alexandria, spoke in support of the appeal.
9. David Scholl, Alexandria, spoke in support of the appeal.
10. Yvonne Callahan, Alexandria, spoke in support of the appeal.
11. Cathy Puskar, attorney for the applicant, spoke in support of the BAR decision.
12. Jim Simmons, applicant, spoke in support of the BAR decision.
13. Mary Morrow Bax, Alexandria, spoke in support of the appeal.

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

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Aguirre and carried unanimously, City Council denied approval of the appeal and upheld the BAR decision to approve a permit for complete demolition at 450 South Patrick Street, 900 Wolfe Street, and 431 South Columbus Street. Th vote was as follows: In favor, Mayor Wilson,

Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading, and Final Passage of an Ordinance Soliciting Franchise Proposals for a Telecommunications Facility Franchise Agreement for the design, construction, installation, upgrade, repair, removal and operation of Specified Small Cell Facilities and Related Infrastructure in the public rights-of-ways in the City of Alexandria, Virginia.

(A copy of the City Manager's memorandum dated September 30, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/17/20, 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. 11; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance soliciting franchise proposals for a telecommunications facility franchise agreement for the design, construction, installation, upgrade, repair, removal and operation of specified small cell facilities and related infrastructure in the public rights-of ways in the City of Alexandria, Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5298

AN ORDINANCE to initiate and establish the process for soliciting and granting non-exclusive Telecommunications Facility Franchise proposals by the City of Alexandria, Virginia, from telecommunications providers to install specified small cell facilities and related infrastructure to use the public rights-of-ways.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City of Alexandria proposes to grant non-exclusive Telecommunications Facility Franchise(s) in the manner prescribed by law, for

telecommunications providers to install specified small cell facilities and related infrastructure in the public rights-of-ways, as set forth in the following proposed franchise ordinance.

ORDINANCE NO. _____

AN ORDINANCE to grant to _____, its successors and assigns, a Telecommunications Facility franchise, under certain conditions, permitting the grantee to use the public rights-of-ways in the City of Alexandria for the design, construction, installation, maintenance, repair, upgrade, removal and operation of specified small cell facilities and related infrastructure in the City.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to _____ hereinafter referred to as "Grantee," its successors and assigns, to permit the Grantee to design, construct, install, maintain, repair, upgrade, remove and operate specified small cell facilities and related infrastructure in the public rights-of-ways in the City in accordance with the terms and conditions set forth in the Telecommunications Facility Franchise Agreement, attached hereto as Exhibit A and fully incorporated herein by reference.

Section 2. That said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 2. of Ordinance No. _____, and after the invitation for bids was duly closed and all bids were fully carefully investigated and evaluated. More than one franchise may be awarded pursuant to this Ordinance.

Section 3. That the Grantee be, and hereby is granted a franchise for an initial term of ten (10) years with automatic extension of up to three (3) additional periods of five years each, to design, construct, install, maintain, repair, remove and operate specified small cell facilities and related infrastructure in the public rights-of-ways in the City. The Grantee shall strictly comply with the terms of this Ordinance and with the Telecommunications Facility Franchise Agreement (Exhibit A), together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction, including, without limitation, with the following conditions:

- 1. All necessary permits shall be obtained for each and every excavation or installation, including but not limited to boring in and /or under public rights-of-ways or other public places and any associated parking and lane closure permits upon payment of applicable fees.*
- 2. In the event the relocation, construction, reconstruction maintenance or repair by the City, the Commonwealth of Virginia or the Washington Metropolitan Area Transit Authority of any facilities or services is necessary or desirable, and it is necessary to alter or relocate, either permanently or temporarily , any of the Grantee's property in the public rights-of-ways or other public property in order to accomplish the same, the Grantee shall, after reasonable notice, move, alter or relocate its property at its own*

cost and expense and should the Grantee fail to comply with such notice, its property may be removed, altered or relocated by the City, Commonwealth or h Metropolitan Area Transit Authority at the cost of the Grantee and without liability for any resulting damage. The Grantee shall do everything reasonably necessary, in a timely manner, to prevent any delays in construction project of the City, the Commonwealth or the Washington Metropolitan Area Transit Authority.

- 3. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.*
- 4. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as an additional insured.*
- 5. The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of a cable system or Cable Services as defined in sections 9-3-17 and 9-3-18 of the Code of the City of Alexandria (1950), as amended.*
- 6. The Grantee shall protect all property of the City or any other person during any work of designing, constructing, installing , maintaining, repairing, upgrading, removing or operating its system in or adjacent to the public rights-of-ways or other public place, and shall fully restore, in kind, any property damaged or destroyed during any such work.*
- 7. That nothing in this Franchise shall increase or strengthen the rights that other franchisees may have. The City shall have no liability to the Grantee for exercising any rights the City may have in general or under its franchises with other franchisees, regardless of the effect of the such exercise on the Grantee.*
- 8. The Grantee shall remove its property at its own expense at the expiration or termination hereof.*

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate the Franchise hereby granted.

Section. 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 2. That as soon as this ordinance has been finally passed, the City Clerk shall cause to be advertised once a week for two successive weeks in a newspaper published in the City of Alexandria, Virginia, a descriptive notice of the proposed ordinance contained in Section 1 of this ordinance, and in addition thereto, shall by such advertisement invite bids for the Franchise(s) proposed to be granted by such proposed ordinance, by publishing with the descriptive notice of such ordinance a notice which shall be in substantially the following form:

NOTICE

BIDS ARE INVITED BY THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE GRANT OF A NON EXCLUSIVE FRANCHISE PERMITTING FRANCHISEE(S) TO USE THE PUBLIC RIGHTS-OF-WAYS IN THE CITY FOR THE DESIGN, CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, UPGRADE, REMOVAL AND OPERATION OF SPECIFIED SMALL CELL FACILITIES AND RELATED INFRASTRUCTURE IN THE CITY.

THE TERMS AND CONDITIONS FOR THE FRANCHISE ARE ATTACHED TO THE ORDINANCE AND ARE ON THE CITY'S WEBSITE <https://www.alexandriava.gov/planning/info/default.aspx?id=109058> .

THE TERM OF THE FRANCHISE IS NEGOTIABLE BUT SHALL BE FOR AN INITIAL TERM OF TEN (10) YEARS WITH UP TO THREE (3) ADDITIONAL EXTENSIONS OF FIVE (5) YEARS EACH.

ALL BIDS ARE TO BE SUBMITTED IN WRITING IN THE FORMAT OF THE TELECOMMUNICATIONS FACILITY FRANCHISE AGREEMENT ATTACHED HERETO AS EXHIBIT A AND ADDITIONAL DOCUMENTS REQUIRED BY TERMS AND SPECIFICATIONS. THE BID DOCUMENTS ARE TO BE SENT TO LALIT SHARMA, P.E. VIA E-MAIL LALIT.SHARMA@ALEXANDRIAVA.GOV, OR MAIL RM 4100, T&ES, 301 KING STREET, CITY HALL, CITY OF ALEXANDRIA, VA 22314 AND MUST BE RECEIVED ON OR BEFORE 3 PM EASTERN TIME ON OCTOBER 30, 2020. AT THAT TIME BIDS SHALL BE PUBLICLY OPENED AND BIDDERS IDENTIFIED.

IN ADDITION, IDENTIFICATION OF THE BIDDERS SHALL BE ANNOUNCED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA IN THE COUNCIL CHAMBERS, CITY HALL, 301 KING STREET, SECOND FLOOR, ALEXANDRIA, VIRGINIA, 22314 ON NOVEMBER 10, 2020, AT 7 P.M. EASTERN TIME. IN THE EVENT THAT THE NOVEMBER 10, 2020, CITY COUNCIL MEETING, AND SUBSEQUENT MEETINGS OF CITY COUNCIL, ARE HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC EMERGENCY AND VIRGINIA CODE SECTION 2.2-3708.2(a)(3), THE CONTINUITY OF GOVERNANCE ORDINANCE ADOPTED BY THE CITY COUNCIL ON JUNE 20, 2020, AND/OR SECTION 4.0-00(G) IN HB29 AND HB30 TO UNDERTAKE ESSENTIAL BUSINESS, NOTICE WILL BE PROVIDED. AT THE NOVEMBER 10, 2020, MEETING, THE MAYOR SHALL REFER THE BIDS RECEIVED TO THE CITY MANAGER TO EVALUATE, REVIEW AND CONSIDER IN THE MANNER PRESCRIBED BY LAW, INCLUDING THE SELECTION OF, AND NEGOTIATION OF FRANCHISE AGREEMENT(S) WITH ONE OR MORE PREFERRED, RESPONSIVE BIDDER(S). AS SOON THEREAFTER AS PRACTICABLE, THE CITY MANAGER WILL RECOMMEND THE SUCCESSFUL BIDDER(S) AND PRESENT THE NEGOTIATED FRANCHISE AGREEMENT(S), FOR CONSIDERATION AND APPROVAL BY CITY COUNCIL.

THE CITY RESERVES THE RIGHT IN THE CITY MANAGER'S SOLE DISCRETION TO REJECT ANY AND ALL BIDS; TO TERMINATE NEGOTIATIONS AT ANY STAGE OF THE SELECTION PROCESS, AND TO REISSUE THE REQUEST FOR BIDS WITH OR WITHOUT MODIFICATION.

THE DESCRIPTIVE NOTICE OF THE PROPOSED FRANCHISE ORDINANCE IS AS FOLLOWS:

The proposed ordinance will grant a nonexclusive franchise or franchises, under certain conditions, permitting the grantee to use the public rights-of-ways in the City of Alexandria, for the design, construction, installation, maintenance repair, upgrade, removal and operation of specified small cell facilities and related infrastructure. (Complete text of the ordinance is available in the office of the city clerk).

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

12. Consideration of a resolution concerning the possible waiver in hardship circumstances of late payment penalties and interest for the second installment of tax year 2020 Real Estate Taxes. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 13, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/17/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a resolution concerning the possible waiver in hardship circumstances of late payment penalties and interest for the second installment of tax year 2020 Real Estate Taxes. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2963

RESOLUTION CONCERNING THE POSSIBLE WAIVER OF LATE PAYMENT PENALTIES AND INTEREST FOR THE SECOND INSTALLMENT OF TAX YEAR 2020 REAL ESTATE TAXES UNDER HARDSHIP CIRCUMSTANCES

WHEREAS, national, state and local economies have been negatively impacted by the COVID-19 pandemic, arising from the public health threat presented by this spreading communicable disease; and

WHEREAS, the Commonwealth presently remains in Phase Three of the Forward Virginia reopening blueprint; and

WHEREAS, Phase Three means the public is still “safest at home except for essential trips such as food purchases and medical care;” and

WHEREAS, the communicable nature of the disease is such that City Council adopted a mandatory face covering ordinance effective October 1, 2020; and

WHEREAS, the economic impact from COVID-19 is reflected in the cumulative decreases since February 1, 2020 in taxable sales (Sales Tax) of -17%, Meals Tax -42%, and Transient Lodging Tax -71%; and

WHEREAS, Virginia’s overall seasonally adjusted unemployment rate in August was 6.1%, or 3.4 percentage points higher than last year, resulting in the loss of more than 200,000 jobs (almost 40% of this being from Northern Virginia); and

WHEREAS, the employment component for Leisure and Hospitality Services in Virginia has been particularly impacted, down -20.3% compared to August 2019; and

WHEREAS, City Council approved last May the expenditure of funds allocated to the City from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to include rental assistance (\$4.0 million), food security assistance (\$2.4 million), and small business assistance (\$2.4 million); and

WHEREAS, in September City Council approved the expenditure of a second tranche of CARES funding to assist the community, including \$2.5 million in rent assistance, housing stability and eviction prevention; \$2.4 million towards a second round of small business grants; \$2.0 million for the Alexandria Resilience Fund for community non-profits; \$1.53 million for food security programs; and, \$1.25 million in childcare support and programs and Workforce Development Center initiatives; and

WHEREAS, Council previously extended the Personal Property Tax due date by approximately two months to provide additional flexibility to the community; and,

WHEREAS, Real Estate bills are about to be mailed for the second installment of tax year 2020, due November 16th; and

WHEREAS, the Real Estate Tax represents over 60% of the General Fund budget; and,

WHEREAS, 62% of parcels in the City already have Real Estate taxes escrowed as part of the monthly mortgage payment, subsequently paid to the City by the applicable due date; and

WHEREAS, 38% of parcels in the City have Real Estate taxes paid directly by the property owner rather than through a mortgage company; and,

WHEREAS, the Department of Finance has the discretionary authority under Section 58.1-3916 of the Code of Virginia and Section 5.04 of the City Charter to waive late payment penalties and interest if due to “no fault of the taxpayer;” and,

WHEREAS, the Alexandria City Council desires to provide all support possible to the community at this time; and

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

1. That the City Council views the financial impact from the global pandemic to be “no fault of the taxpayer” if a COVID-19 related hardship condition exists as determined by the Department of Finance that materially impedes payment of the second installment of 2020 Real Estate taxes by November 16, 2020.

2. That if in such situation the taxpayer pays the 2020 second installment in full no later than March 1, 2021, then the City Council commends the Director of Finance to give such circumstances favorable consideration in the review of applicable late payment penalty and interest waivers.

3. That the Director of Finance continue the existing practice to offer payment plans when necessary, but that any such plan that extends beyond March 1, 2021 for the second installment of tax year 2020 Real Estate Taxes include normal penalties and interest.

13. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of the property located at 1217 Colonial Avenue to construct and maintain an encroachment for a retaining wall at that location (Implementation Ordinance for Encroachment No. 2020-0003 associated with 1217 Colonial Avenue approved by City Council on September 12, 2020). [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. 13; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance authorizing the owner of the property located at 1217 Colonial Avenue to construct and maintain an encroachment for a retaining wall at that location. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5299

AN ORDINANCE authorizing the owner of the property located at 1217 Colonial Avenue to construct and maintain an encroachment for a retaining wall at that location.

WHEREAS, John D. Bullington is the Owner ("Owner") of the property located at 1217 Colonial Avenue, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to maintain an existing retaining wall which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2020-0003 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on September 1, 2020, which recommendation was approved by the City Council at its public hearing on September 12, 2020; 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 is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1217 Colonial Avenue as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of a retaining wall, 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 his 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 his 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 his 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.
- (d) The applicant shall bear all the cost associated with any future removal of the encroachments.

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 John D. Bullington, and his respective successors in interest.

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 1-700 (ESTABLISHMENT OF ZONES) of Article I (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1406 (FLOOR AREA RATIO), of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND CLOSED FENCES LESS THAN SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703 (THROUGH LOTS), 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. 2020-00005 (Implementation Ordinance for Text Amendment No. 2020-0005 associated with Zoning Ordinance Practical Updates approved by City Council on September 12, 2020). [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. 14; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a of an Ordinance to amend and reordain Section 1-700 (ESTABLISHMENT OF ZONES) of Article I (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1406 (FLOOR AREA RATIO), of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND CLOSED FENCES LESS THAT SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703 (THROUGH LOTS), 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. 2020-00005. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5300

AN ORDINANCE to amend and reordain Section 1-700 (ESTABLISHMENT OF ZONES) of Article I (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1406 (FLOOR

AREA RATIO), of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND CLOSED FENCES LESS THAN SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703 (THROUGH LOTS), 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. 2020-00005.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2020-00005, 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 September 1, 2020 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on September 12, 2020;
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 1-700 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec. 1-700 - Establishment of zones.

(A) This ordinance establishes the following zones, listed below in the order of their restrictiveness, with the most restrictive zone listed first:

RT/Townhouse Zone

RMF/Residential multifamily Zone

Section 2. That Section 2-138 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:

2-138 - Dwelling, townhouse.

One of a series of three or more attached dwelling units separated from one another by continuous vertical ~~party~~ walls without openings from basement to roof or roofs.

Section 3. That Section 2-140 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:

2-140 - Dwelling, two-family.

A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having a common vertical ~~party~~ walls) dwellings. In the case of a semi-detached dwelling, no less than 50 percent of the common ~~party~~ wall of one of the two dwelling units shall be opposite the common ~~party~~ wall of the other.

Section 4. That Section 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-145 - Floor area.

- A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-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), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space seven feet or more in height. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(11) Sheds and other small accessory buildings in accordance with section 7-202~~(B)(4)~~(C)(2).

B. For properties except for those specified in subsection A. above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. It shall include all space seven feet or more in height. It shall include all space within an above grade parking garage. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(12) Sheds and other small accessory buildings in accordance with section 7-202(B)(4) (C)(2).

Section 5. That Section 2-154 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:

2-154 - Height of building.

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

-Reserved.

Section 6. That Section 2-174 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-174 - Medical care facility.

Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of mentally or physically sick or injured persons, or for persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled; including but not limited to emergency medical treatment, health professional office, medical laboratory, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical school, outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation, and trauma units, substance abuse outpatient or day programs, and other related institutions and facilities, whether

operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a ~~health profession office, first aid station~~ housing for the elderly,, nursing home or a facility which has as its primary purpose residential accommodation. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this article, wherever such use is allowed in the zones.

Section 7. That Section 3-707 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-707 - Certain structures, lots and uses inconsistent with these provisions.

All land within the RB zone must be used and developed in compliance with the RB zone regulations unless otherwise provided in this ordinance or by the following exceptions:

(B) Any land zoned to RB prior to February 27, 1973 may be developed at a minimum lot size of 1,600 square feet per dwelling; provided however that if the lot was recorded prior to December 28, 1951, the lot may be developed with a ~~single-family~~ dwelling unit and accessory structures at the lot size shown on the recorded plat.

Section 8. That Section 3-1108 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:

3-1108 - Certain structures, lots and uses inconsistent with these provisions.

All land within the RM zone shall be used and developed in compliance with the RM zone regulations unless otherwise provided by this ordinance or by the following exceptions, which exceptions shall nevertheless be subject to sections 3-1106(A)(1) and 3-1107.

(B) Any lot of record on February 10, 1953 which does not comply with the lot area or width regulations of the RM zone may be developed with a dwelling unit with accessory structures.

Section 9. That Section 3-1406 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:

3-1406 - Floor area ratio.

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

(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:

(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~~ March 16, 2019 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.

Section 10. That Section 7-202 of the Zoning Ordinance be, and the same hereby is, amended by 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:

(E) For any residential lot, single-story front porches with a maximum depth of ten feet shall be permitted in any required front or side 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. Front porches shall not extend into required side yards further than the walls that face the side yards of the existing dwelling unless such extension complies with the regulations for the zone in which it is located.

(F) Open and closed fences which do not exceed ten feet in height shall be permitted in any required side or rear yard between residential properties that abut a property developed with a public or private academic school.

Section 11. That Section 7-1701 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:

7-1701 – Open and closed fences less than six feet in height.-

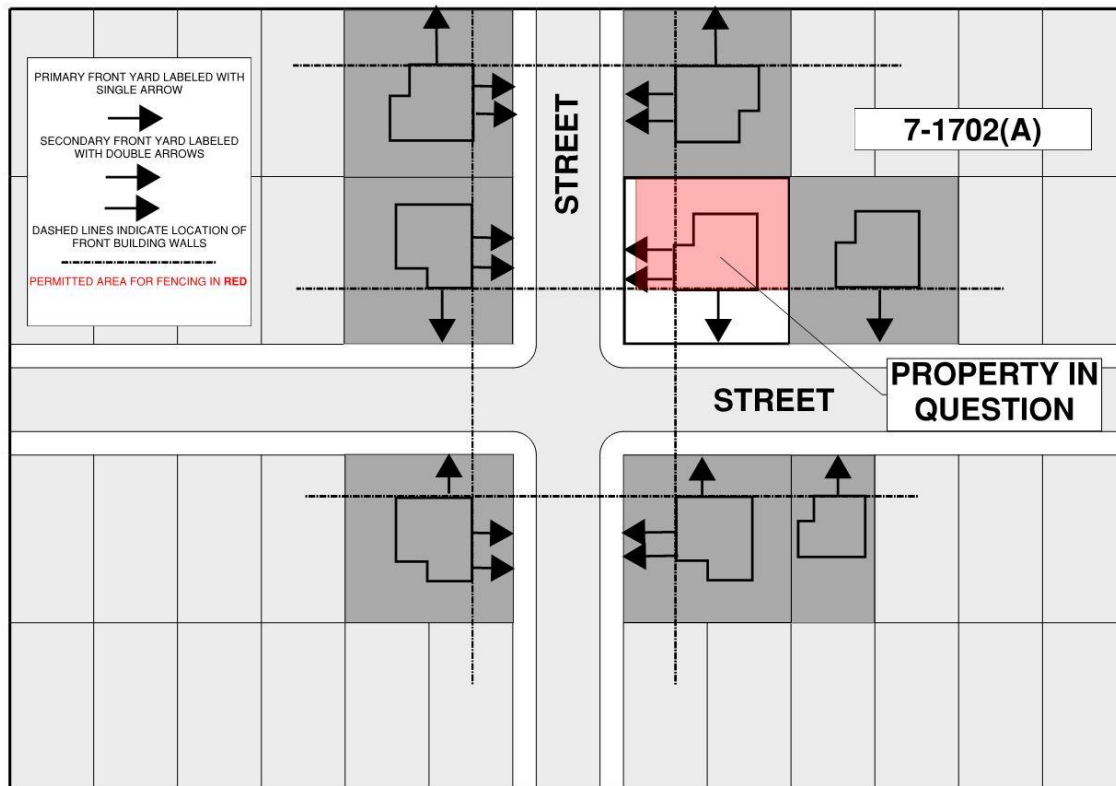
Notwithstanding any other provisions of this ordinance save the permitted obstructions listed in section 7-200 and vision clearance requirements of section 7-800, open and closed fences not exceeding six feet in height shall be permitted on corner and through lots in required secondary front yards when in compliance with this section 7-1700. ~~with regard to permitted fences.~~

Section 12. That Section 7-1702 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language and diagram shown in strikethrough and inserting new language shown in underline and the diagrams following subsections (A) and (B), as follows:

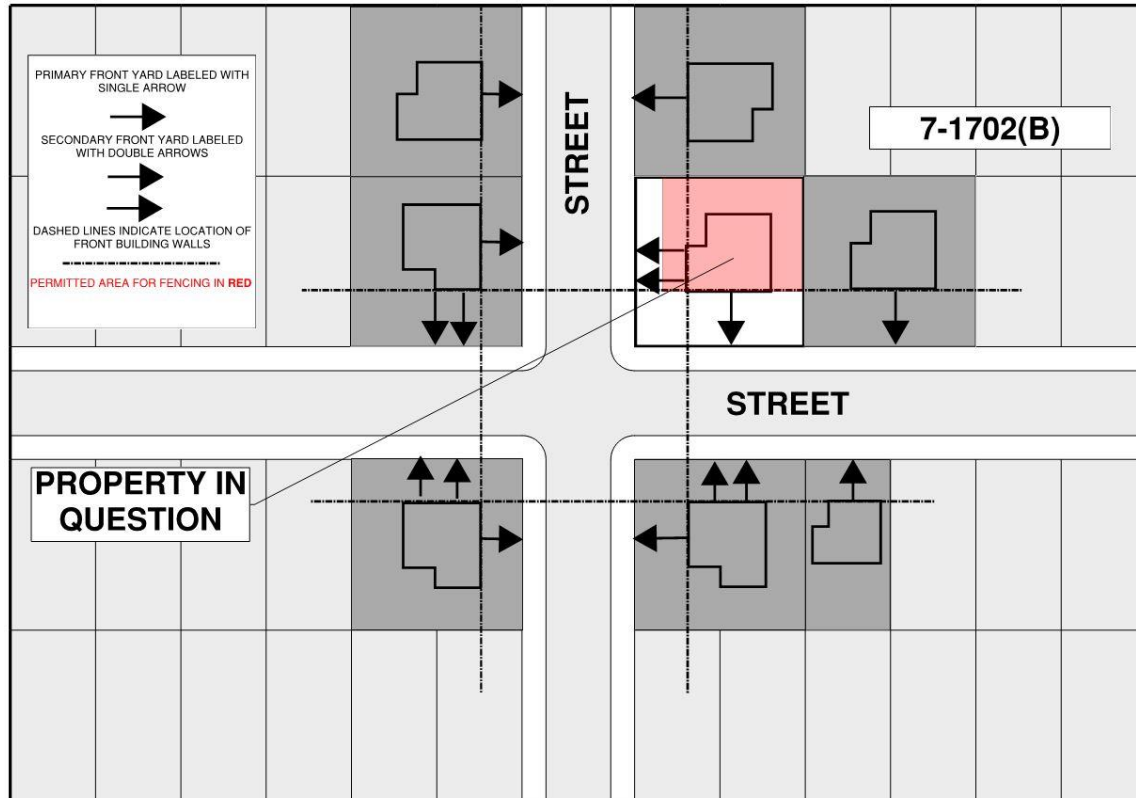
Sec. 7-1702 – Corner lots.

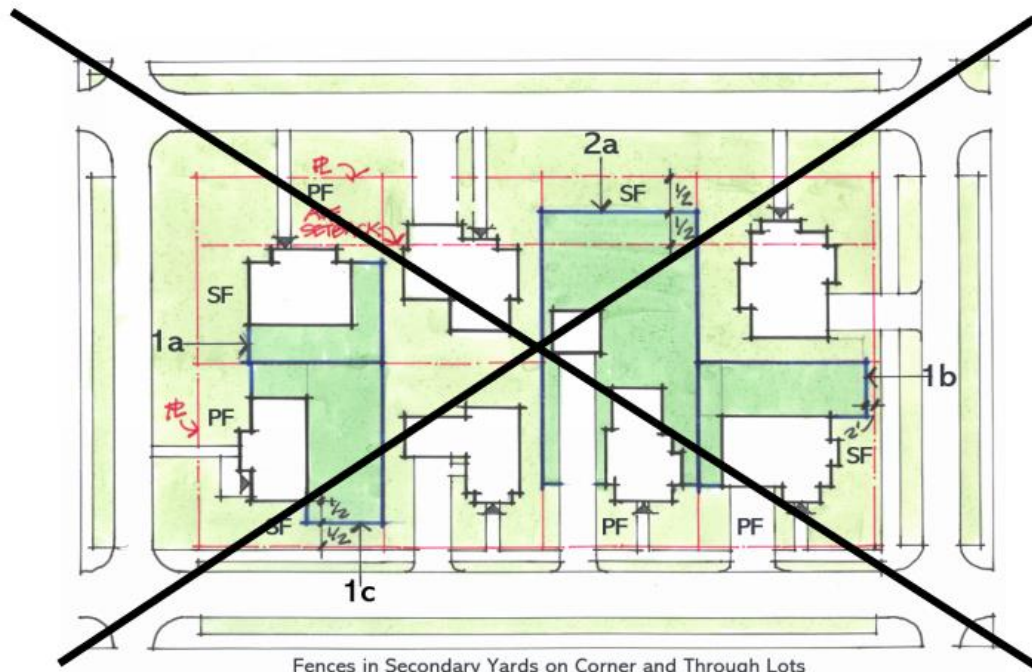
On corner lots, open and closed fences not exceeding six feet in height shall be located behind the front building wall facing the primary front yard. These fences shall be setback a minimum horizontal distance from the secondary front lot line established by either (A) or (B), below:

~~(b)~~ (A) Except for cases governed by section 7-1702 ~~(B)~~ fences shall be ~~it is~~ setback from the edge of the sidewalk by two feet or if there is no sidewalk at least two feet from the secondary front lot ~~property~~ line.



(B) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties face the street, fences shall be permitted if located no closer to the secondary front lot line than half the distance between the secondary front lot line and the front building wall facing the secondary front yard.





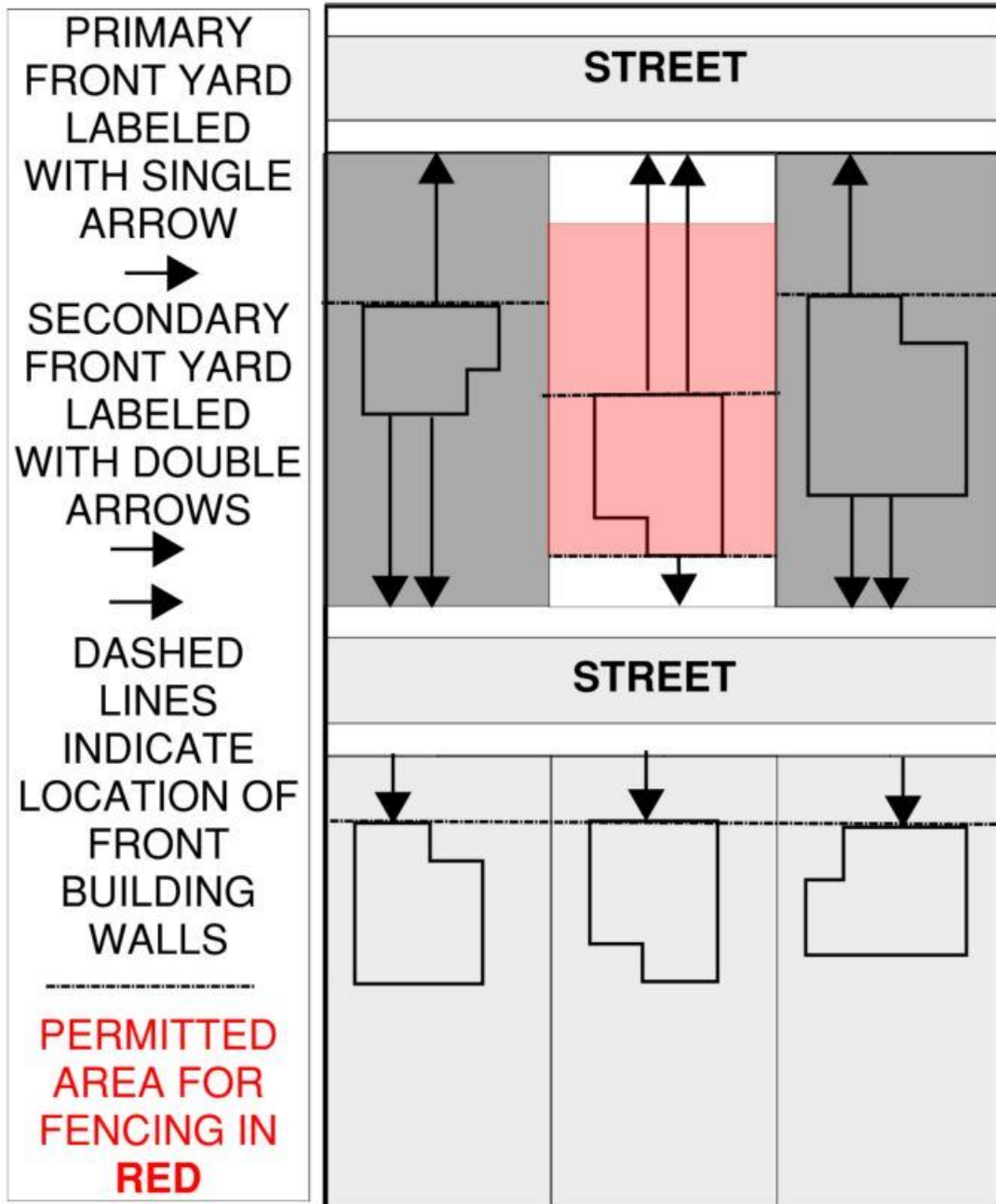
Section 13. That Section 7-1703 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec. 7-1703 – Through lots.

On through lots, open and closed fences not exceeding six feet in height shall be setback a minimum horizontal distance from the secondary front lot line established by either (A) or (B), below:

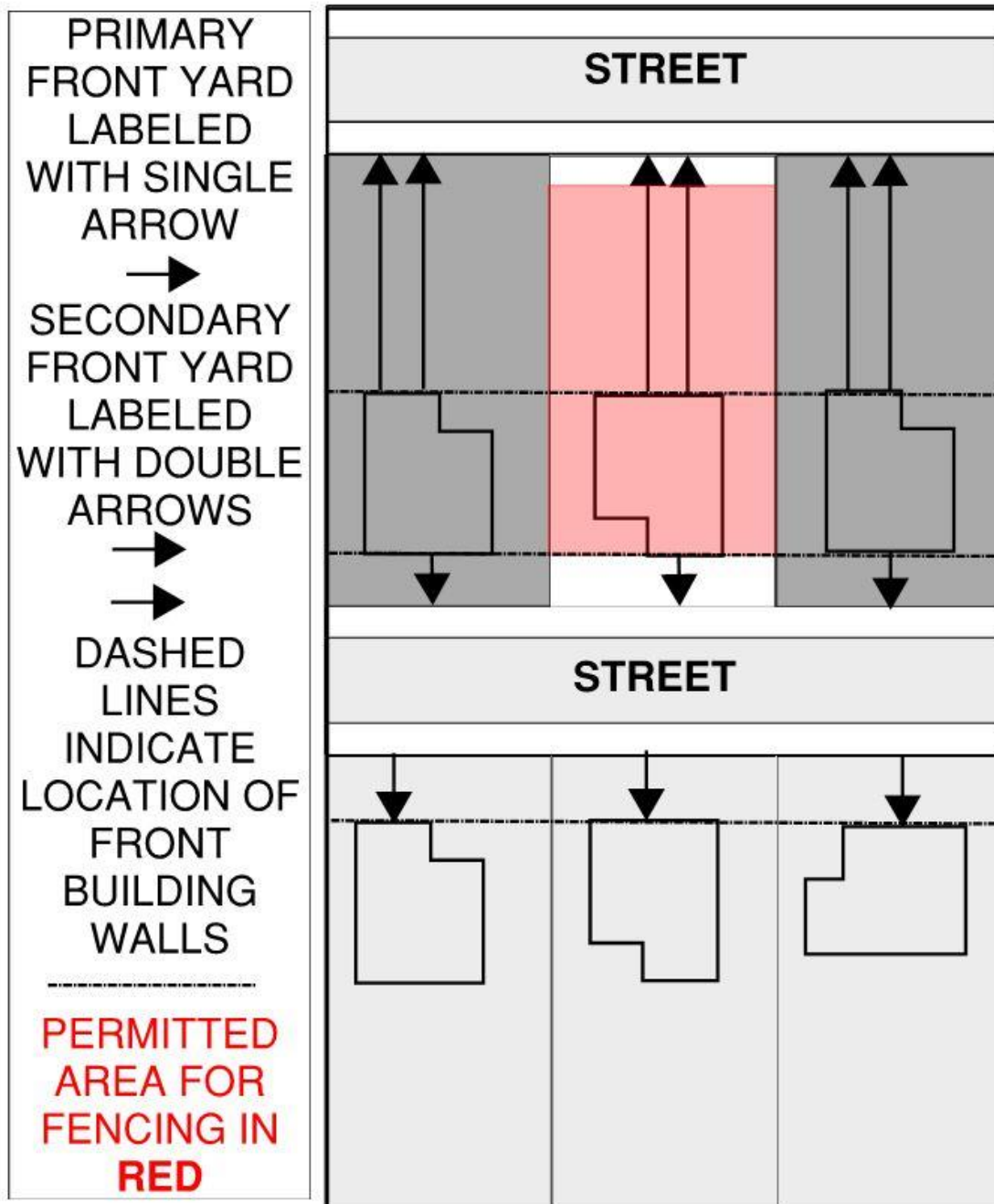
- (A) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties on the same side of the street face that street, fences shall be permitted if located no closer to the secondary front lot line than half the distance between the secondary front lot line and the average setback utilizing the two abutting properties.

SECTION 7-1703(A)



(B) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties on the same side of the street do not face such street or there is no abutting house(s), a fences shall be permitted if located at least three feet from the secondary front lot line.

SECTION 7-1703(B)



Section 14. That Section 11-804 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:

11-804 - Conditional zoning.

As part of an application for a map amendment a property owner may proffer in writing the provision of reasonable conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions shall include written statements, development plans, profiles, elevations, and/or other demonstrative materials and shall be subject to the following procedures and regulations:

(C) Such proffered conditions shall become a part of the zoning regulations applicable to the property in question, unless changed by a subsequent map amendment which is not part of the comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this ordinance for the zone in question. ~~Unless a contrary provision has been proffered by the applicant and accepted, any change in the zone applicable to land on which proffers have been accepted shall comply with the provisions of Code of Virginia, § 15.1-491(a).~~

Section 15. That Section 11-1008 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:

11-1008 - Final decisions subject to judicial review.

All final decisions of the board shall be subject to judicial review in the following manner.

(C) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board or, if no secretary exists, the chair of the board, which shall not be less than ten days and may be extended by the court. Once the writ of certiorari is served, the board of zoning appeals shall have 21 days or as ordered by the court to respond. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(G) Costs shall not be allowed against the city or council, unless it shall appear to the court that it the city or council acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

Section 16. That Section 11-1103 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:

11-1103 - Standards for variances.

The board of zoning appeals shall not vary the regulations of this ordinance as authorized above unless it finds that:

(B) The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, ~~or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;~~

Section 17. That Section 11-1104 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:

11-1104 - Conditions and restrictions.

The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the ordinance. The board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In addition, a variance shall specify whether it is granted generally for all potential uses or whether its effect is limited to specific uses of the property. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefitted by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted. Failure to comply with any such conditions and restrictions shall constitute a violation of this ordinance. Violations of this ordinance may be enforced and penalized in accordance with section 11-200.

Section 18. That Section 11-1207 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:

11-1207 - Written notice or order.

Any written notice of a zoning violation or a written order of the director shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with section 11-1200 and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. ~~[Effective until 7/1/17 — The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the director that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.]~~ [Effective on 7/1/17 — The appeal period shall not commence until the statement is given and the written notice of a zoning violation or a written order of the director is sent by registered or certified mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission.]

Editor's note— [See] Code of Virginia § 15.2-2311.

Section 19. 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:

(C) – Yard and setback requirements for a front porch subject to the following requirements:

(1) The applicant for a front porch shall demonstrate by clear and convincing evidence that the proposed front porch is compatible with the existing building architecture, neighboring properties and neighborhood character. ~~and will comply with the following requirements:~~

~~(a) A front porch shall not extend into required side yards further than the walls that face the side yards of the existing dwelling portion of the front porch shall extend beyond either end of the front building facade unless such extension complies with the regulations for the zone in which it is located.~~

~~(b) The roof line of the porch shall be in scale with the existing building architecture.~~

Section 20. That Section 12-101 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:

12-101. - Terms defined.

(B) A building on a lot that does not meet the current zoning requirements for residential use, that was originally constructed or principally used prior to June 24, 1992 as a residence, may be reverted from commercial use to a residential use and shall be a noncomplying structure provided that:

(1) The proposed residential use is permitted in the zone or is located in a building which faces the north side of the 1400 or 1500 block of King Street, or the south side of the 1600 block of King Street, which is setback from the front property line and has a first floor at least 3.00 feet above grade at the front building wall;

(2) The proposed residential use contains a number of dwelling units equal to or less than previously existed on the property;

(3) Since the most recent conversion to a commercial use, or since June 24, 1992, whichever is more recent, there has been no expansion to the structure and no changes to the lot of record that increase the degree of noncompliance for a residential use; and

(4) Since the building was last a residential use, the number of parking spaces has not been reduced notwithstanding the requirements to provide parking in section 8-200.

Section 21. That Section 12-102 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

12-102 - Noncomplying structures.

Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

(D) Residential reuse. A building which faces the unit through ~~4500~~ 1400 block of King Street and which is a noncomplying structure because it exceeds the floor area ratio of the CD zone, may be converted from nonresidential to same residential use, notwithstanding any requirement of the CD zone applicable to residential uses, provided that a special use permit is approved to allow such conversion.

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

Section 23. That Section 1-700 (ESTABLISHMENT OF ZONES) of Article I (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1406 (FLOOR AREA RATIO), of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND CLOSED FENCES LESS THAN SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703 (THROUGH LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as added or amended pursuant to Sections 1 through 21 of this ordinance, be, and the same hereby are, ordained or reordained as part of the City of Alexandria Zoning Ordinance.

Section 24. 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.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 7-2100 (Increased density and height for public elementary and secondary schools) 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. 2019-00007 (Implementation Ordinance for Text Amendment No. 2019-00007 associated with Increased Density for Public School Sites approved by City Council on September 12, 2020). [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; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Section 7-2100 (Increased density and height for public elementary and secondary schools) 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. 2019-00007. The vote was as follows: In favor Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5301

AN ORDINANCE to amend and reordain Section 7-2100 (Increased density and height for public elementary and secondary schools) 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. 2019-00007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-00007, 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 September 1, 2020 of a text amendment to the Zoning Ordinance to increase the floor area ratio from .60 to .75 for public elementary and secondary schools, in residential and mixed use zones, which recommendation was approved by the City Council at public hearing on September 12, 2020;

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 7-2100 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:

Notwithstanding any contrary provision of this ordinance, a public elementary or secondary school, located in a residential or mixed use zone, may be constructed, expanded or reconstructed to a size which exceeds the density and height otherwise permitted by the regulations in such zone; provided, that a special use permit is approved, and, provided further, that no increase in floor area ratio greater than ~~.60~~ 0.75, and no increase in height greater than

60 feet, shall be approved.

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

Section 3. That Section 7-2100, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 051.02 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 a portion of the property at 1101 Janneys Lane from, POS/Public open space and community recreation zone to R-8/Single-family zone; by rezoning 1201 and 1203 Janneys Lane from R-20/Single-family zone to R-8/Single-family zone; and by rezoning a portion of 1099 Francis Hammond Parkway from R-8/Single-family zone to POS/Public open space and community recreation zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2020-00002 (Implementation Ordinance for Rezoning No. 2020-00002 associated with Douglas MacArthur Elementary School approved by City Council on September 12, 2020). [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; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Sheet No. 051.02 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 a portion of the property at 1101 Janneys Lane from

POS/Public Open Space and Community Recreation Zone to R-8/Single-family zone; by rezoning 1201 and 1203 Janneys Lane from R-20/Single-family zone to R-8/Single-family to POS/Public Open Space and Community Recreation zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2020-00002. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5302

AN ORDINANCE to amend and reordain Sheet No. 051.02 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 a portion of the property at 1101 Janneys Lane from, POS/Public open space and community recreation zone to R-8/Single-family zone; by rezoning 1201 and 1203 Janneys Lane from R-20/Single-family zone to R-8/Single-family zone; and by rezoning a portion of 1099 Francis Hammond Parkway from R-8/Single-family zone to POS/Public open space and community recreation zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2020-00002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2020-00002, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 1, 2020 of a rezoning of a portion of the property at 1101 Janneys Lane from, POS/Public open space and community recreation zone to R-8/Single-family zone; by rezoning 1201 and 1203 Janneys Lane from R-20/Single-family zone to R-8/Single-family zone; and by rezoning a portion of 1099 Francis Hammond Parkway from R-8/Single-family zone to POS/Public open space and community recreation zone, which recommendation was approved by the City Council at public hearing on September 12, 2020;

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. 051.02 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: A portion of the property at 1101 Janneys Lane, Alexandria, Virginia 22302, 051.02-03-16, see attached diagram.

From: POS/Public open space and community recreation zone
To: R-8/Single-family zone

LAND DESCRIPTION: 1201 Janneys Lane, Alexandria, Virginia 22302, 051.02-03-09, see attached diagram.

From: R-20/Single-family zone
To: R-8/Single-family zone

LAND DESCRIPTION: 1203 Janneys Lane, Alexandria, Virginia
22302, 051.02-03-10, see attached diagram.

From: R-20/Single-family zone
To: R-8/Single-family zone

LAND DESCRIPTION: A portion of 1099 Francis Hammond Parkway,
Alexandria, Virginia 22302, 051.02-03-15, see attached diagram.

From: R-8/Single-family zone
To: POS/Public open space and community recreation 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. 051.02 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.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to amend
and reordain Articles II - VIII, XI and XII to amend commercial use definitions,
commercial use conditions and home occupation requirements and to change
certain uses from requiring Special Use Permits and Administrative Use
Permits to either Administrative Special Use Permits or permitted uses, of the
City of Alexandria Zoning Ordinance, in accordance with the text amendment
heretofore approved by city council as Text Amendment No. 2020-00003
(Implementation Ordinance for Text Amendment No. 2020-00003 associated
with small business practical updates approved by City Council on September 1
2, 2020). [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;
10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of
Council received a copy not less than 24 hours before said introduction, is on file in the
Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17;
10/17/20 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Article II-VIII, XI, and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses, of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00003. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed.

The ordinance reads as follows:

ORDINANCE NO. 5303

AN ORDINANCE to amend and reordain Articles II – VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses, of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2020-00003, 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 September 1, 2020 of a text amendment to the Zoning Ordinance to adopt amendments to sections in Articles II – VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses, which recommendation was approved by the City Council at public hearing on September 12, 2020;
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 the following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough

and inserting new language shown in underline, as follows:

2-104 - Accessory use.

A use or structure which is clearly subordinate to and serves a permitted principal use; ~~is customarily found in connection with the permitted principal structure or use which it serves;~~ and is subordinate in area, extent and purpose to the principal structure or use served. An accessory use or structure generally occupies less than 33 percent of the principal use or structure's gross floor area and does not change the character of the principal structure or use.

~~2-110 - Amusement arcade.~~

~~An establishment in which are located three or more amusement machines. Up to two amusement machines in any one establishment shall be considered an accessory use. The limitations enumerated herein shall not apply to residential dwelling units with amusement machines for the use of residents thereof.~~

~~2-111 - Amusement enterprise.~~

~~A use devoted to entertainment, such as theaters, bowling alleys, skating rinks, pool and billiard halls, miniature golf courses, dance halls, palm reading parlors, amusement arcades, bingo halls and similar uses.~~

~~2-112 - Amusement machine.~~

~~Any mechanical, electrical or electronic machine or device, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as an amusement game, whether or not registering a score.~~

2-112.10- Animal care facility.

A place where common household pets are cared for, such as a grooming, training, and temporary boarding facilities, veterinary/ animal hospitals, but not including businesses that meet the definition of animal shelter.

2-112.21 - Animal shelter.

Any place designated to provide for the temporary accommodation of four or more common household pets which are stray or abandoned by their owners.

2-113.2 - Apartment hotel.

A building or portion thereof designed for or containing guest rooms or suites of rooms and dwelling units with or without unit cooking facilities and with or without common kitchen, dining or living facilities for occupancy on a short or long term basis.

2-113.4 - Arbor.

A freestanding structure consisting of a trellis or interwoven lattice pieces typically covered with climbing shrubs or vines. These structures usually define a point of entry or the division of two places along a path.

2-113.21 - Architectural feature.

Awnings, cornices, eaves, sills, canopies, gutters, overhangs or similar features (not including bay windows and balconies) that are unenclosed projections that extend beyond an exterior face of a wall or column.

2-113.32 - 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.

2-129.1 - Congregate recreational facilities.

A public use devoted to recreational activities typically or often pursued as a group or team, such as athletic fields, children's play apparatus areas, archery ranges, court game facilities, indoor and outdoor swimming pools, amphitheaters, band shells, and outdoor theaters, not including drive-in theaters.

~~2-131 - Convenience store.~~

~~An establishment of 5,000 square feet or less of gross floor area, selling a variety of goods, comprised primarily of food and beverages, generally purchased in small quantities. It is the intention of this definition not to include small grocery, specialty or gourmet stores and to include quick service retail establishments which are characterized by high traffic generation and rapid turnover of customers.~~

~~2-131.4 - Co-ordinate station.~~

~~A station established under the provisions of sections 55-287 through 55-297 of the Code of Virginia and its amendments, known as the Virginia Co-ordinate System. as based on the co-ordinate positions established by the U.S. Coast and Geodetic Survey and extended by others with the approval of the director of transportation and environmental services, which has been permanently marked or so referenced to provide for the replacement at the exact position originally established.~~

2-131.1 – Crematorium.

A facility containing a furnace which is designed and licensed by the Commonwealth of Virginia for cremation of either animal or human remains. A crematorium shall not be considered an accessory use to a funeral home.

2-146.1 – Food court.

~~A food court is a restaurant use distinguished by common seating, more than one vendor and a common entrance. A food court shall contain at least three vendors, of which at least two shall be vendors of quick, carry-out type foods. A food court may include one or more full service restaurants, provided that the number of seats set aside for exclusive seating for full service restaurants shall not exceed 50 percent of the food court's total seating. Except as otherwise expressly provided by special use permit condition, not more than one full service restaurant shall be permitted within a food court and not more than two thirds of the food court vendors (including any full service restaurants) may offer alcoholic beverages for consumption on the premises. For purposes of this section, a full service restaurant is a restaurant use with any of the following characteristics: exclusive seating, distinct bar area or areas, host/hostess seating of patrons, waiter/waitress service at table, menu cards for individual ordering at table, or table settings of silverware, glassware and/or table linens. For purposes of this section, exclusive seating means seating attended by waiters/waitresses employed by or under the control of a full service restaurant. This definition shall apply to any existing uses specifically approved by special use permit as a food court or food court restaurant prior to June 28, 1994, and, as to past and future food court approvals, shall preempt any descriptions in applications or representations but shall not preempt express conditions of the approval therefor.~~

2-148.2 – Funeral home.

Establishments used for undertaking services such as burial preparation and where funeral services may be arranged and held. A crematorium shall not be considered an accessory use to a funeral home.

2-153.1 – Health and athletic club or fitness studio.

~~An establishment which as its primary purpose provides facilities, equipment and/or programs for exercise, athletics, and/or fitness, and typically includes equipment for class exercises, ball court games, running and jogging, weight and strength training, swimming, and saunas, as well as showers and locker rooms. Accessory massage and similar services may be provided. Such establishments may be open only to members and their guests on a membership basis in both individual and class formats.~~

2.164.1 - Live entertainment.

Entertainment as the primary attraction at a commercial use. Event advertising and admission or a cover fee are associated with live entertainment.

2.164.2 - Limited live entertainment.

Entertainment as subordinate to the principal function of a commercial use. Background entertainment that does not require an admission or cover fee are associated with limited live entertainment.

~~2-178 – Nursery school.~~

~~A place operated primarily for educational instruction for six or more children from two through six years of age away from their home for up to three hours per day, whether or not for compensation.~~

2-181.2.1 – Outdoor dining.

An open-air seating area associated with uses that sell prepared food including, but not limited to, restaurants and food trucks.

2-181.2.2 – Outdoor market.

An open-air market held on a regular or seasonal basis, where individual sellers offer goods or services, new or used, for sale to the public. The outdoor market use shall not include garage sales, outdoor display or sales associated with retail establishments that are principally located in indoor facilities, or vehicle sales, rental or leasing facilities.

2-183.1 - Personal service establishment.

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

Animal care facility with no overnight accommodation;

2-187 - Private school, commercial.

A school use devoted to giving instruction in vocational, professional, musical, dramatic, artistic, athletic, or other special subjects, with the exception of fitness studios, in a class format and typically operated for commercial gain.

2-188.1 – Recreation and entertainment use.

Commercial uses for indoor or outdoor participation in or observation of games, arts, culture, recreation or similar activities. Recreation uses in this definition are other than those listed in Section 2-129.1 for congregate recreational facilities. Recreation and entertainment uses include but are not limited to:

Amusement parks;

Athletic fields;

Billiard halls;

Bowling alleys;

Children's play areas;

Court game facilities;

Game rooms;

Golf courses, miniature or otherwise, and driving ranges;

Skating rinks;

Swimming pools;

Theaters;

Video arcades.

~~2-190.1 – Restaurant, accessory.~~

~~A use involving the sale or presentation of food and beverages which is clearly subordinate in area, extent, and purpose to an approved principal use and which is customarily found in connection with and serving that principal use. Typically, an accessory restaurant is not larger than 33 percent of the floor area of the entire business; does not offer table or delivery service; does not have hours of operation longer than the principal use; and does not have a separate entrance.~~

~~2-190.2 – Restaurant, nightclub.~~

~~A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising.~~

~~2-190.3 – Restaurant, coffee or ice cream shop.~~

~~A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and~~

~~other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.~~

~~2-190.4 - Restaurant, smoke-free.~~

~~A restaurant which does not permit patron or employee smoking within or on the premises, including without limitation in any bar, lounge, dining, waiting, storage or other enclosed area, or area under permanent roof or cover, and which does not permit patron or employee smoking within areas, or at seats or tables, located in the public right-of-way and used or controlled by the restaurant under license or permit from the city.~~

2-191 - Retail shopping establishment.

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

1 Food and beverage production (limited to a maximum of ~~3,500~~ 5,000 square feet);

2 ***

Groceries and convenience stores;

~~Variety goods;~~

~~Video rental and sales;~~

2-193.1 - ~~Shopping center~~ Commercial Complex.

A building or ~~complex group of buildings, including mixed-use buildings, in a commercial or mixed-use zone and~~ under common ownership and control which includes at least five two independent retail commercial businesses and provides shared parking, ~~and is at least 35,000 square feet of floor area in size.~~

~~2-193.2 - Smoking.~~

~~The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.~~

Section 2. That the following Sections of Division B of Article III of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-603 - Special uses.

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

~~(E) Nursery school;~~

- (~~FE~~) Nursing or convalescent home or hospice;
- (~~F.1~~) Outdoor ~~food and crafts~~ market;

3-803 - Special uses.

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

- ~~(E) Nursery school;~~
- (~~FE~~) Nursing or convalescent home or hospice;
- (F) Outdoor dining;
- (~~F.1~~) Outdoor ~~food and crafts~~ market;-

- (J) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

- ~~(4) Convenience store;~~
- (~~4.1~~) Day care center;

- (7) Grocery store or convenience store, where products are not prepared or consumed on premises;
- (8) Health and athletic club or fitness studio;
- (8.1) Medical care facility;

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

- (I) The following commercial uses in a residential development of at least 2,000 dwelling units if limited to an area the size of the first floor or any floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

- (5) Grocery or convenience store, where products are not prepared or consumed on the premises;

- (6.1) Health and athletic club or fitness studio;

3-903 - Special uses.

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

(G.1) Outdoor ~~food and crafts~~ market;

(K) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

~~(4) Convenience store;~~

(4.4) Day care center;

(7) Grocery store or convenience store, where products are not prepared or consumed on premises;

(8) Health and athletic club or fitness studio;

(8.1) Medical care facility;

(8.2) Outdoor dining;

3-1002 - Special uses.

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

(B.1) Medical care facility

~~(C.1) Outdoor food and crafts market;-~~

(C.2) Outdoor dining;

3-1403 - Special uses.

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

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

(3) Health and athletic club or fitness studio;

~~(4) Convenience store;~~

(4) Medical care facility;

(5) Outdoor dining;

3-1409 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

~~(C) Animal care facility with no overnight accommodation;~~
(C-1) Business and professional office;

(F.1) Health and athletic club or fitness studio;

(G.2) Outdoor dining located on private property at a commercial complex;

(J.1) Restaurant located within a ~~shopping center~~ commercial complex;

(L.1) Social service use;

4-102.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2)~~ (B) Restaurant;

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-103 - Special uses.

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

(A.1) Any use with live entertainment;

(A.42) Bus shelter on private property;

~~(F.1) Health and athletic club, other than pursuant to section 4-102.1(A.1);-~~

 (I) ~~Reserved~~ Medical care facility;-

(J.1) Outdoor dining, other than pursuant to sections 4-102 and 4-102.1;
(J.42) Outdoor food and crafts market, other than pursuant to section 4-102.1;-
(J.23) Outdoor garden center, other than pursuant to section 4-102.1;

~~(M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;-~~
 (M.4) Retail shopping establishment, larger than 20,000 gross square feet;

 (N) Rooming house;
~~(O) Social service use.~~

4-107 - Use limitations.

 (F) Parking for commercial uses may be located on a lot other than the one on which the commercial use is located if the other lot is zoned for commercial uses and is located within ~~500~~ 1000 feet of the use served.

(I) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

~~(C) Animal care facility with no overnight accommodation;-~~
 (C.4) Business and professional office;

(F.1) Health and athletic club or fitness studio;

(G.2) Outdoor dining located on private property at a commercial complex;

 (I.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(K.1) Social service use;

4-202.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation, if located in a ~~shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

(A.21) Restaurant;

(D) Outdoor ~~food and crafts~~ market;

4-203 - Special uses.

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

(A.1) Any use with live entertainment;

(A.42) Automobile service station;

(D) Convenience store~~Reserved~~;

~~(I.1) Health and athletic club, other than pursuant to section 4-202.1(A.1);~~

(M) ReservedMedical care facility;

(M.1) Outdoor dining, other than pursuant to sections 4-202 and 4-202.1;-

(N.1) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-202.1;-

~~(R) Restaurant, other than pursuant to section 4-202(I.1) or 4-202.1;-~~

(R.4) Retail shopping establishment, larger than 20,000 gross square feet;

(S) Rooming house;

~~(T) Social service use.~~

4-207 - Use limitations.

(H) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

~~(C) Animal care facility with no overnight accommodation;~~
~~(C.1) Business and professional office;~~

(F.1) Health and athletic club or fitness studio;

(G.2) Outdoor dining located on private property at a commercial complex;

~~(J.1) Restaurant located within a shopping center~~ commercial complex or hotel;

(K.1) Social service use;

4-302.1 - Administrative special uses.

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

~~(A) Animal care facility with overnight accommodation, if located in a shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

(A.2.1) Restaurant;

~~(D) Outdoor food and crafts market;~~

4-303 - Special uses.

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

(A.1) Any use with live entertainment;

~~(A.42) Automobile service station;~~

~~(B.1) Food and beverage production exceeding 3,500~~ 5,000 square feet, which includes a retail component;

~~(G) Convenience store~~ Reserved;

~~(M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);~~

~~(R) Reserved~~ Medical care facility;

(S.1) Outdoor-dining, other than pursuant to sections 4-302 and 4-302.1;

~~(S.42) Outdoor food and crafts market, other than pursuant to section 4-302.1;-~~

~~(S.23) Outdoor garden center, other than pursuant to section 4-302.1;~~

~~(Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;~~

~~(Y.4) Retail shopping establishment, larger than 20,000 gross square feet;~~

~~(AA) Social service use;-~~

(~~BBAA~~) Storage buildings and warehouses, not to include freight distribution centers;
(~~CCBB~~) Wholesale business.

4-307 - Use limitations.

(H) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

~~(C) Animal care facility with no overnight accommodation;~~
(C.1) Business and professional office;

~~(E.1) Convenience store within an office complex;~~
(E.21) Day care center;
(E.32) Health and athletic club or fitness studio ~~located within a shopping center commercial complex, hotel or office complex;~~

(F.1) Outdoor dining located on private property at a commercial complex;

(J.1) Recreation and entertainment uses, indoor;
(J.42) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

4-402.1 - Administrative special uses. The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

(A.1) Restaurant;

~~(A.2) Health and athletic club, other than pursuant to section 4-402(E.3);~~

(D) Outdoor ~~food and crafts~~ market;

4-403 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(D.1) Food and beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;

(G) ~~Convenience store, other than pursuant to section 4-402(E.1)~~ Reserved;-

(M) ~~Health and athletic club, other than pursuant to section 4-402(E.3) or 4-402.1(A.2)~~ Reserved;

(V.1) Outdoor dining, other than pursuant to sections 4-402 and 4-402.1;

(V.12) ~~Outdoor food and crafts market~~, other than pursuant to section 4-402.1;

(V.23) Outdoor garden center, other than pursuant to section 4-402.1;

(Y) ~~Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1~~ Recreation and entertainment use, outdoor;

(Z) Rooming house;

(AA) ~~Social service use~~;

4-407 - Use limitations.

(F) ~~A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

(C) ~~Animal care facility with no overnight accommodation~~;

(C.1) ~~Business and professional office~~;

(G.1) Health and athletic club or fitness studio;

(H.2) Outdoor dining located on private property at a commercial complex;

(L.1) ~~Reserved~~ Recreation and entertainment use, indoor;

(N.1) Social service use;

4-502.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2) Reserved;~~

(C) Outdoor ~~food and crafts~~ market;

4-503 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(B.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(K) Health and athletic club, other than pursuant to section 4-502.1(A.1)~~ Reserved;

(T.1) Outdoor dining, other than pursuant to sections 4-502 and 4-502.1;

~~(T.12) Outdoor food and crafts market, other than pursuant to section 4-502.1;~~

~~(T.23) Outdoor garden center, other than pursuant to section 4-502.1;~~

~~(W) Restaurant, other than pursuant to section 4-502.1~~ Recreation and entertainment use, outdoor;

~~(Y) Social service use;~~

~~(ZY) Tourist home;~~

~~(AAZ) Wholesale business.~~

4-507 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks,

storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-602 - Permitted uses.

- ~~(C) Animal care facility with no overnight accommodation;~~
- (C.1) Business and professional office;

(E.1) Health and athletic club or fitness studio;

(F.2) Outdoor dining located on private property at a commercial complex;

(J.1) Recreation and entertainment use, indoor;

(K.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

4-602.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

(A.21) Restaurant;

(D) Outdoor ~~food and crafts~~ market;

4-603 - Special uses.

- (A) ~~Amusement enterprise~~ Any use with live entertainment;

(B.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(J) Health and athletic club, other than pursuant to section 4-602.1(A.1)~~ Reserved;

(R.1) Outdoor-dining, other than pursuant to sections 4-602 and 4-602.1;-

~~(R.12) Outdoor food and crafts market, other than pursuant to section 4-602.1;-~~

~~(R.23) Outdoor garden center, other than pursuant to section 4-602.1;~~

(U) ~~Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1~~ Recreation and entertainment use, outdoor;

~~(W) Social service use;~~
~~(XW) Tourist home;~~
~~(YX) Wholesale business.~~

4-607 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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4-702 - Permitted uses.

The following uses are permitted in the CR zone:

~~(A) Amusement enterprise~~ Recreation and entertainment use, indoor and outdoor;
~~(A.1) Animal care facility with no overnight accommodation;~~
~~(A.2) Day care center;~~
(B) Health and athletic club or fitness studio;

(E.1) ~~Reserved~~ Outdoor dining located on private property at a commercial complex;

4-702.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

(D) ~~Outdoor food and crafts market;~~

4-703 - Special uses.

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

(A.2) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(C) ~~Reserved~~Any use with live entertainment;

(I) ~~Reserved~~Medical care facility;

(J) ~~Reserved~~Outdoor-dining, other than pursuant to sections 4-702 and 4-702.1;

(K) Outdoor market, other than pursuant to section 4-702.1;-

(L) Outdoor garden center, other than pursuant to section 4-702.1.

4-707 - Use limitations.

(A) All operations shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

(B) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

~~(C) Animal care facility with no overnight accommodation;~~
(C-4) Business and professional office;

~~(E.1) Convenience store within an office complex;~~

(E.21) Day care center;

(E.32) Health and athletic club or fitness studio ~~located within a shopping center, hotel or office complex;~~

(G.2) Outdoor dining located on private property at a commercial complex;

(J.1) Recreation and entertainment use, indoor;

(K.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

4-802.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a ~~shopping-center~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2B) Restaurant;~~

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-803 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(G) Convenience store other than pursuant to section 4-802(E.1)~~ Reserved;

~~(M) Health and athletic club, other than pursuant to section 4-802(E.3) or 4-802.1(A.1)~~ Reserved;

(W.1) Outdoor dining, other than pursuant to sections 4-802 and 4-802.1;

(W.42) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-802.1;

(W.23) Outdoor garden center other than pursuant to section 4-802.1;

~~(AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1~~ Recreation and entertainment use, outdoor;

~~(CC) Social service use;~~

~~(DDCC) Wholesale business.~~

4-807 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows:~~

~~Beer or wine coolers may be sold only in four packs, six packs or bottles of more than~~

~~40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces.~~

~~Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not~~

~~be sold. The placement or construction of items that block the visibility through~~

~~windows of the interior of the commercial space from the street and sidewalk, including~~

~~but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat~~

~~racks, storage bins, and closets, shall be prohibited. All windows shall remain~~

transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-902 - Permitted uses.

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

- ~~(C) Animal care facility with no overnight accommodation;~~
- (C.1) Business and professional office;

- ~~(E.1) Convenience store within an office complex;~~
- (E.21) Day care center;
- (E.32) Health and athletic club or fitness studio located within a shopping center commercial complex, hotel or office complex;

- (G.2) Outdoor dining located on private property at a commercial complex;

- (J.1) Recreation and entertainment use, indoor;

- (K.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

- (L.1) Social service use;

4-902.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;
- ~~(A.1) Health and athletic club;~~
- (A.2B) Restaurant;
- ~~(B) Reserved;~~

- (D) Outdoor ~~food and crafts~~ market;

4-903 - Special uses.

The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

- (A) ~~Amusement enterprise~~ Any use with live entertainment;

- (C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

- ~~(G) Convenience store, other than pursuant to section 4-902(E.1);~~

(M) ~~Health and athletic club, other than pursuant to section 4-902(E.3) or 4-902.1(A.1)~~Reserved;

(W.1) Outdoor dining, other than pursuant to sections 4-902 and 4-902.1;-
(W.42) Outdoor food and crafts market, other than pursuant to section 4-902.1;-
(W.23) Outdoor garden center, other than pursuant to section 4-902.1;

(AA) ~~Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;~~Recreation and entertainment use, outdoor;

~~(CC) Social service use;-~~
~~(DDCC) Wholesale business.~~

4-906 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows:- Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

4-1002 - Permitted uses.

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

~~(C) Animal care facility with no overnight accommodation;-~~
~~(C.4) Business and professional office;~~

~~(E.1) Convenience store within an office complex;-~~
~~(E.21) Day care center;~~
~~(E.32) Health and athletic club or fitness studio located within a shopping center commercial complex, hotel, industrial or flex space center or office complex;~~

(G.2) Outdoor dining located on private property at a commercial complex;

(J.1) Recreation and entertainment use, indoor;

(K.1) Restaurant, located within a ~~shopping center~~ commercial complex, hotel or industrial or flex space center;

(L.1) Social service use;

4-1002.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2B) Restaurant;~~

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-1003 - Special uses.

The following uses may be allowed in the OCM (100) zone pursuant to a special use permit:

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(G) Convenience store, other than pursuant to section 4-1002(E.1)~~ Reserved;

(M) ~~Health and athletic club, other than pursuant to section 4-1002(E.3) or 4-1002.1(A.1)~~ Reserved;

(W.1) Outdoor dining, other than pursuant to sections 4-1002 and 4-1002.1;-

~~(W.42) Outdoor food and crafts market, other than pursuant to section 4-1002.1;-~~

~~(W.23) Outdoor garden center, other than pursuant to section 4-1002.1;~~

~~(AA) Restaurant, other than pursuant to sections 4-1002(K.1) and 4-1002.1~~

Recreation

and entertainment use, outdoor;

~~(CC) Social service use;~~

~~(DDCC) Wholesale business.~~

4-1006 - Use limitations.

(G) ~~A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.~~ The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

- ~~(C) Animal care facility with no overnight accommodation;~~
- (C.1) Business and professional office;

- ~~(E.1) Convenience store within an office complex;~~
- (E.21) Day care center;
- (E.32) Health and athletic club or fitness studio ~~located within a shopping center, hotel, industrial or flex space building or office complex;~~

- (I.2) Outdoor dining located on private property at a commercial complex;

- (L.1) Recreation and entertainment use, indoor;
- (L.42) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

- (N.1) Social service use;

4-1102.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a ~~shopping center~~ commercial complex;
- ~~(A.1) Health and athletic club;~~
- (A.2B) Restaurant;
- ~~(B) Reserved;~~

- (D) Outdoor ~~food and crafts~~ market;

4-1103 - Special uses.

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

- ***
- (A) ~~Amusement enterprise~~ Any use with live entertainment;
- ***
- (C.1) Food and beverage production exceeding 3,500 5,000 square feet, which includes a retail component;
- ***
- ~~(F) Convenience store, other than pursuant to section 4-1102(E.1)~~ Reserved;-
- ***
- ~~(L) Health and athletic other than pursuant to section 4-1102(E.3) or 4-1102.1(A.1)~~ Reserved;
- ***
- (S) ~~Reserved~~ Medical care facility;
- ***
- (T.1) Outdoor dining, other than pursuant to sections 4-1102 and 4-1102.1;-
(T.12) Outdoor food and crafts market, other than pursuant to section 4-1102.1;-
(T.23) Outdoor garden center, other than pursuant to section 4-1102.1;
- ***
- ~~(W) Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1-~~ Recreation and entertainment use, outdoor;
- ***
- ~~(Z) Social service use;~~
~~(AAZ) Wholesale business.~~

4-1106 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

(L) Health and athletic club or fitness studio;

(Q.2) Outdoor dining located on private property at a commercial complex;

*** (V.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

*** (W.1) Social service use;

4-1202.1 - Administrative special uses.

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

*** (D) Outdoor ~~food and crafts~~ market;

*** (F.1) Private school, ~~academic or commercial~~, with more than 20 students on the premises at any one time;

4-1203 - Special uses.

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

*** (A.1) ~~Amusement enterprise~~ Any use with live entertainment;

*** (F) ~~Convenience store~~ Crematorium;

*** (P.1) Outdoor dining, other than pursuant to sections 4-1202 and 4-1202.1;
*** (P.12) ~~Outdoor food and craft~~ market, other than pursuant to section 4-1202.21;
*** (P.23) Outdoor garden center, other than pursuant to section 4-1202.1;

*** (R.1) ~~Restaurant, other than pursuant to section 4-1202(V.1) or 4-1202.1~~
Recreation and entertainment use, outdoor;

4-1206 - Use limitations.

*** (D) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-1403 - Permitted uses.

(A) *Permitted ground floor uses.* The following uses are permitted on the ground floor of

buildings facing the sidewalk:

(3) Banks, business and professional offices, medical laboratory, health profession offices, social service uses and laundromats, provided:

- (a) The business facade shall be no wider than 30 feet along the street;
- (b) No more than two such uses or entrances shall adjoin each other;

(4) Restaurants, when located within a ~~shopping center~~ commercial complex or hotel;

(6) Private school, commercial, ~~with a maximum of 20 students on the premises at any one time~~ and with a frontage of less than 30 feet along Mount Vernon Avenue;

(7) ~~Animal care facility with no overnight accommodation~~ Recreation and entertainment use, indoor;

feet

(8) Health and athletic club or fitness studio if located within a ~~shopping center commercial complex~~, hotel or office complex or with a frontage of less than 30 feet along Mount Vernon Avenue;

(10) Outdoor dining located on private property at a commercial complex.

(B) *Permitted uses above the ground floor:*

(4) Private school, commercial ~~with more than 20 students on the premises at any one time.~~

4-1403.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation located in a ~~shopping center~~ commercial complex;

(C) ~~Outdoor food and crafts market~~;

~~(I) Health and athletic club, other than pursuant to section 4-1403(A)(8);~~

(J) Outdoor display of retail goods.

4-1404 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(B) Banks, business and professional offices, medical laboratories, health profession offices, social service uses and laundromats, other than pursuant [to] section 4-1403(A)(3);

(C) ~~Convenience store~~ Medical care facility;

(E) Private school, commercial, ~~with more than 20 students on the premises at any one time or~~ with a frontage of more than 30 feet along Mount Vernon Avenue;

(G) Live theater, other than pursuant to section 4-1403.1(H);

(I.1) Outdoor dining, other than pursuant to section 4-1403.1:

(J) ~~Outdoor food and crafts~~ market, other than pursuant to section 4-1403.1(G);

(M) ~~Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1)~~
Recreation and entertainment use, outdoor;

(P) Health and athletic club or fitness studio, other than pursuant to sections 4-1403(A)(8); ~~or 4-1403.1(I)~~

(R) Outdoor garden center, other than pursuant to section 4-1403.1(B);

(S) Public building; ~~;~~

~~(U) Social service use.~~

4-1413 - Use limitations.

(G) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

5-102 - Permitted uses.

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

~~(C.1) Convenience store within an office complex;~~

(C.21) Day care center;

(C.32) Health and athletic club or fitness studio ~~located within a shopping center commercial complex, hotel or office complex;-~~

(E.2) Outdoor dining located on private property at a commercial complex;

(G.1) Recreation and entertainment use, indoor;

(G.12) Restaurant located within a shopping center commercial complex or hotel;

(H.1) Social service use;

5-102.1 - Administrative special uses.

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

~~(A) Health and athletic club;~~

(A.1) Restaurant;

~~(D) Outdoor food and crafts market;~~

5-103 - Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-109 below:

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;

~~(E) Convenience store, other than pursuant to section 5-102(C.1)~~ Reserved;

~~(H) Health and athletic club, other than pursuant to section 5-102(C.3) or 5-102.1(A)~~ Reserved;

(J.1) Medical care facility;

(K.1) Outdoor dining, other than pursuant to sections 5-102 and 5-102.1;

~~(K.12) Outdoor food and crafts market, other than pursuant to section 5-102.1;~~

~~(K.23) Outdoor garden center, other than pursuant to section 5-102.1;~~

~~(N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;~~ Recreation and entertainment use, outdoor;

(O) Retail shopping establishment, larger than 20,000 gross square feet;

~~(P) Social service use.~~

5-108 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-105.

- (A) The following uses shall be considered retail:
- (1) ~~Amusement enterprise~~ Recreation and entertainment use;
 - (2) Health and athletic club or fitness studio;

5-110 - Use limitations.

- (C) ~~A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

5-202 - Permitted uses.

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

- ~~(C.1) Convenience store within an office complex;~~
(C.21) Day care center
(C.32) Health and athletic club or fitness studio located within a shopping center, hotel or office complex;

- (E.2) Outdoor dining located on private property at a commercial complex;

- (G.1) Recreation and entertainment use, indoor;
(G.42) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

- (H.1) Social service use;

5-202.1 - Administrative special uses.

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

- ~~(A) Health and athletic club;~~
(A.4) Restaurant;

- (D) ~~Outdoor food and crafts market;~~

5-203 - Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-209 below:

(A) ~~Amusement enterprise~~Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(E) ~~Convenience store, other than pursuant to section 5-202(C.1)~~Reserved;-

(H) ~~Health and athletic club, other than pursuant to section 5-202(C.3) or 5-202.1(A)~~Reserved;

(J.1) Medical care facility;

(L.1) Outdoor dining, other than pursuant to sections 5-202 and 5-202.1;

(L.12) ~~Outdoor food and crafts market, other than pursuant to section 5-202.1~~;

(L.23) ~~Outdoor garden center, other than pursuant to section 5-202.1~~;

(N) ~~Restaurant, other than pursuant to section 5-202(G.1) or 5-202.1(A.1)~~Recreation and entertainment use, outdoor;

(O) Retail shopping establishment, larger than 20,000 gross square feet;

(P) ~~Social service use~~;

5-208 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-205.

(A) The following uses shall be considered retail:

(1) ~~Amusement enterprise~~Recreation and entertainment use;

(2) Health and athletic club or fitness studio;

5-210 - Use limitations.

(C) ~~A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not~~

limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

5-302 - Permitted uses.

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

- ~~(C.1) Convenience store within an office complex;~~
- (C.21) Day care center;
- ~~(C.32) Health and athletic club or fitness studio located within a shopping center, hotel or office complex;~~

(E.2) Outdoor dining located on private property at a commercial complex;

- (G.1) Recreation and entertainment use, indoor;
- ~~(G.42) Restaurant located within a shopping center~~ commercial complex or hotel;
- (H.1) Social service use;

5-302.1 - Administrative special uses.

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

- ~~(A) Health and athletic club;~~
- (A.4) Restaurant;

(D) Outdoor food and crafts market;

5-303 - Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-309 below:

- ~~(A) Amusement enterprise~~ Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(E) Convenience store, other than pursuant to section 5-302(C.1)~~ Reserved;

~~(H) Health and athletic club, other than pursuant to section 5-302(C.3) or 5-302.1(A)~~ Reserved;

(J.1) Medical care facility;

- (L.1) Outdoor dining, other than pursuant to sections 5.302 and 5-302.1;
~~(L.12) Outdoor food and crafts market, other than pursuant to section 5-202.1;~~
~~(L.23) Outdoor garden center, other than pursuant to section 5-202.1;~~

- ~~(N) Restaurant, other than pursuant to section 5-302(G.1) or 5-302.1(A.1)~~
Recreation and entertainment use, outdoor;
~~(O) Retail shopping establishment, larger than 20,000 gross square feet;~~
~~(P) Social service use.~~

5-308 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-305.

- (A) The following uses shall be considered retail:
- (1) ~~Amusement enterprise~~Recreation and entertainment use, outdoor;
 - (2) Health and athletic club or fitness studio;

5-310 - Use limitations.

~~(C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

5-402 - Permitted uses.

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

- (A.8) Recreation and entertainment use, indoor;
~~(A.89) Retail shipping establishment, up to 20,000 gross square feet;~~

- (F) Health and athletic club or fitness studio;
(G) Social service use.

5-402.1 - Administrative special uses.

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

~~(A) Health and athletic club;~~

(A.1) Restaurant;

(D) Outdoor food and crafts market;

5-403 - Special uses.

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

~~(B) Amusement enterprise~~Any use with live entertainment;

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Apartment hotel;

(C.21) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(G) Convenience store~~Reserved;-

~~(J) Health and athletic club, other than pursuant to section 5-402.1(A)~~Reserved;

(P.1) Outdoor dining, other than pursuant to sections 5.402 and 5-402.1;

~~(P.12) Outdoor food and crafts market, other than pursuant to section 5-402.1;~~

(P.23) Outdoor garden center, other than pursuant to section 5-402.1;

~~(V) Restaurant, other than pursuant to section 5-402.1~~ Recreation and entertainment use, outdoor;

(W) Retail shopping establishment, larger than 20,000 gross square feet;_

~~(X) Social service use.~~

5-410 - Use limitations.

~~[Reserved.]~~

(A) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

5-502 - Permitted uses.

The following uses are permitted in the W-1 zone:

(C.2) Private school, commercial, ~~with a maximum of 20 students on the premises at any one time and~~ pursuant to section 5-509;

(I) Day care center, pursuant to section 5-509;

(J) Health and athletic club or fitness studio, pursuant to section 5-509.

5-502.1 - Administrative special uses.

The following uses may be allowed in the W-1 zone with administrative approval, subject to section 11-513 of this ordinance.

(A) Valet parking;

(B) Restaurant;

(C) Outdoor dining;

(D) Outdoor market.

5-503 - Special uses.

The following uses may be allowed in the W-1 zone pursuant to a special use permit:

~~(D) Health and athletic club~~ Any use with live entertainment;

~~(F) Nursery school~~ Outdoor dining other than pursuant to sections 5-502 and 5-502.1;

~~(G) Outdoor food and crafts market~~ other than pursuant to section 5-502.1;

~~(J) Restaurant~~ Reserved;-

5-511 - Use limitations.

~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses.~~

(A) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

5-602 - Coordinated development districts created, consistency with master plan, required approvals.

(A) The CDD districts, as shown on Table 1, are as follows:
Table 1. Coordinated Development Districts

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
25	ABC-Giant/Old Town North	CG/ Commercial Downtown regulations shall apply	<p>Maximum FAR: 3.5. Properties in this zone are ineligible to request Special Use Permit approval for the affordable housing bonus density provisions of Section 7-700 of the Zoning Ordinance.</p> <p>Minimum open space: Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open</p>	The maximum heights shall conform to the Old Town North Small Area Plan as may be amended.	Multifamily dwelling; day care center; health and athletic club or fitness_ <u>studio</u> ; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining; pet supplies, grooming, training with no overnight accommodation; private school, academic or commercial, with more than 20 students on the premises at any one time; restaurant; retail shopping establishment; and valet parking.

			<p>space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the Director determines that such space functions as open space for residents to the same extent that ground level open space would. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.</p> <p>Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and</p>		
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			<p>setback regulations of Section 7-1000 and the zone transition requirements of Section 7- 900.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply.</p> <p>All proposed development shall conform to the Old Town North Design Guidelines as may be amended.</p>		
26	Public Storage/ Boat US	I/Industrial regulations shall apply	<p>Maximum FAR: 2.5</p> <p>Minimum open space: A minimum of 10% of the land area occupied by primarily non-residential uses shall be provided as publicly-accessible,</p>	The maximum heights shall conform to the Eisenhower West Small Area Plan as may be amended.	Multifamily dwelling; self-storage/warehouse; animal care facility with no overnight accommodation; catering; glass shop; health and athletic club or fitness_ <u>studio</u> ; improved outdoor recreational facilities intended for passive and/or non-congregate

			<p>ground-level useable open space. A minimum of 30% of the land area within the CDD area occupied by primarily residential uses shall be provided as useable open space, half of which must be publicly-accessible, ground-level useable open space. Publicly-accessible, ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or</p>		<p>recreational activities; light assembly, service and crafts; machine shop; manufacturing; massage establishment; motor vehicle parking or storage; outdoor dining; personal service establishment; printing and publishing services; private school, academic or commercial, with more than 20 students on the premises at any one time; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; valet parking; and wholesale.</p>
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			frontage requirements. The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.		
27	Greenhill/West Alexandria Properties	CG/Commercial General zone regulations shall apply except that I/Industrial zone regulations shall apply for the property currently addressed 611 South Pickett Street (Tax Map Number: 057.04-05-05).	Maximum FAR: 2.52, exclusive of: 1) bonus density and height as may be approved by Special Use Permit pursuant to Section 7-700 of the Zoning Ordinance as it may be amended; and 2) public school and public building uses. Minimum open space: A minimum of 25% of the land area within the CDD area shall be provided as ground-level, useable open space. Ground-level useable open space may be	The maximum heights shall conform to the Landmark-Van Dorn Small Area Plan as may be amended.	Multifamily dwelling; Amusement enterprise <u>Recreation and entertainment use</u> ; active and/or congregate recreational facilities; animal care facility with no overnight accommodation; automobile and trailer rental or sales area; business and professional office; convenience store ; day care center; health and athletic club or fitness <u>studio</u> ; hotel; home for the elderly; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment;

			<p>provided at any location within the CDD area to meet the open space requirement. In addition to the 25% requirement, primarily residential buildings shall provide rooftop open spaces/terraces or other outdoor amenity spaces.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone</p>		<p>medical office; outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions; public school; restaurant; retail shopping establishment; and valet parking.</p>
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			transition requirements of Section 7-900 do not apply.		
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(E) Within each CDD, the following uses are permitted unless in specific conflict with the approved CDD concept plan or DSUP:

~~(1) Convenience store in an office complex.~~

(21) Health and athletic club or fitness studio in an office complex.

(32) Day care center.

Section 5. That the following Sections of Article VI of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-105 - Special uses.

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

(H) Outdoor ~~food and crafts~~ market;

6-202.1 - Administrative special uses.

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

(A) Restaurant;

(B) Outdoor dining;

(C) Outdoor market.

6-203 - Special uses.

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

(A) Any use with live entertainment;

(A.1) Bike rental;

(D) Outdoor ~~food and crafts~~ market, other than pursuant to section 6-202.1;

(E) Outdoor dining, other than pursuant to section 6-202.1;

(~~E~~) Privately owned public use buildings such as civic auditoriums or performing arts centers;

(~~F~~) Restaurants, including outdoor cafes.

6-503 - Retail focus areas.

A retail focus area (RFA) is a location at which retail and personal service uses are viewed as vital to the neighborhood. The locations designated as retail focus areas on the zoning maps are subject to the following requirements and regulations.

- (A) *Retail uses required.* One-twelfth of the area of each lot in a retail focus area, multiplied by the allowable floor area ratio for the site, shall be devoted to retail focus uses. The following uses, subject to the permitted and special use regulations of the underlying zone, qualify as retail focus uses:

~~Private school, commercial with a maximum of 20 students on the premises at one time;-~~

~~Convenience store;-~~

Health and athletic club or fitness studio;

~~Animal care facility with no overnight accommodation;-~~

Social service use;

~~Amusement enterprise~~ Recreation and entertainment use;

6-603 - Uses.

- (B) *Special use additions.* The following uses are allowed by special use permit, in addition to those listed in the CL zone:

- (1) ~~Amusement enterprise~~ Recreation and entertainment use, limited to live theater, music venues and similar entertainment opportunities.

- (C) *Retail focus uses.* Within the retail focus area, uses occupying first floor space of a building shall be limited to the following:

- (3) ~~Amusement enterprise~~ Recreation and entertainment use, as limited in section (B)(1) above.

- (7) Private school, commercial, with ~~a maximum of 20 students on the premises at one time and provided that the use shall occupy~~ no more than 30 feet frontage on Mount Vernon Avenue, and provided further that ~~more than 20 students on the premises at one time and~~ additional frontage space may be permitted with a special use permit.

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

- (3) ~~Amusement enterprise, limited to live theater;~~

- (4) ~~Outdoor food and crafts markets;~~

6-702 - Uses.

(A) *Ground floor uses*

(1) *Permitted uses.*

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

(a-1) Building lobby, with a frontage of less than 30 feet along King Street;

(a.1) Day care center with frontage of less than 30 feet along King Street.

(d) Private school, commercial, ~~with a maximum of 20 students on the premises at one time and~~ with a frontage of less than 30 feet along King Street;

(d.1) Recreation and entertainment use, indoor, with frontage of less than 30 feet along King Street;

(g) Accessory uses-;

(h) Health and athletic club or fitness studio with frontage of less than 30 feet along King Street.

(2) *Special uses:*

(a) ~~Amusement enterprise~~ Any use with live entertainment;

(b) Food and beverage production, exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(d) ~~Convenience store~~ Reserved;

(e) ~~Health and athletic club~~ Day care center extending for more than 30 feet along King Street;

(g) ~~Outdoor food and craft market,~~ other than pursuant to section 6-702(C);

(i.1) Private school, commercial, ~~with a maximum of 20 students on the premises at one time and~~ extending for more than 30 feet along King Street;

(k) ~~Restaurant, other than pursuant to section 6-702(C)~~ Recreation and entertainment use, outdoor;

(B) *Upper floor uses.*

(1) *Permitted uses:*

(f.1) Private school, commercial, ~~with a maximum of 20 students on the premises at one time;~~

(g) Radio or television broadcasting office and studio-;

(h) Social service use.

(2) *Special uses:*

(k) Private school, ~~commercial or academic,~~ with more than 20 students on the premises at one time;

~~(m) Social service use-;~~

~~(n)~~ Wholesale business.

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and

approval pursuant to the standards and procedures of section 11-513 of this ordinance:

- (1) Valet parking;
- (2) ~~Reserved~~Outdoor market;
- (3) Restaurant ~~(ground floor only)~~;

6-707 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

7-302 - Prohibited occupations.

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

- (H) ~~Nursery school~~Day care center;-

7-303 - Use limitations.

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

- (A) ~~Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on site employment or use of labor from persons who are not bona fide residents of the dwelling. Up to two employees are permitted on-site.~~

- (D) ~~There shall be no customers or clients permitted except in the case of instruction to students in which case~~ The number of patrons or students shall be limited to a total of 12 per day with no more than two patrons or students present at any one time. Patrons or students may visit the home occupation between the hours of 7 a.m. and 9 p.m., daily.

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

Sec. 8-200 - General parking regulations.

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

- (13) ~~Amusement enterprise~~ Recreation and entertainment use (indoor): one space for each 200 square feet of floor area on all floors.
- (14) ~~Amusement enterprise~~ Recreation and entertainment use (outdoor): one space for each 400 square feet of designated use area. For the purposes of this section, designated use area does not include areas devoted exclusively to landscaping or parking.

(16) *Specific commercial uses:*

- (c) The following uses are specific commercial for the purposes of determining parking requirements:

iii. ~~Convenience store~~ Reserved.

(17) *Restaurant:*

- (c) For portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. The area occupied by each seat over 20 shall be calculated as 15 square feet per seat.

- (18) Miscellaneous commercial uses, including, but not limited to, equipment and repair businesses, health and athletic club or fitness studios, garden centers, outdoor ~~food and crafts~~ markets, and funeral homes and all other commercial uses not otherwise defined: one space for each 400 square feet of floor area.

Sec. 8-400 - King Street Transit Parking District.

- (B) *Requirements.* Within the King Street transit parking district, the following regulations shall apply to off-street parking; uses not listed shall provide parking pursuant to section 8-200(A):

- (8) Hotel or office building projects with retail, restaurant or ~~amusement enterprise~~ recreation and entertainment use, indoor, as ancillary uses. No parking shall be required for the first 10,000 square feet of floor area for restaurants, for the first 10,000 square feet of floor area for retail uses and for the first 1,000 square feet of floor area for ~~amusement enterprise~~ recreation and entertainment use, indoor; provided, that such uses occupy not more than 25 percent of the total floor area of the mixed use building project. Parking for the excess floor area for such ancillary uses above 25 percent shall be provided pursuant to section 8-200(A).

Section 8. That the following Sections of Division B of Article XI of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-511 - Administrative amendment to SUP.

The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures:

(A) *Amendments authorized.*

- (2) *Minor amendment.* Where an application proposes a change to a city council approved special use permit which constitutes no more than a minimal enlargement or extension, the director may administratively approve the change after determining that:
- (a) The changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;
 - (b) The proposal will not change the character of the use or increase its overall intensity, including, without limitation,
 - (i) ~~No more than the following increases which may be permitted only once over the life of the permit:~~
 - ~~(a) Two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;~~
 - ~~(b) A maximum of 12 additional restaurant seats not to exceed 100 seats maximum;~~
 - ~~(c) Twenty percent additional classroom seats;~~
 - ~~(d) Twenty percent additional equipment;~~
 - (e) Up to 33 percent additional floor area;
 - ~~(e.1) Two delivery vehicles for restaurants with a minimum of 20 seats;~~
 - ~~(f) Similar increases for other aspects of the use; or alternatively,~~
 - (ii) The proposed change is no greater than what is allowed under the standards for administrative approval for the same use under section 11-513;
 - (c) There have been no substantiated violations of the special use permit conditions within the last five years;
 - ~~(d) The proposed change when considered in conjunction with all amendments since city council approval, does not exceed in the aggregate the limitations prescribed under this section 11-511.~~
 - (ed) The proposed change does not amend or delete conditions that were included to address community concerns.

11-513 - Administrative special use permit.

An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

(C) *General standards for all administrative uses:*

- (2) The applicant shall provide information about alternative forms of transportation to access the ~~location of the use~~site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- (3) The applicant shall encourage its employees ~~and customers~~ to use ~~mass transit~~public transportation ~~or to carpool when to traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.~~

- ~~(6) The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.~~
- (76) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- ~~(8) The applicant shall contact the crime prevention unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business.~~
- (97) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- ~~(108) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.~~
- (149) The administrative permit approved by the director pursuant to this section 11-513 shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards associated with the permit shall be kept on the premises and made available for examination by the public upon request.
- (120) Improvements may be required to the facade or the front of the business establishment, including landscaping and site improvements, consistent with design guidelines and principles enumerated in the adopted small area plan for the neighborhood, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that plan.
- (131) The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and methods to prevent underage sales of alcohol.
- (142) The director may require conditions additional to those listed in the standards of this section if the director finds it to be reasonable to support the use and its compatibility with surrounding uses and the neighborhood.
- (153) The request will not significantly and negatively impact nearby residential neighborhoods.

(164) The director of planning and zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the planning commission and city council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

(D) *Specific standards for day care in a church or school building.*

(2) The facility shall provide adequate drop off and pick up facilities so as to create minimal impact on child safety and pedestrian and vehicular traffic.

(E) *~~Specific standards for live theater:~~ Reserved.*

~~(1) The applicant may offer limited wine and beer sales in conjunction with performances at the intermission or one hour before the performances commence, with the appropriate licenses as required by law.~~

~~(2) The applicant may offer wine and beer in conjunction with a show opening or other wine and cheese event, with the appropriate licenses as required by law. A maximum of one event each month is permitted.~~

~~(3) The hours of performances shall be limited to 11:00 a.m. to 11:00 p.m. daily.~~

(F) *Specific standards for outdoor ~~food and crafts~~ markets:*

~~(1) No alcohol sales shall be permitted~~ On and off premises alcohol sales, consistent with a valid ABC license is permitted;-

~~(21) No on-site storage of trailers is permitted;~~

~~(3) No on-site food preparation shall be permitted;~~

~~(42) The hours of operation shall be limited to 7:00 a.m. to sundown 10 p.m. and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.~~

(3) Limited live entertainment may be offered, and must comply with the City's noise ordinance.

~~(5) Market operations shall include:-~~

~~(a) The applicant shall designate one person to serve as the market master, and another person to serve as alternate, and shall provide the names of those persons and their home and work telephone numbers to the director prior to the opening of the market;~~

~~(b4) The market master or his/her designee~~ applicant shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the lot and adjacent sidewalk areas at the end of the market;

~~(c5) The market master~~ applicant shall prepare a plan for the layout of the market for approval by the director prior to beginning operations, and shall obtain approval of the director for any changes to those plans;

~~(d6) The market master~~ applicant shall prepare a set of rules for operation of the market for approval by the director who shall review any changes to those rules. Copies of

those rules shall be given to each vendor, to nearby residents and businesses, and to the civic associations in the vicinity;

~~(e) The rules shall state who is eligible to sell goods in the market and under what conditions. It is expected that the market shall include the sale of produce, and baked and prepared goods, and that the produce will be predominantly grown by the vendors, except during the spring and late fall when resale produce may predominate;~~

~~(f) The market master shall maintain a list of vendors with addresses and telephone numbers.~~

~~(6) All vendors shall adhere to, and the market master shall enforce, appropriate food safety guidelines developed by the Alexandria Health Department.~~

(I) *Specific standards for catering operation.*

(1) The applicant shall post the hours of operation at the entrance of the business.

~~(2) No alcohol service is permitted.~~

~~(32) No food, beverages, or other material shall be stored outside.~~

~~(43) The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by transportation and environmental services.~~

~~(54) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.~~

~~(65) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and environmental services. The city's storage space guidelines and required recycling implementation plan forms are available at: www.alexandriava.gov or contact the city's solid waste division at 703-519-3486 ext. 132.~~

~~(76) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.~~

(L) *Specific standards for restaurants.*

~~(1) The number of seats at the restaurant may not exceed 100.~~

~~(2) Reserved.~~

~~(3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.~~

~~(41) The applicant shall post the hours of operation, as well as the location of off street parking at the entrance to the restaurant.~~

~~(52) Meals ordered before the closing hour may be served, but no new patrons may be admitted, n~~
~~No new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour.~~

~~(63) Limited, live entertainment may be offered and must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the~~

entertainment.

- (74) ~~Restaurants managed with a minimum of 20 seats may offer delivery service which shall be limited to two delivery vehicles, with a must be provided with dedicated off-street parking spaces for each delivery vehicle, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.~~
- (85) ~~On and off premises Full alcohol service sales, consistent with a valid ABC license is are permitted. No alcohol sales for off-premises consumption are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.~~
- (96) No food, beverages, or other material shall be stored outside.
- (107) Kitchen equipment shall not be cleaned outside, including floor mats, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (118) The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (129) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (130) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and environmental services. The City's storage space guidelines and required. Recycling implementation plan forms are available at: www.alexandriava.gov or contact the city's solid waste division at 703-519-3486 ext. 132.
- (141) ~~Nightclub~~ Live entertainment is not permitted, as defined in section 2-190.22-164.1;
- (152) For restaurants within the Old Town Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Old Town Restaurant Policies.
- (163) For restaurants within the Waterfront Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Waterfront Restaurant Policies.
- (M) *Specific standards for outdoor dining.*
- (1) ~~Outdoor dining shall be accessory to an approved indoor restaurant~~ Reserved.

- (3) A maximum of ~~20~~ 40 seats may be located at outdoor tables ~~in front of the restaurant.~~
- (4) The closing hours of operation for the outdoor dining shall be ~~the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time limited to 11 p.m.~~ Within the NR Zone, and the Mount Vernon Avenue Urban Overlay Zone ~~and the West Old Town neighborhood areas~~, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all

customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E).

- (6) Outdoor seating areas shall not include ~~advertising signage~~ on outdoor dining furniture or enclosures, including on umbrellas.
- (7) ~~On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.~~ On and off premises alcohol sales, consistent with a valid ABC license are permitted.

(N) *Specific standards for valet parking.*

- ~~(4) An approved permit for a valet parking operation shall be valid for an initial six-month period, after which it shall be reviewed for compliance with these standards and for its effectiveness in handling the drop off, ferrying, parking and retrieving of vehicles efficiently and effectively, and without undue interference with non valet parking and traffic. If, on review, the directors determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one year period from that point forward. As part of the initial or annual review under this paragraph, the directors may require the operator to adjust the features of the program or, alternatively, to apply for a special use permit if there are concerns about the effectiveness, success or impacts of the valet parking program.~~

- (54) The provisions of section 8-300 of this ordinance, requiring an SUP for valet parking, shall not apply for valet parking approved under this section 11-513(M). In addition, a permit approved under this section may authorize valet parking to displace otherwise required parking spaces, notwithstanding the requirements of section 8-200, if it is determined that those spaces are not in demand during the times that the valet parking program will be in effect and that the use of the spaces for the valet parking program will reduce potential parking congestion on the public streets.

- (O) *Application to certain development special use permits.* The provisions of this section 11-513 have no application to any CO planned residential/commercial development and shall not preempt any conditions in any DSUP or CDD concept plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this section 11-513(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:

- (d) ~~Convenience store~~Reserved;-

- (f) Health and athletic club or fitness studio;

- ~~(l) Pet supplies, grooming and training with no overnight accommodations;~~
- ~~(m) Restaurant; and~~
- ~~(n) Retail shopping establishments.~~

- (P) Specific standards for private schools, academic, and day care centers. Each such use

shall:

- (2) Provide adequate drop off and pick up facilities so as to create minimal impact on child safety and pedestrian and vehicular traffic; and

(Q) ~~Specific standards for health and athletic clubs~~. Each use shall: Reserved.

- (1) ~~Maintain hours of operation no greater than the prevailing hours of similar uses in the area, but in no event shall the health and athletic club stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday.~~

(R) *Specific standards for child and elder care homes for six to nine persons*. Each home operator of the use shall:

- (5) Provide adequate drop off and pick up facilities so as to create minimal impact on child or elder safety and pedestrian and vehicular traffic.

Section 9. That the following Section of Article XII of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

12-214 - Abatement of nonconforming uses.

~~(D) Any convenience store existing on October 16, 1999, and any such store thereafter established, shall be considered to be a convenience store in perpetuity, notwithstanding the addition of floor area sufficient to remove the store from the size limitation set forth in the definition of such use, unless the store also adds features to the use which, regardless of size, are inconsistent with the definition of convenience store.~~

Section 10. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 11. That the foregoing Sections of Articles II – VIII, XI and XII, as amended pursuant to Section 1 through 9 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 12. 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 Title 5, Chapter 6 of the City Code to update the existing sewage disposal ordinance related to

the discharge of Fats, Oils and Grease (FOG) into the sanitary sewer collection system from food service establishments.

(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; 10/17/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 10/17/20 and is incorporated as part of this record by reference.)

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

WHEREUPON, upon motion by Councilwoman Jackson, seconded by Councilwoman Pepper and carried unanimously, City Council deferred consideration on the ordinance until the next legislative meeting. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO OTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously, City Council adjourned the public hearing meeting of October 17, 2020 at 2:30 p.m.. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Adopted: February 9, 2021

Ratified: